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ARTICLE

Terrorism 2.0: The Rise of the Civilitary Battlefield

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Abstract

Why it is so hard to understand ISIL? Terrorist groups around the world have changed the modern battlefield. Yet the words used to describe events and dynamics in the global fight against terrorism have remained mostly unchanged. As a result, political leaders, legal and national security scholars, diplomats and journalists are using outdated words to describe new phenomena. Bridging the gap between the reality of today's events and the words used to describe them is essential because wrong words create wrong perceptions and thereafter may lead to wrong decisions and judgments at the highest levels.

Using the right terms is important. Yet the right terms should be applied in the right context. Therefore, this Article presents the evolution of terrorist groups by proposing a new analytical framework: Civilitary Theory. Civilitary—a new term coined from the words civil and military—aims to capture the state of play imposed on the international community by ISIL and other radical forces of violence in the 21st century that has placed civilians at the heart of military conflict.

Civilitary Theory has three objectives: (1) to shed light on current developments in the Middle East and Africa through an analytic and structured theory; (2) to demonstrate patterns in the evolution of terrorist groups which could indicate the future trends of certain groups; and (3) to impact the political, diplomatic, legal, academic, military and public discourses, in an effort to bridge the gap between outdated terms and the new reality. Meeting these three objectives will help the international community to better understand, and thereby address, the national security challenges of our time.

Civilitary Theory has three stages or models: In Civilitary Model I, terrorist groups exploit weakened central governments and overall turmoil to add a clear territorial dimension to their previously virtual infrastructure. They also govern the lives of civilians. The territorial dimension of terrorism has become so extensive that the traditional term "terrorist safe haven" is outdated. It does not adequately capture the magnitude of the phenomenon, where ISIL controls land in both Syria and Iraq equivalent in size to Ireland; Boko Haram controls land in northeast Nigeria equivalent to the size of Belgium; and the Houthis in Yemen wish to govern in a country larger than Spain. Hamas in Gaza, Hezbollah in Lebanon, and Ansar Bayt al-Maqdis in the northern Sinai Peninsula also maintain clear territorial boundaries.

Similarly, the language used in UN Security Council Resolution 2249, passed in November 2015, which calls upon member states "to take all necessary measures . . . to eradicate the safe haven they [ISIL] have established over significant parts of Iraq and Syria" is stale. The Syrian regime does not provide shelter or a "safe haven" for ISIL. To the contrary, ISIL and the Syrian army

continue to clash over Syrian territory. ISIL seeks to establish its own state and to rule in place of the Syrian regime.

In Civilitary Model II, after these groups gain territory and govern the lives of civilians, they move forward and terrorize those civilians in their territory, in nearby states and around the world. At this stage, some states (or coalitions of forces) respond to these threats militarily. They use surgical airstrikes against the terrorists, in accordance with their inherent right of individual or collective self-defense, to degrade the terrorists' capabilities. The US-led coalition strikes terrorist installations in Syria, as does the Russian Air Force, while the Saudi-led coalition jets raid the Houthis in Yemen, the Egyptian Air Force conducts strikes in the Sinai Peninsula, Nigerian and Chadian fighter jets operate against Boko Haram in Nigeria, and the Israeli Air Force strikes terrorists in Gaza and Lebanon.

In Civilitary Model III, Terrorists respond to these surgical airstrikes by developing adaptive strategies to ensure their survival. They acquire rockets and ballistic missiles and embed these weapons in densely populated residential areas in order to shield them from surgical attacks.

Civilitary Theory also proposes new terminology to help adjust the language to reflect the changing realities. For example, in illustrating the analytical framework of Civilitary Model I, the Theory coins two new terms: the Theory distinguishes between traditional terrorist groups and those that evolved by gaining territory and governing the lives of civilians. The latter groups are "territorial terrorist groups," and include groups like ISIL, Boko Haram, Hamas, Hezbollah, Ansar Bayt al-Maqdis and the Huthis in Yemen. In addition, Civilitary Theory proposes to coin a term to capture the territorial dimension of terrorism, calling such territories "terroristates."

To help illustrate the analytical framework of Civilitary Model III, the Theory coins three new terms: the missile arsenals acquired by terrorists for terrorist purposes are described as "terroballistic capabilities" or "terrorocketing capabilities"; In addition, the act of missile launching by terrorists against civilians living in densely populated residential areas is named a "terroballistic attack"; and last, the terrorists' strategic decision to embed their missiles and other terrorist infrastructures among civilians living in densely populated civilian areas is named "ascivilation" (a portmanteau of the words "assimilation" and "civilian").

The Article then classifies the activities of six territorial terrorist groups into Models I, II, and III and demonstrates how their patterns of behavior comply with the analytic framework: Hamas in Gaza and Hezbollah in Lebanon are classified as Civilitary Model III groups; ISIL in Iraq and Syria, Boko Haram in Northern Nigeria and Ansar Bayt al-Maqdis in the Sinai Peninsula are all classified as Civilitary Model II groups; and the Houthis in Yemen are classified as a Civilitary Model I group.

Understanding the evolution of terrorism through the lens of Civilitary Theory will help leaders to shape better national security strategies. It will advance interdisciplinary scholarship by national security experts, legal scholars, counterterrorism specialists, military strategists and others. And it will help diplomats and journalists to generate in depth analyses that could help both leaders and the general public to better understand ISIL and similar groups and thereby to meet the national security challenges of our time.

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I.　　The Gap: Old Words, New Reality

Terrorist groups around the world have changed the modern battlefield. Yet the words used to describe events and dynamics in the battlefield have remained mostly unchanged. As a result, political leaders, legal and national security scholars, diplomats, and the international media are using outdated words to describe new phenomena.[1] There is a need to bridge the gap between old words and new realities because wrong words create wrong perceptions[2] and thereafter lead to wrong decision-making and wrong judgment at the highest level.[3]

It is also important to close the gap because of the rapid pace with which this new type of battlefield is developing. It is spreading in different geographic areas (Iraq, Syria, Nigeria, Yemen, Lebanon, Somalia, Gaza, Sinai Peninsula, Pakistan, and Afghanistan, to name just a few) and is affecting the lives of millions of civilians. Bridging this gap is additionally relevant in the course of shaping the strategy of the U.S-led coalition forces to degrade, and ultimately destroy, ISIL through a comprehensive and sustained counter-terrorism strategy.[4]

In his 1946 landmark essay, Politics and the English Language, George Orwell warned of worn-out words and metaphors that "have lost all evocative power and are merely used because they save people the trouble of inventing phrases for themselves."[5] Orwell envisioned a future in which scholars,

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[1] As Henry Kissinger insightfully stated, while "the U.S. administration has been right to recognize terror as a global problem that is deeply threatening, the U.S. has not been able to operationalize a response or develop a language to discuss it." PHILIP BOBBITT, TERROR AND CONSENT: THE WARS OF THE TWENTY-FIRST CENTURY (2009).

[2] *See* Robert Jervis, *Perception and Misperception in International Politics* (1976); William D. Casebeer & James A. Russell, Storytelling and Terrorism: Towards a Comprehensive Counter - Narrative Strategy (2005); A.B.A., National Security Law in the News: A Guide for Journalists, Scholars, and Policymakers (2012). For a more general framework, *see* Stephen Holmes, *In Case of Emergency: Misunderstanding Tradeoffs in the War on Terror*, 97 Cal. L. Rev. 301 (2009); Warring with Words: Narrative and Metaphor in Politics Ch. 5 (Michael Hanne, William D. Crano, and Jeffery Scott Mio, eds. 2014); Wojtek Mackiewicz Wolfe, Winning the War of Words: Selling the War On Terror From Afghanistan To Iraq (2008).

[3] *See* PHILIP B. HEYMANN, TERRORISM, FREEDOM, AND SECURITY: WINNING WITHOUT WAR (2004). *See also* Graham T. Allison & Morton H. Halperin, *Bureaucratic Politics: A Paradigm And Some Policy Implications*, 24 WORLD POL. 40 (1972)

[4] *See* Barack H. Obama Addresses the Nation on Keeping the American People Safe, THE WHITE HOUSE (Dec. 6, 2015), https://www.whitehouse.gov/the-press-office/2015/12/06/address-nation-president; Barack H. Obama, Remarks at the Leaders' Summit on Countering ISIL and Violent Extremism, THE WHITE HOUSE (Sept. 29, 2015), https://www.whitehouse.gov/the-press-office/2015/09/29/remarks-president-obama-leaders-summit-countering-isil-and-violent; Barack H. Obama, Remarks from the State Room of the White House on Combatting Terrorism and ISIL THE WHITE HOUSE (Sept. 10, 2014), https://www.whitehouse.gov/blog/2014/09/10/president-obama-we-will-degrade-Band-ultimately-destroy-isil.

[5] George Orwell, *Politics and the English Language* (1946), https://www.mtholyoke.edu/acad/intrel/orwell46.htm. (The problem, Orwell argued, was that some words "have been twisted out of their original meaning without those who use them even being aware of this fact."). *See also*

diplomats, and leaders would "let the meaning choose the word, and not the other way around," noting with sorrow "the worst thing one can do with words is surrender to them."[6] In Book XII of the Analects, Confucius said that, if he were asked to administer the country, his first action would be to correct language usage or, in his words "to rectify names."[7] Similarly, the ancient philosopher Xunzi (Hsün Tzu) stated that "the wise man is careful to . . . regulate names so that they will apply correctly to the realities they designate. In this way he . . . discriminates properly between things that are the same and those that are different."[8]

For the ordinary person, the term "war" conveys the notion of sovereign states' militaries confronting each other. Yet today the global "war" on terrorism takes place mostly in residential areas where sovereign states attempt to pinpoint evasive terrorists or hidden terrorist infrastructure.[9] These terrorists embed themselves in dense civilian populations to ensure their own survival[10] and intentionally place men, women, and children in the line of fire. The use of the term "war"[11] may be imprecise and ill-conceived[12] to the extent that it fails to fully capture the hybrid nature of the modern battlefield.[13] Other terms also seem to miss the mark, such as "military conflict" or "military clashes," as they focus on the military aspects of the battlefield and do not adequately address the tragic loss of civilian lives.[14]

MICHAEL L. GEIS, THE LANGUAGE OF POLITICS (2012); STEVEN PINKER, THE LANGUAGE INSTINCT: THE NEW SCIENCE OF LANGUAGE AND MIND (1994).

[6] *Id.*

[7] *See* Janet E. Ainsworth, *Categories and Culture: On the Rectification of Names in Comparative Law*, 82 CORNELL L. REV. 19 (1996). *See also* Robert Eno, *The Analects of Confucious*, http://www.indiana.edu/~p374/Analects_of_Confucius_(Eno-2015).pdf; Warren E. Steinkraus, *Socrates, Confucius, and the Rectification of Names*, 30 PHILOSOPHY EAST AND WEST 261 (1980); Bao Zhiming, *Language and World View in Ancient China*, 40 PHILOSOPHY EAST AND WEST 195 (1990).

[8] Xunzi (Hsün Tzu, c. 310 – c. 220 B.C.E.). *See* HSÜN TZU, BASIC WRITINGS 142 (Burton Watson trans.) (1964); Ainsworth, *supra* at 7.

[9] *See* SITARAMAN, GANESH, THE COUNTERINSURGENT'S CONSTITUTION: LAW IN THE AGE OF SMALL WARS, 3 (2013); Michael N. Schmitt and John J. Merriam, *The Tyranny of Context: Israeli Targeting Practices in Legal Perspective*, 37 U. PA. J. INT'L L. 53 (2015).

[10] *See, e.g.*, Gabriella Blum and Philip B. Heymann, Laws, Outlaws, and Terrorists: Lessons from the War on Terrorism (2010); Frank G. Hoffman, Conflict in the 21st Century: The Rise of Hybrid Wars (2007); Michael N. Schmitt, *Asymmetrical Warfare And International Humanitarian Law*, International Humanitarian Law Facing New Challenges (2007).

[11] *See* Philip Bobbitt, The Shield Of Achilles: War, Peace, and the Course of History (2007).

[12] *See* A.W. Kruglanski et al., *What Should This Fight Be Called? Metaphors of Counterterrorism and Their Implications,* PSYCHOLOGICAL SCIENCE IN THE PUBLIC INTEREST 8.3 (2007).

[13] *See, e.g.*, Mary Kaldor, New and Old Wars: Organized Violence in a Global Era (2013); John Robb, Brave New War: The Next Stage of Terrorism and the End of Globalization (2007).

[14] *See* Michael N. Schmitt, *Charting the Legal Geography of Non-International Armed Conflict*, 52 MIL. L. & L. WAR REV. 93 (2014); Michael N. Schmitt, *Classification in Future Conflict*, INTERNATIONAL LAW AND THE CLASSIFICATION OF CONFLICTS 455 (Elizabeth Wilmhurst ed., 2012).

The use of outdated or unclear terminology also creates confusion.[15] The term "military conflict," for example, is commonly used to describe the 2014-2015 invasion by Russia of Ukraine. At the same time, it is also used to describe the Nigerian Army's fight against Boko Haram, the struggle of Saudi-led coalition of Arab states against the Houthis, and the Egyptian Army's fight against Ansar Bayt al-Maqdis in the Sinai Peninsula. The problem with applying this term to all four conflicts is that they are not all alike, leading to imprecision and confusion.[16]

Consider the term "terrorist group." This is a generic term that has been attached to many designated groups or affiliations that inflict harm on civilians. But are all terrorist groups alike?[17] How similar are the small and large groups currently reshaping the borders and the geopolitics of the Middle East?[18] Members of certain terrorist groups, like Hezbollah, officially serve as ministers in governments.[19] Other groups, like Hamas, comprise entire governments.[20] In contrast, some groups do not integrate into the political sphere at all.[21] Some have political and military wings.[22] Some are rich; others are not. Some export oil to neighboring states.[23] Others effectively control banking or financial systems.[24] Some terrorist groups join hands with transnational organized crime or engage in

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[15] See, e.g., Mark Sedgwick, Jihadism, Narrow and Wide: The Dangers of Loose Use of an Important Term, 9 PERSPECTIVES ON TERRORISM 34 (2015).

[16] See, e.g., Michael N. Schmitt & Andru E. Wall, The International Law of Unconventional Statecraft, 5 HARV. NAT'L SEC. J. 349 (2014).

[17] Brian J. Phillips, What Is a Terrorist Group? Conceptual Issues and Empirical Implications, 27(2) TERRORISM & POL. VIOLENCE 225 (2014). See also Ben Saul, Definition of "Terrorism" in the UN Security Council: 1985–2004, 4 CHINESE J. OF INT'L L., 141 (2005).

[18] See Stopping ISIL: What Should (or Shouldn't) Be Done? BELFER CENTER NEWSLETTER, Belfer Center for Science and International Affairs, Harvard Kennedy School (Fall/Winter 2014-15), http://belfercenter.ksg.harvard.edu/publication/24685/stopping_isil.html; see also Elise Labott, State Department Report: ISIS Breaking New Ground as New Leader in Terror Groups, CNN (June 20, 2015), http://edition.cnn.com/2015/06/19/politics/isis-report-state-department-terror/index.html; Tom Lister, Why ISIS is Winning, and How Its Foes Can Reverse That Success, CNN (June 9, 2015), http://edition.cnn.com/2015/05/28/middleeast/isis-how-to-stop-it.

[19] See Krista E. Wiegand, Reformation of a Terrorist Group: Hezbollah as a Lebanese Political Party, STUDIES IN CONFLICT & TERRORISM 32.8 (2009).

[20] Mohammed Omer, Hamas Forms a Government, WASHINGTON REPORT ON MIDDLE EAST AFFAIRS, May/June 2006, 12–13, 45, http://www.wrmea.org/2006-may-june/hamas-forms-a-government.html.

[21] See Nancy Susanne Martin, From Parliamentarianism to Terrorism and Back Again (2011), https://repositories.lib.utexas.edu/handle/2152/ETD-UT-2011-05-3416.

[22] See James Kanter, European Union Adds Military Wing of Hezbollah to List of Terrorist Organizations, THE NEW YORK TIMES (July 22, 2013) http://www.nytimes.com/2013/07/23/world/middleeast/european-union-adds-hezbollah-wing-to-terror-list.html?_r=0.

[23] See, e.g., Ashley Fantz, How ISIS Makes (and Takes) Money, CNN (Feb. 20, 2015), http://edition.cnn.com/2015/02/19/world/how-isis-makes-money/index.html and See, Stephens, M. ISIS: Inside the Army of Terror. The Rusi Journal 160(2) (2015).

[24] Juan Zarate, Treasury's War: The Unleashing of a New Era of Financial Warfare (2013); see also Walter Enders & Todd Sandler, The Political Economy of Terrorism (2006).

narco-terrorism,[25] smuggle cigarettes[26] or take part in large-scale pharmaceutical crimes.[27]

Finally, consider ISIL. How do we name the phenomenon that ISIL represents? While conducting the research for this Article, we presented this question to many scholars and journalists. The common and somewhat striking answer was that we have no name for the phenomenon. Everybody simply calls it ISIL, which is nothing but a translation from Arabic (ad-Dawlah al-Islāmīyah fī al-'Irāq wash-Shām الدولة الإسلامية في العراق والشام) meaning "the Islamic State of Iraq and the Levant." While the leaders of the world seek to degrade and destroy the phenomenon, the international community is still stuck with a fuzzy and inconsistent name (sometimes ISIL, sometimes ISIS, and sometimes Da'ish)[28] that says nothing about the phenomenon itself.[29]

Why do the international community and global media[30] continue to use old vocabulary[31] without acknowledging that a fundamental change has taken place—a new reality that should be supported by a fresh vocabulary?

II.   Civilitary Theory: Evolution From Terrorist Groups
to Territorial Terrorist Groups

This Article explores the evolutionary process of certain terrorist groups through a new analytical framework: Civilitary Theory. Civilitary—a new term coined from the words civil and military—aims to capture the state of play imposed on the international community by ISIL and other radical forces of

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[25] *See* Emma Björnehed, Narco-Terrorism: The Merger of the War on Drugs and the War on Terror, GLOBAL CRIME 6.3-4 (2004). *See also* Victor Asal et. al., When Terrorists Go Bad: Analyzing Terrorist Organizations' Involvement in Drug Smuggling, 54 INT'L STUD. Q. 112 (2014).

[26] *See* Thomans M. Sanderson, Transnational Terror and Organized Crime: Blurring the Lines, 24 SAIS REV. 49 (2004).

[27] *See* Boaz Ganor and Miri Halperin Wernli, The Infiltration of Terrorist Organizations Into the Pharmaceutical Industry: Hezbollah as a Case Study, 36 STUD. IN CONFLICT and TERRORISM 699 (2013); Matthew Levitt, Hezbollah's Organized Criminal Enterprises in Europe, 7 PERSPECTIVES ON TERRORISM 27 (2013).

[28] Ray Sanchez, *ISIS, ISIL or the Islamic State?* CNN (Jan. 23, 2015), http://www.cnn.com/2014/09/09/world/meast/ISIL-isil-islamic-state. *See also* Graeme Wood, *What ISIL Really Wants*, THE ATLANTIC (March 2015), http://www.theatlantic.com/features/archive/2015/02/what-ISIL-really-wants/384980/?utm_source=SFFB.

[29] Shadi Hamid and Will McCants, *John Kerry Won't Call the Islamic State by its Name Anymore. Why That's Not a Good Idea*, THE WASHINGTON POST (Dec. 29, 2014), https://www.washingtonpost.com/posteverything/wp/2014/12/29/john-kerry-is-calling-the-islamic-state-by-the-wrong-name-and-its-helping-the-islamic-state/.

[30] Exploring the effects of the new reality of global terrorism on media coverage is beyond the scope of this article. But for further reading, *see* Mahmoud Eid (Ed.), *Exchanging Terrorism Oxygen for Media Airwavesm: The Age of Terroredia*, IGI GLOBAL (2014).

[31] *See* Ewell E. Murphy, Jr., The Vocabulary of International Law in a Post-Modern World, 23 TEX. INT'L L.J. 233 (1988).

violence in the 21st century that has placed civilians at the heart of military conflict. To enhance the analytic framework, Civilitary Theory proposes new terms and definitions that help adjust the language in a way that better reflects the changed (and changing) reality.

Civilitary Theory has three objectives: to shed light on the current developments in the Middle East and Africa; to demonstrate current patterns and point to future developments in the evolution of terrorist groups; and to influence political, diplomatic, legal, academic, military, and public discourses in an effort to bridge the gap between outdated words and the new reality, thereby helping the international community to better meet the national security challenges of our time.

The 21st century has witnessed the weakening of central governments[32] and the rise of non-state actors. Fragmentation of central authorities[33] has helped terrorist groups to operate in a relatively secure environment.[34] The rapid disintegration process has created special geographic opportunities for certain terrorist groups[35] that have acquired territory and started to govern the lives of the civilians.[36] According to Civilitary Theory, this evolutionary process has resulted in the creation of new entities: *territorial terrorist groups*.

What is the main difference between regular terrorist groups and territorial terrorist groups? Territorial terrorist groups are those that have a territorial dimension and also govern civilians. This observation or classification by no

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[32] *See* Henry Kissinger, Statement to the United States Senate Armed Services Comm.: Global Challenges of U.S. National Security (Jan. 29, 2015) (Peace is often threatened by the disintegration of power—the collapse of authority into 'non-governed spaces' spreading violence beyond their borders and their region. This has led to the broadening of the challenge of terrorism—from a threat organized essentially from beyond borders, to a threat with domestic networks and origins."). *See also* Stephen D. Krasner and Carlos Pascual, *Addressing State Failure*, FOREIGN AFFAIRS 84, 153 (2005); Diane E. Davis, *Non-State Armed Actors, New Imagined Communities, and Insecurity in the Modern* World, 30.2 CONTEMPORARY SECURITY POLICY, 221; *cf. generally* ANNE CLUNAN AND HAROLD A. TRINKUNAS, UNGOVERNED SPACES: ALTERNATIVES TO STATE AUTHORITY IN AN ERA OF SOFTENED SOVEREIGNTY (2010).
[33] Edward Newman, *Weak States, State Failure, and Terrorism*, 19.4 TERRORISM AND POLITICAL VIOLENCE 463 (2007); Bridget L. Coggins, *Does State Failure Cause Terrorism? An Empirical Analysis (1999–2008)*, JOURNAL OF CONFLICT RESOLUTION (2014); Stephen D. KRANSER, *The Hole in the Whole: Sovereignty, Shared Sovereignty, and International Law*, 25 MICHIGAN J. OF INT'L LAW 1088 (2003).
[34] U.S. DEP'T OF STATE, *State Dep't Country Rpt. on Terrorism*, Ch. 1 (2014) http://www.state.gov/j/ct/rls/crt/2014/. *See also NBC News: Intelligence Chief: Iraq and Syria May Not Survive as States* (NBC television broadcast Sep. 10, 2015), http://www.nbcnews.com/storyline/isis-terror/intelligence-chief-iraq-syria-may-not-survive-states-n425251.
[35] *See* Aidan Hehir, The Myth of the Failed State and the War on Terror: A Challenge to the Conventional Wisdom, JOURNAL OF INTERVENTION AND STATEBUILDING 1.3 (2007).
[36] *See Syrian Government No Longer Controls 83% of the Country*, IHS JANE'S INTELLIGENCE REVIEW (Aug. 23, 2015), http://www.janes.com/article/53771/syrian-government-no-longer-controls-83-of-the-country.

means implies that the regular terrorist groups are not dangerous.[37] It only means that they have not evolved to the level of territorial terrorist groups[38] Examples of groups that have added a territorial dimension and also govern civilians include ISIL in Iraq and Syria, Boko Haram in northern Nigeria, the Houthis in Yemen, Ansar Bayt al-Maqdis in the Sinai Peninsula, Hamas in the Gaza Strip, and Hezbollah in Lebanon.

Before examining the analytic framework underlying the Theory, it is important to highlight two points about the scope of this Article and to articulate two linguistic clarifications.

First, there are other groups of terrorists in geographic areas apart from the ones mentioned above that could become or have already become territorial terrorist groups. Yet this Article seeks to lay out the framework of Civilitary Theory and then to demonstrate its applicability to the development of the six aforementioned territorial terrorist groups. These groups will serve as representative samples for each stage or model of the theory (as elaborated later). Reviewing the development of the six territorial groups through the lens of Civilitary Theory illustrates the possible ways this theory could be applied by political leaders, scholars, diplomats and journalists in order to have a better understanding of the challenges posed by ISIL and other similar groups.

Second, the evolution from regular terrorist groups to territorial terrorist groups is a multi-dimensional process. The foundations of such an evolution relate to various socioeconomic, cultural-religious, and other contextual determinants beyond the scope of this Article.[39]

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[37] *See generally* Jeffrey Kaplan, Terrorist Groups and the New Tribalism: Terrorism's Fifth Wave (2010); Terrorism, Identity, and Legitimacy: The Four Waves Theory and Political Violence (Jean E. Rosenfeld, ed., 2010); David C. Rapoport, *Modern Terror: The Four Waves.* Attacking Terrorism: Elements of a Grand Strategy 46 (2004).

[38] *See* Boaz Ganor, *The Hybrid Terrorist Organization and Incitement*, THE CHANGING FORMS OF INCITEMENT TO TERROR AND VIOLENCE: THE NEED FOR A NEW INTERNATIONAL RESPONSE (2012). ("A hybrid terrorist organization is one that stands on two or, in many cases, three legs. The first leg is that of the classic terrorist organization: a military or paramilitary organization that engages in terrorism. The hybrid terrorist organization extends a second leg, that of a political organization. A hybrid terrorist organization's political branch may merely represent its ideology, or it may compete in legitimate, free, and democratic campaigns and elections. Further, the hybrid terrorist organization has extended a leg into the realm of legitimate, usually state-sponsored services, through branch organizations that provide welfare services to a potential or actual constituency. Once these terrorists have won considerable power through legitimate political processes, they begin incrementally taking over the political establishment. And once they have taken over the political establishment, they can subordinate the resources of the state for their own."). *See also* JONATHAN KOPPELL, THE POLITICS OF QUASI-GOVERNMENT: HYBRID ORGANIZATIONS AND THE DYNAMICS OF BUREAUCRATIC CONTROL (2003).

[39] *See* Jordi Comas, Paul Shrivastava and Eric C. Martin, *Terrorism as Formal Organization, Network, and Social Movement*, 24.1 J. OF MGMT. INQUIRY 47 (2015); Martha Crenshaw, *Mapping Terrorist Organizations*, CENTER FOR INTERNATIONAL SECURITY AND COOPERATION, STANFORD UNIVERSITY (2010).

From a linguistic perspective, Civilitary Theory describes the activities of territorial terrorist groups by using three stages or civilitary models. The terms "stage" or "model," in the context of this Article, are used as paradigms, or ideal types,[40] to broadly illustrate the evolutionary trends of some terrorist groups. Due to the dynamic and fluid nature of these models, it is somewhat hard to classify each group within a single model. Some terrorist groups could theoretically match more than one ideal type, and could therefore potentially move back and forth within the flexible analytical framework.

Lastly, the Theory differentiates between regular terrorist groups and those that evolved by gaining territory and governing civilians. It coins a new term, "territorial terrorist groups," to illustrate this phenomenon. During the course of developing this Theory and its associated new terms, thought was given as to whether the term "terrorist" ought to be included in the term "territorial terrorist group" or if there was room to explore and critically discuss the use of the word in this context. Civilitary Theory includes the word "terrorist" as part of its new terminology because it assumes that both regular terrorist groups and new "territorial terrorist groups" engage in what most member states and international organizations collectively refer to (or at least generally recognize) as acts associated with terrorism[41] or terrorist activities.[42] Further exploration of the term "terrorist," despite its potential usefulness, would divert the focus from the core elements of Civilitary Theory set forth in this Article.

Civilitary Theory has three models, or stages:

In *Civilitary Model I,* terrorist groups acquire land and gain effective control over the local population. The groups evolve and become territorial terrorist groups. This Article explores six territorial terrorist groups: the Islamic

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[40] "According to [Max] Weber's definition, 'an ideal type is formed by the one-sided accentuation of one or more points of view' according to which 'concrete individual phenomena . . . are arranged into a unified analytical construct'; in its purely fictional nature, it is a methodological 'utopia [that] cannot be found empirically anywhere in reality.' Keenly aware of its fictional nature, the ideal type never seeks to claim its validity in terms of a reproduction of or a correspondence with reality. Its validity can be ascertained only in terms of adequacy . . . ." Sung Ho Kim, *Max Weber,* THE STANFORD ENCYCLOPEDIA OF PHILOSOPHY (Edward N. Zalta, ed., Fall 2012), http://plato.stanford.edu/entries/weber/#IdeTyp (internal citations omitted).

[41] *See* Boaz Ganor, Workshop on the Definition of Terrorism, a Fundamental Counter-Terrorism Measure: ICT 13th International Conference, World Summit on Counter-Terrorism (Oct. 10, 2013), http://www.ict.org.il/Article/717/The-Definition-of-Terrorism-A-Fundamental-Counter-Terrorism-Measure; Eva Herschinger. A Battlefield of Meanings: The Struggle for Identity in the UN Debates on a Definition of International Terrorism 25.2 J. OF TERRORISM AND POLITICAL VIOLENCE 183 (2013); Ben Saul, Definition of "Terrorism" in the UN Security Council: 1985–2004. 4.1 CHINESE J. OF INT'L LAW 141 (2005).

[42] *See* U.S. DEP'T OF STATE, *State Dep't Country Rpt. on Terrorism,* National Consortium for the Study of Terrorism and Responses to Terrorism: Annex of Statistical Information (2014), http://www.state.gov/j/ct/rls/crt/2014/239416.htm; 2015 GLOBAL TERRORISM INDEX, THE INSTITUTE FOR ECONOMICS AND PEACE (2015), http://www.visionofhumanity.org/#/page/our-gti-finding.

State in Iraq and Syria; Boko Haram in northern Nigeria; the Houthis in Yemen; Ansar Bayt al-Maqdis in the Sinai Peninsula; Hamas in the Gaza Strip, and Hezbollah in Lebanon. The territorial dimension of terrorism has become so extensive that the traditional expression "terrorist safe haven" is outdated. It does not capture the magnitude of the phenomenon. Instead, the 21st century has witnessed the creation of de facto "terroristates" in various parts of the world.

In *Civilitary Model II,* territorial terrorist groups conduct a triple terrorist strategy: they terrorize the lives of civilians inside their territory; inflict horror on civilians in nearby states; or facilitate terrorist attacks around the world. All of the six territorial terrorist groups we explore in this Article undertake some, if not most, of these activities.

In response to the activities of these territorial terrorist groups, some states and coalitions have adjusted their own national security strategy. They use surgical airstrikes, in accordance with their inherent right of individual or collective self-defense, to degrade the terrorists' capabilities. Airstrikes have thus been carried out against ISIL, first by a United States-led coalition, and later by Russian fighter jets.[43] A Saudi-led coalition of Arab states has also organized airstrikes against the Houthi rebels.[44] Both Nigerian and Chadian fighter jets have targeted Boko Haram in Nigeria,[45] and Israel has also used airpower against terrorists from Hamas and Hezbollah.[46] Egypt, for its part, is using airpower against Ansar Bayt al-Maqdis in the Sinai Peninsula.[47]

In *Civilitary Model III,* territorial terrorist groups respond to these surgical airstrikes by developing adaptive strategies to ensure their survival.[48] This strategic approach results in the decision to acquire rockets and ballistic missiles and to embed them in residential areas to shield those assets from surgical attacks. The term used here to describe the buildup of missile arsenals by territorial terrorist groups is "terroballistic" or "terrorocketing capabilities." In addition, the term used to describe the assimilation of terrorist infrastructures into civilian

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[43] *See* Russian Warplanes Bomb ISIS Targets, Activists Say, CBS (Oct. 2, 2015), http://www.cbsnews.com/news/russian-airstrikes-syria-reported-third-day-possibly-hits-isis-targets/.

[44] Kareem Fahim, *The Saudi-Led Coalition's Airstrikes in Yemen, and the Civilian Toll,* N.Y. TIMES (Sept. 29, 2015), http://www.nytimes.com/2015/09/30/world/middleeast/the-saudi-led-coalitions-airstrikes-in-yemen-and-the-civilian-toll.html?_r=0.

[45] *Chad Fighter Jets Just Bombed a Nigerian Town Targeting Boko Haram,* BUSINESS INSIDER (Jan. 31, 2015), http://www.businessinsider.com/afp-chadian-aircraft-bomb-nigerian-town-in-anti-boko-haram-raid-2015-1#ixzz3RgS6Oq79.

[46] *Israel Responds to Gaza Rocket Fire With Airstrike Against Launcher,* N.Y. DAILY NEWS (June 24, 2015), http://www.nydailynews.com/news/world/israel-responds-gaza-rocket-fire-airstrike-article-1.2268976.

[47] *Egyptian Airstrikes Kill 25 Daesh-linked Militants in Sinai,* ALBAWADA NEWS (Feb. 6, 2015), http://www.albawaba.com/news/egyptian-airstrikes-kill-25-daesh-linked-militants-sinai-653326.

[48] *See* Eitan Azani, The Hybrid Terrorist Organization: Hezbollah as a Case Study, STUDIES IN CONFLICT & TERRORISM 36 (2013).

neighborhoods is "ascivilation" (a portmanteau of the words "assimilation" and "civilian"). The two territorial terrorist groups that have reached the stage of Civilitary Model III are Hezbollah and Hamas. The following paragraphs explore these stages in more detail.

A. *Civilitary Model I: Territorial Acquisition*

In *Civilitary Model I,* terrorist groups acquire territory and govern the lives of civilians, thus becoming territorial terrorist groups. Recently, political leaders have stated that they are using military force against ISIL to ensure that there will not be a "safe haven" for the terrorists to carry out their crimes.[49] The term "terrorist safe haven" traditionally includes "ungoverned, under-governed, or ill-governed physical areas where terrorists are able to organize, plan, raise funds, communicate, recruit, train, transit, and operate in relative security because of inadequate governance capacity, political will, or both."[50] In November 2015, the UN unanimously adopted UN Security Council Resolution 2249 which calls upon member states "to take all necessary measures . . . to eradicate the safe haven they [ISIL] have established over significant parts of Iraq and Syria,"[51] a statement which also requires linguistic clarification.

Civilitary Theory questions the relevance of the term "safe haven." First, while it accounts mostly for the territorial dimensions of terrorist sanctuary, the term in practice captures neither the magnitude nor the severity of the phenomenon. The statistics are striking: ISIL controls land in both Syria and Iraq equivalent in size to Ireland or Indiana.[52] As it continues to expand,[53] some have

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[49] *See* Remarks of President Barack H. Obama at the United Nations General Assembly, THE WHITE HOUSE (Sept. 28, 2015), https://www.whitehouse.gov/the-press-office/2015/09/28/remarks-president-obama-united-nations-general-assembly ("There is no room for accommodating an apocalyptic cult like ISIL, and the United States makes no apologies for using our military, as part of a broad coalition, to go after them. We do so with a determination to ensure that there will never be a safe haven for terrorists who carry out these crimes.").

[50] U.S. DEP'T OF STATE, *State Dep't Country Rpt. on Terrorism, supra* at 42. *See also* Cristiana C. Brafman Kittner, *The Role of Safe Havens in Islamist Terrorism*, 19.3 TERRORISM AND POLITICAL VIOLENCE 307 (2007); Ken Menkhaus, *Quasi-States, Nation-Building, and Terrorist Safe Havens*, 23.2 J. OF CONFLICT STUDIES 7 (2006).

[51] U.N. Security Resolution 2249 (November 20, 2015), http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2249(2015). *See* Dapo Akande, Marko Milanovic, *The Constructive Ambiguity of the Security Council's ISIS Resolution*, EUROPEAN JOURNAL OF INTERNATIONAL LAW (EJIL) (Nov. 21, 2015), http://www.ejiltalk.org/the-constructive-ambiguity-of-the-security-councils-isis-resolution/, *cf.* Marko Milanovic, *How the Ambiguity of Resolution 2249 Does Its Work,* EUROPEAN JOURNAL OF INTERNATIONAL LAW (EJIL) (December. 3, 2015), http://www.ejiltalk.org/how-the-ambiguity-of-resolution-2249-does-its-work/.

[52] Graham Allison, Panel Discussion at the Harvard Kennedy School International Law Forum: Instability in the Middle East (Nov. 17, 2014), http://forum.iop.harvard.edu/content/instability-middle-east.

[53] *See How Much of Iraq Does ISIS Control?* INTERNATIONAL SECURITY DATA SITE, http://securitydata.newamerica.net/isis/analysis.html.

compared its actual territory to all of Jordan[54] or even Great Britain.[55] Over the past year of airstrikes by the United States and its allies, along with ground offensives by local forces, ISIL has lost territory in some areas but gained it in others.[56] ISIL currently administers the lives of civilians in Mosul.[57] This is Iraq's second-largest city, equivalent in size to Philadelphia.[58] ISIL also gained control over Fallujah[59] and many other cities.[60]

In Africa, Boko Haram has also evolved[61] and now controls land in northeast Nigeria equivalent to the size of Belgium[62] or West Virginia, and governs the lives of more than 1.7 million people.[63] Hamas does not control a large piece of land, but it fully governs the lives of nearly 1.8 million people in Gaza.[64] In Lebanon, Hezbollah maintains a puppet government and controls, de

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[54] George Packer, *The Common Enemy*, THE NEW YORKER (Aug. 25, 2014), http://www.newyorker.com/ magazine/2014/08/25/the-common-enemy.

[55] Raf Sanchez, *Islamic State Controls Area the Size of Britain, US Warns*, THE TELEGRAPH (Sept. 3, 2014), http://www.telegraph.co.uk/news/worldnews/middleeast/iraq/11073593/Islamic-State-controls-area-the-size-of-Britain-US-warns.html.

[56] Kathy Gilsnan, *How ISIS Territory Has Changed Since the U.S. Bombing Campaign Began*, THE ATLANTIC (Sept. 11, 2015), http://www.theatlantic.com/international/archive/2015/09/isis-territory-map-us-campaign/404776 ("ISIL can no longer operate freely in roughly 25 to 30 percent of the populated areas of Iraqi territory where it once could," but its "area of influence in Syria remains largely unchanged." The fight against ISIS is "tactically stalemated" with "no dramatic gains on either side."). *See* Lisa Ferdinando, *Dempsey: Future of ISIL Increasingly Dim*, U.S. Dep't of Defense (Sept. 9, 2015), http://www.defense.gov/News-Article-View/Article/616656/dempsey-future-of-isil-increasingly-dim.

[57] *See* Max Boot, *ISIS: More Than Just a Terrorist Organization*, THE HOOVER INST. (Feb. 2015), http://www.hoover.org/research/isis-more-just-terrorist-organization; *The Islamic State: Can It Govern?* THE ECONOMIST (Aug. 25, 2014), http://www.economist.com/blogs/pomegranate/2014/08/islamic-state.

[58] *See* Carl Schrek, *The Meaning of Mosul*, THE ATLANTIC (June 11, 2014), http://www.theatlantic.com/international/archive/2014/06/the-meaning-of-mosul/372589/.

[59] Alice Fordham, *Iraq's Fight Against ISIS Stalls*, NPR NEWS (Oct. 6, 2015), http://www.npr.org/sections/parallels/2015/10/06/445257571/iraqs-fight-against-isis-stalls.

[60] Kathy Gilsinan, *The Many Ways to Map the Islamic 'State*, THE ATLANTIC (Aug. 27, 2014), http://www.theatlantic.com/international/archive/2014/08/the-many-ways-to-map-the-islamic-state/379196/. *See also* Aymenn Jawad Al-Tamimi, *The Dawn of the Islamic State of Iraq and ash-Sham*, MIDDLE EAST FORUM (Jan. 27, 2014), http://www.meforum.org/3732/islamic-state-iraq-ash-sham.

[61] *See generally* Jennifer Giroux and Raymond Gilpin, *#NigeriaOnTheEdge*, 2.2 CSS POLICY PERSPECTIVES (May 2014), http://www.css.ethz.ch/publications/pdfs/PP_05_05_2014.pdf.

[62] Drew Hinshaw and Gbenga Akingbule, *Boko Haram Extends Its Grip in Nigeria*, THE WALL ST. J. (Jan. 5, 2015), http://www.wsj.com/articles/boko-haram-overruns-villages-and-army-base-in-northeast-nigeria-1420467667.

[63] David Blair, *Boko Haram Is Now a Mini-Islamic State, With Its Own Territory*, THE TELEGRAPH (Jan. 10, 2015), http://www.telegraph.co.uk/news/worldnews/africaandindianocean/nigeria/11337722/Boko-Haram-is-now-a-mini-Islamic-State-with-its-own-territory.html.

[64] *See* Benedetta Berti, Non-State Actors as Providers of Governance: The Hamas Government in Gaza between Effective Sovereignty, Centralized Authority, and Resistance, 69.1 THE MIDDLE EAST JOURNAL 9 (2015) (tracking Hamas's political evolution by analyzing its governance record, as well as its political, economic, and social policies in the Gaza Strip between 2007 and 2013). *See generally* Anat Kurz, Benedetta Berti, and Marcel Konrad, The Institutional Transformations

facto, the Bekaa Valley and many parts of southern Lebanon.[65] In Egypt, the terrorist group Ansar Bayt al-Maqdis maintains de facto control over the northern Sinai Peninsula.[66] In Yemen, the Houthis took over the capital, Sanaa, and wish to expand their territory to other areas in the country. Yemen is one of the fifty largest countries in the world.[67] Its total area is larger than Spain or California (the third largest US state). Its population of 26 million is slightly larger than Australia's. Altogether, these numbers generate a geographic area equivalent in size to France.

Second, territorial terrorist groups do not "utilize the fragile situation to operate in relative security."[68] Territorial terrorist groups work in lieu of governments and, in practice, replace the government by governing and providing the daily services for the population.[69] The more traditional version of a terrorist group, which operates in so-called "safe havens," has no desire to rule. Territorial terrorist groups, on the other hand, wish to rule and want a state of their own.[70] Therefore, the language of the aforementioned UN Security Council Resolution 2249 which called upon member states "to eradicate the safe haven they [ISIL] have established over significant parts of Iraq and Syria" is stale. The Syrian regime does not provide a shelter or a "safe haven" for ISIL. To the contrary, ISIL and the Syrian army continue to clash over Syrian territory. ISIL seeks to

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of Hamas and Hizbollah, 15.3 STRATEGIC ASSESSMENT 87 (2012); JOSHUA L. GLEIS AND BENEDETTA BERTI, HEZBOLLAH AND HAMAS: A COMPARATIVE STUDY (2012).

[65] *See* Augustus Richard. Norton, Hezbollah: A Short History (2014); Eitan Azani, Hezbollah: The Story of the Party of God: From Revolution to Institutionalization (2008).

[66] *See* Ammar Karim and Samer al-Atrush, *Egypt jihadists vow loyalty to IS as Iraq Probes Leader's Fate*, AFP (Nov. 10, 2014), http://news.yahoo.com/egypts-main-jihadist-group-pledges-allegiance-islamic-state-060836737.html; *see also* Lisa Watanabe, *Sinai Peninsula: From Buffer Zone to Battlefield*, CSS (2015), http://www.css.ethz.ch/publications/pdfs/CSSAnalyse168-EN.pdf.

[67] *See List of Countries by Area*, http://www.nationsonline.org/oneworld/countries_by_area.htm.

[68] U.S. DEP'T OF STATE, State Dep't Country Rpt. on Terrorism, `

[69] *See* Atika Shubert, *How ISIS Controls Life, From Birth to Foosball*, CNN (April 21, 2015), http://edition.cnn.com/2015/04/21/middleeast/isis-documents/index.html; *Islamic State: The Pushback*, THE ECONOMIST (Mar. 21, 2015), http://www.economist.com/news/briefing/21646752-sustaining-caliphate-turns-out-be-much-harder-declaring-one-islamic-state-not. *See also* Tim Lister, *Why ISIS Is Winning, and How Its Foes Can Reverse That Success*, CNN (June 9, 2015), http://edition.cnn.com/2015/05/28/middleeast/isis-how-to-stop-it (noting that despite hundreds of airstrikes on its military infrastructure, ISIS continues to function as a rudimentary government in places such as Mosul and Tal Afar in Iraq and Raqqa in Syria); Jamie Ingram, *Islamic State's Inadequate Service Provision Undermines Its Authority Over Strategically Important Energy Assets in Syria and Iraq*, IHS JANE'S INTELLIGENCE REVIEW (Aug. 11, 2015), http://www.janes.com/article/53599/islamic-state-s-inadequate-service-provision-undermines-its-authority-over-strategically-important-energy-assets-in-syria-and-iraq; Berti Benedetta, *Non-State Actors as Providers of Governance: The Hamas Government in Gaza Between Effective Sovereignty, Centralized Authority, and Resistance*, 69.1 THE MIDDLE EAST JOURNAL 9 (2015).

[70] *See* Annette Idler & James J.F. Forest, Behavioral Patterns Among (Violent) Non-State Actors: A Study of Complementary Governance, 4 STABILITY: INTL J. OF SEC. AND DEV. 1 (2014); *see also* Jan Daniel, The Governance of Non-State Armed Actors in Failing States: The Case of Hezbollah, 49.2 MEZINÁRODNÍ VZTAHY 32, 32 (2014).

establish its own state and to rule in place of the Syrian regime. ISIL and other territorial terrorist groups also maintain cruel internal security mechanisms to encourage compliance and enforce their religious convictions on the local population.[71] These groups collect taxes to strengthen their authority and serve their economic interests.

These patterns, which are typically the activities carried out by states, have nothing in common with the traditional term "safe haven." The use of this term with respect to ISIL or other territorial terrorist groups may unfortunately lead to misinterpretation of the phenomenon and the challenge it poses to the international community.

It may not always be clear whether these self-governing entities meet the formal requirements for statehood set in the Montevideo Convention on the Rights and Duties of States—a permanent population, a defined territory, government, and capacity to enter into relations with other states.[72] Yet taking into account the unfolding developments in the Middle East and Africa and the changes in the patterns of terrorism, it might be more relevant to rephrase the question: Is the applicability of the Montevideo Convention even relevant? Do we need this convention in order to understand ISIL?

Civilitary Theory argues that any attempt to define a new and somewhat unclear phenomenon based on a treaty drafted in 1933 does not promote fresh analysis. It is no wonder why we do not understand ISIL.

Similarly interesting are the attempts to minimize or downgrade the phenomenon by stating that ISIL is only an "apocalyptic cult,"[73] that it is a terrorist organization with no vision other than to slaughter those who stand in its way,[74] or try to name it as the "Un-Islamic Non-State."[75] Taking into account the

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[71] *See* Andrew F. March and Mara Revkin, *Caliphate of Law*, FOREIGN AFFAIRS (April 15, 2015), https://www.foreignaffairs.com/articles/syria/2015-04-15/caliphate-law.

[72] Montevideo Convention on the Rights and Duties of States, art. 1, 49 Stat. 3097, Treaty Series 881.

[73] *See Remarks by President Obama on the United Nations General Assembly*, THE WHITE HOUSE (Sept. 28, 2015), https://www.whitehouse.gov/the-press-office/2015/09/28/remarks-president-obama-united-nations-general-assembly (stating "[t]here is no room for accommodating an apocalyptic cult like ISIL, and the United States makes no apologies for using our military, as part of a broad coalition, to go after them. We do so with a determination to ensure that there will never be a safe haven for terrorists who carry out these crimes.").

[74] *See Statement by President Obama on ISIL*, THE WHITE HOUSE (Sept. 10, 2014), http://www.whitehouse.gov/the-press-office/2014/09/10/statement-president-isil-1 ("ISIL is not 'Islamic.' No religion condones the killing of innocents. And the vast majority of ISIL's victims have been Muslim. And ISIL is certainly not a state. . . . It is recognized by no government, nor by the people it subjugates. ISIL is a terrorist organization, pure and simple. And it has no vision other than the slaughter of all who stand in its way."). *See also Obama Warns Against Exaggerating the Islamic State Threat*, FOREIGN POLICY (Feb. 1, 2015), http://foreignpolicy.com/2015/02/01/obama-warns-against-exaggerating-the-islamic-state-threat/.

developments in the Middle East and Africa, it may be time to realize that something new has emerged.

Perhaps a phenomenon like ISIL could not be considered a regular state according to the formalistic requirements of the Montevideo Convention.[76] Yet at the same time this new phenomenon could not be viewed simply as a terrorist group.[77] Leading international relations scholars like Joseph Nye and Stephen Walt consider ISIL to be a proto-state[78] or an entity that has sought to build the rudiments of a genuine state in the territory it controls.[79] What name should we give to the phenomenon by which territorial terrorist groups are gaining, in practice, a state of their own?[80] For the sake of this Article, we term this phenomenon a *terroristate*.

The term terroristate refers to a geographic area governed by territorial terrorist groups. The most prominent terroristate is the Islamic State that stretches between Syria and Iraq. In Nigeria, Boko Haram is waging a campaign of terror while dreaming of a caliphate similar to ISIL.[81] Hamas, Hezbollah, the Houthis, and Ansar Bayt al-Maqdis are also operating from terroristates.

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[75] *Secretary-General's Remarks to Security Council High-Level Summit on Foreign Terrorist Fighters*, UNITED NATIONS (Sept. 24, 2014), http://www.un.org/sg/STATEMENTS/index.asp ?nid=8040 ("Muslim leaders around the world have said groups like ISIL—or Da'ish—have nothing to do with Islam, and they certainly do not represent a state. They should more fittingly be called the 'Un-Islamic Non-State.'").

[76] *See* Yuval Shany, Amichai Cohen, Tal Mimran, *ISIS: Is the Islamic State Really a State?* IDI ANALYSIS (Sept. 14, 2014), http://en.idi.org.il/analysis/articles/isis-is-the-islamic-state-really-a-state/ (concluding that is too early to determine whether the Islamic State meets the conditions for a State under international law).

[77] *See* ISIS Is Not a Terrorist Group, FOREIGN AFFAIRS (March/April 2015), https://www.foreignaffairs.com/articles/middle-east/2015-02-16/Isis-Not-Terrorist-Group; Ken Menkhaus, Quasi-States, Nation-Building, and Terrorist Safe Havens, JOURNAL OF Conflict STUDIES 23.2 (2006).

[78] Joseph S. Nye, *How to Fight the Islamic State*, PROJECT SYNDICATE (Sept. 8, 2015), http://belfercenter.hks.harvard.edu/publication/25725/how_to_fight_the_islamic_state.html ("The Islamic State is three things: a transnational terrorist group, a proto-state, and a political ideology with religious roots.").

[79] Stephen M. Walt, *ISIS as Revolutionary State*, FOREIGN AFFAIRS (Nov./Dec. 2015), https://www.foreignaffairs.com/articles/middle-east/isis-revolutionary-state; *see also* Lina Khatib, *The Islamic State's Strategy: Lasting and Expanding*, THE CARNEGIE MIDDLE EAST CENTER (June 29, 2015), http://carnegie-mec.org/2015/06/29/islamic-state-s-strategy-lasting-and-expanding/ ib5x.

[80] *See* Will Mccants, *How the Islamic State Declared War on the World*, FOREIGN POLICY (Nov. 16, 2015), http://foreignpolicy.com/2015/11/16/how-the-islamic-state-declared-war-on-the-world-actual-state ("For most its history, the Islamic State was a terrorist group or an insurgency. But as it grew in strength, it looked more like a government. It has been called a 'proto-state' and a 'quasi-state.' Whatever the terminology, it's much more than an insurgent group now—and it has millions of dollars at its disposal to fund its military adventures at home and abroad.").

[81] Jeremy Ashkenas et al., *Boko Haram: The Other Islamic State*, THE NEW YORK TIMES (Jan. 15, 2015), http://www.nytimes.com/interactive/2014/12/11/world/africa/boko-haram-nigeria-maps. html?_r=0.

By not recognizing territorial terrorist groups and terroristates as new phenomena that need to be addressed differently, the international community falls behind in dealing with them. As a result, at Model I of Civilitary Theory, territorial terrorist groups have been able to usually expand without significant interference.[82] It is usually only in Model II that the international community modifies its national security strategy.

B. *Civilitary Model II: Triple Terrorism Strategy*

Terroristates have been born. Their status enables them to simultaneously pursue a three-pronged strategy of terrorism: first, against civilians under their control; second, against civilians living in nearby states; and third, against civilians around the world. Some territorial terrorist groups excel in all three elements of such terrorism, while others concentrate geographically on the local and regional levels, refraining from terrorist activities around the world.

The first element of the triple strategy pursued by territorial terrorist groups is to rule with an iron fist and commit acts of despicable violence and mass execution. Besides hostage taking (either for ransom or public execution), territorial terrorist groups may initiate campaigns of mass murder which are often followed by wide-scale atrocities: massacres, enslavement, torture, rape, forced marriage, burning of villages, acts of violence against religious and ethnic minority groups, ethnic cleansing, and other crimes against humanity. Once territorial expansion succeeds, any newly acquired territory—along with its beleaguered civilians—becomes part of the terroristate.

Territorial terrorist groups also terrorize civilians outside the territorial borders the groups have established. Their activities in nearby states include sending suicide cars or bombers to explode in markets, coffee shops, public transportation or shopping centers; shooting at civilians, or slaughtering men, women, and children with guns, knives, axes, or machetes. ISIL, originally from Iraq, terrorizes civilians in Syria. It has also claimed responsibility for suicide bombings in Lebanon,[83] terrorist attacks in Saudi Arabia[84] and car bombings in

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[82] *See* Robert Fisk, *Syria Civil War: Civilians in Damascus Pay the Price for Those in the Provinces in Conflict's Balance of Horror*, THE INDEPENDENT (Aug. 18, 2015), http://www.independent.co.uk/voices/syria-civil-war-civilians-in-damascus-pay-the-price-for-those-in-the-provinces-in-conflicts-balance-of-horror-10461216.html.

[83] *Isis Claims Responsibility as Suicide Bombers Kill Dozens in Beirut*, THE GUARDIAN (Nov. 13, 2015), http://www.theguardian.com/world/2015/nov/12/beirut-bombings-kill-at-least-20-lebanon.

[84] Jack Moore, *ISIS Attack Saudi Border Post and Infiltrate Town*, NEWSWEEK (Feb. 28, 2015), http://www.newsweek.com/isis-attack-saudi-border-post-and-infiltrate-town-302652; *see also ISIL Claims Deadly Attack on Saudi Forces at Mosque*, AL JAZEERA (Aug. 7, 2015), http://www.aljazeera.com/news/2015/08/suicide-attack-mosque-saudi-arabia-southwest-150806110739697.html.

Libya.[85] Boko Haram from Nigeria attacks civilians in neighboring Chad,[86] Cameroon[87] and Niger.[88] Ansar Bayt al-Maqdis (from the Sinai Peninsula), Hamas (from Gaza); and Hezbollah (from Lebanon) all shoot rockets into densely populated residential areas in Israel and commit terrorist attacks inside Israel (which borders all three areas). The Houthis in Yemen have also launched Katyusha rockets and even several Scud missiles into Saudi Arabia.[89]

In the third element of the strategy, some terroristates are part of a global terrorist chain that facilitates or executes terrorist attacks across the globe. Hezbollah has established an External Security Organization (ESO) and has used it to execute numerous terrorist attacks around the world.[90] ISIL uses transnational fighters[91] to conduct terrorist attacks.[92] For example, an attack in Sydney, Australia was carried out in December 2014 by a terrorist with possible links to ISIL. In February 2015, Australian counterterrorism police stated that they had

[85] *ISIS: We Carried Out Deadly Suicide Bombings in Libya*, CBS (Feb. 20, 2015), http://www.cbsnews.com/news/isis-we-carried-out-deadly-suicide-bombings-in-libya/ ("[M]ultiple suicide car bombings struck an eastern Libyan town, killing at least 45 people on Friday not far from a main base of the Libyan offshoot of the Islamic State of Iraq and Syria (ISIS). The group claimed responsibility for the attack, saying it came in retaliation for recent Egyptian airstrikes that avenged the beheading of 21 Christian hostages by Libyan Islamic State militants.").
[86] *Nigeria's Boko Haram Militants Attack Chad for First Time*, BBC (Feb. 13, 2015), http://www.bbc.com/news/world-africa-31453951.
[87] *Boko Haram Crosses Border, Kills About 30 in Northern Cameroon*, CNN (Sept. 4, 2015), http://edition.cnn.com/2015/09/03/africa/boko-haram-cameroon-violence/.
[88] *See* Yaroslav Trofimov, *Expanding Beyond Nigeria, Boko Haram Threatens Region*, THE WALL ST. J. (Dec. 3, 2015), http://www.wsj.com/articles/expanding-beyond-nigeria-boko-haram-threatens-region-1449138601.
[89] Abdullah al-Shihri, *Houthi Rebels Fire Scud Missile From Yemen Into Saudi Arabia*, THE WASHINGTON POST (June 6, 2015), https://www.washingtonpost.com/world/houthi-rebels-fire-scud-missile-from-yemen-into-saudi-arabia/2015/06/06/00e39c44-0c89-11e5-a7ad-b430fc1d3f5c_story.html; *see also* Nafeesa Syeed, *Saudis Intercepted Scud Missile Shot Over Border by Houthis*, BLOOMBERG (Aug. 26, 2015), http://www.bloomberg.com/news/articles/2015-08-26/houthi-rebels-say-they-fired-scud-missile-into-saudi-arabia.
[90] *See Hizballah's External Security Organization*, AUSTRALIAN NATIONAL SECURITY (May 2, 2015), http://www.nationalsecurity.gov.au/Listedterroristorganisations/Pages/HizballahsExternalSecurityOrganisationESO.aspx (noting that ESO continues to operate on a global basis gathering intelligence to be used in terrorist attack planning, collecting money by both legal and illegal methods, recruiting and training terrorists and acquiring weapons).
[91] *See* Guillaume Corneau-Tremblay, *Combattants Transnationaux: Implications, Réseaux et Acteurs* (In English: Transnational fighters: Implications, Actors and Networks) (April 18, 2015), http://www.cms.fss.ulaval.ca/recherche/upload/terrorisme/fichiers/combattants_transnationaux_:_implications,_reseaux_et_acteurs.pdf.
[92] *See* Secretary-General's Remarks to Security Council High-Level Summit on Foreign Terrorist Fighters (Sept. 24, 2014), http://www.un.org/sg/STATEMENTS/index.asp?nid=8040 (noting that the U.N.'s Al Qaeda-Taliban Monitoring Team estimates that more than 13,000 foreign terrorist fighters from over 80 Member States have joined ISIL and the Al Nusra Front); *see also* Tina S. Kaidanow, *Al-Qaida, the Islamic State, and the Future of the Global Jihadi Movement*, U.S. DEP'T OF STATE (Sept. 16, 2015); *Foreign Fighters Are Still Able to Travel to War Zones Despite Efforts to Halt Flow*, THE WALL ST. J. (Oct. 27, 2015), http://www.wsj.com/articles/u-n-countries-cant-stop-flow-of-foreign-fighters-to-war-zones-1445958056.

thwarted an additional, imminent terrorist attack in Sydney linked to Islamic State.[93] ISIL has developed a specific group within its organization dedicated to launching terrorist attacks in Western Europe and in the United States.[94] In November 2015, ISIL claimed responsibility[95] for a series of unprecedented terrorist attacks in Paris that claimed the lives of more than 130 civilians and injured another 350 people.[96]

How do states respond to these terrorist activities? During Model II of Civilitary Theory, these terrorist attacks and atrocities present a threat to international peace and security.[97] Realizing the risks, some states have shifted toward a more proactive national security approach. Several states are willing to use force—asserting their right of individual or collective self-defense—in order to secure their local and regional interests.

Once the threat becomes imminent, some use surgical airstrikes against members and infrastructures of territorial terrorist groups.[98] Some members of ISIL who suffered from the U.S. led coalition shared their frustration in media interviews. "We were inside Ayn Al-Islam [near Kobani]," one told CNN, "and we occupied more than 70 [percent of the area], but the airstrikes did not leave

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[93] Lincoln Feast, *Australian Anti-Terror Police Say Imminent ISIS-Linked Attack Thwarted*, REUTERS (Feb. 11, 2015), http://uk.reuters.com/article/2015/02/11/uk-australia-security-police-idUKKBN0LE2VB20150211.

[94] Brian Ross, *Paris Attacks: ISIS Has New External Operations Unit, Officials Say*, ABC NEWS (Nov. 15, 2015), http://abcnews.go.com/International/paris-attacks-isis-external-operations-unit-officials/story?id=35215198.

[95] Rukmini Callimachi, *ISIS Claims Responsibility, Calling Paris Attacks 'First of the Storm'*, N.Y. TIMES (Nov. 14, 2015), http://www.nytimes.com/2015/11/15/world/europe/isis-claims-responsibility-for-paris-attacks-calling-them-miracles.html.

[96] Adam Chandler, Krishnadev Calamur, and Matt Ford, *The Paris Attacks: The Latest*, THE ATLANTIC (Nov. 22, 2015), http://www.theatlantic.com/international/archive/2015/11/paris-attacks/415953/.

[97] *See Secretary General Ban Ki Moon to the General Assembly "From Turmoil to Peace,"* U.N. (Sept. 24, 2015), http://www.un.org/sg/STATEMENTS/index.asp?nid=8037 ("[I]n Iraq and Syria, we see new depths of barbarity with each passing day, and devastating spill-over effects across the region. . . . These extremist groups are a clear threat to international peace and security that requires a multi-faceted international response.").

[98] *See, e.g.*, Remarks by President Obama on the United Nations General Assembly, THE WHITE HOUSE (Sept. 24, 2014), https://www.whitehouse.gov/the-press-office/2014/09/24/remarks-president-obama-address-united-nations-general-assembly ("We will use our military might in a campaign of airstrikes to roll back ISIL."); Tim Cocks, *Nigeria's President Orders Full Scale Offensive On Boko Haram*, ROUTERS (May 29, 2014), http://www.reuters.com/article/2014/05/29/us-nigeria-girls-idUSKBN0E90PE20140529; Felix Onuah, *Nigeria Sends in Warplanes Against Boko Haram in Northeast*, REUTERS (Sept. 5, 2014), http://af.reuters.com/article/topNews/idAFKBN0H01LQ20140905; *Saudi Arabia Escalates Its Military Campaign*, THE ECONOMIST (Sept. 10, 2015), http://www.economist.com/news/middle-east-and-africa/21663988-yemen-descending-prolonged-uncontrollable-war-saudi-arabia-escalates-its-military; Nathan Hodge, *Global Anti-ISIS Alliance Begins to Emerge: Paris Attacks Spur Cooperation Between Russia and U.S.-Led Coalition Against Islamic State*, THE WALL ST. J. (NOV. 17, 2015), http://www.wsj.com/articles/global-anti-isis-alliance-begins-to-emerge-1447806527.

any building standing, they destroyed everything."[99] In addition, the Russian Air Force has further intensified its airstrikes in Syria[100] after ISIL claimed responsibility for the Russian charter jet crash in Egypt that killed 224 passengers and crew.[101]

It should be noted that, at this stage, most states usually intervene through air campaigns but refrain from "boots on the ground"[102] or "enduring offensive ground combat operations."[103]

C. *Civilitary Model III: Acquiring and Using Ballistic Missiles and Embedding Them in Densely Populated Residential Areas*

Territorial terrorist groups quickly realize the danger posed by surgical airstrikes against them. These strikes degrade their capabilities.[104] They hamper the groups' plans for further expansion. Sometimes they place the lives of their leaders at risk.[105] From this stage forward, nations and territorial terrorist groups start to move in circles and dance the delicate dance of *coevolution*. A Darwinian term, "coevolution" describes a process by which two species reciprocally affect each other's evolution and develop adaptive capabilities.[106] In nature, a long and

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[99] Laura Smith-Spark, ISIL Fighters Say Constant Airstrikes Drove Them Out of Kobani, CNN (Jan. 31, 2015), http://www.cnn.com/2015/01/31/middleeast/isis-fighting/; *see also* Inside Kobane: Eyewitness Account in Besieged Kurdish City, BBC (Nov. 5, 2014), http://www.bbc.com/news/world-middle-east-29902405.

[100] *Russian Air Force Destroys 448 Terrorist Facilities in Syria Over 3 Days,* RT NEWS (Nov. 9, 2015), https://www.rt.com/news/321301-syria-isis-448-targets/.

[101] Mostafa Hashem, *Islamic State Claims Responsibility for Russian Plane Crash in Egypt,* REUTERS (Oct 31, 2015), http://www.reuters.com/article/2015/10/31/us-egypt-crash-islamic-state-idUSKCN0SP0P520151031#Cp1XuBCY4AIAbfVE.97.

[102] *See* Joseph S. Nye, *Boots on the Ground to Fight ISIS? Sure, But Arab and Turkish Boots, Not American,* FLAGLERLIVE (Sep. 10, 2015), http://flaglerlive.com/83327/isis-military-intervention-nye-ps/, Graham Allison, *Defeating ISIL: With Whose Boots on the Ground,* THE ATLANTIC (Oct. 27, 2014); Anthony H. Cordesman, *Iraq, Syria, and the Islamic State: The 'Boots on the Ground' Fallacy,* CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES (Sept. 19, 2014), http://csis.org/publication/iraq-syria-and-islamic-state-boots-ground-fallacy.

[103] *See* Joint Resolution on the Authorization for Use of Military Force against the Islamic State of Iraq and the Levant, White House (Feb. 10, 2015), http://www.whitehouse.gov/sites/default/files/docs/aumf_02112015.pdf; *see also* Let Me Make This as Unclear as Possible, FOREIGN POLICY (March 11, 2015), http://foreignpolicy.com/2015/03/11/let-me-make-this-as-unclear-as-possible-obama-aumf-isis/.

[104] *See* Benjamin Wittes and Gabriella Blum, The Future Of Violence: Robots And Germs, Hackers And Drones—confronting A New Age Of Threat (2015).

[105] *See* Harold Hongju Koh, *The Obama Administration and International Law,* STATE DEPARTMENT (Mar. 25 2010), http://www.state.gov/s/l/releases/remarks/139119.htm; Elizabeth Chuck, *Terror Suspects Are Frequent Targets of U.S. Drones,* ABC NEWS (Nov. 14, 2015), http://www.nbcnews.com/news/us-news/terror-suspects-are-frequent-targets-u-s-drones-n463036.

[106] John N. Thompson, The Geographic Mosaic of Coevolution (2005).

lasting contest exists between predator and prey or parasite and host.[107] According to Darwin's natural selection theory, adaptive species have a better chance at survival than non-adaptive species, and those species that do not adapt eventually disappear.[108]

Territorial terrorist groups excel in terrorism, but they cannot directly confront fighter jets, drones, or cruise missiles. How might territorial terrorist groups adapt to airstrikes or cruise missiles in order to ensure their own survival?

1. Terrorocketing or Terroballistic Capabilities

In the course of their Model I and Model II evolutions, territorial terrorist groups acquire two fundamental resources: the land they control, and the civilians they govern within these territories. At Model III, they add a third component: rockets and short-range ballistic missiles. But military installations are not their prime intended targets—the groups gain this firepower with the intention of targeting civilian populations.

Consequently, we have witnessed a rapid growth in the numbers of rockets and short-range ballistic missiles held by terrorists.[109] This phenomenon was noted by former US Secretary of Defense Robert Gates, who said that some of these groups, like Hezbollah, maintain an "arsenal of rockets and missiles [that] now dwarfs the inventory of many nation-states."[110]

Let us explore Secretary Gates's statement. The reference to a missile arsenal, for example, needs some linguistic attention. For many people, this phrase still resonates with Cold War tones, when the U.S. and the Soviet Union rapidly expanded their nuclear stockpiles in an adversarial arms race, and many missiles stood on alert, ready to be fired.

In this context, Civilitary Theory distinguishes between the enormous stockpiles of missiles amassed by territorial terrorist groups like Hamas or Hezbollah inside their terroristates and the missile arsenals held by sovereign states. The use of similar terminology when describing stockpiles of missiles amassed by conventional states, as well as those of territorial terrorist groups, fails to capture the terroristic nature of missiles amassed by the latter. Nor does it capture the massive harm that their ballistic capabilities, which are fired

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[107] Other examples of coevolution include the constant fight between antibiotics and virus resistance, pesticides and insects, stealth fighters and radar systems, hackers and firewalls, computer viruses and antivirus software, and other similar reciprocal phenomena.

[108] Charles Robert Darwin, The Origin of Species (1859).

[109] *See* Steven Erlanger, *Growing Reach of Hamas's Rockets*, THE NEW YORK TIMES (Jul. 13, 2014), http://www.nytimes.com/interactive/2014/07/13/world/middleeast/the-growing-reach-of-hamas-rockets.html?_r=0.

[110] Robert M. Gates, Address at the National Defense University, Washington, D.C. (Sept. 29, 2008), http://www.defense.gov/qdr/gates-article.html.

intentionally on densely populated residential areas, inflict on civilians. Civilitary Theory seeks a contemporary term that connects the act itself with terrorism.

Therefore, Civilitary Theory refers to the rockets or missiles amassed by territorial terrorist groups as *terrorocketing* or *terroballistic capabilities.* Similarly, it describes the shooting of rockets or missiles by territorial terrorist groups not as missile attacks but as "terrorocketing" or "terroballistic attacks."

The strategic decision of territorial terrorist groups to acquire a large terroballistic capability changes the face of the modern battlefield. Furthermore, territorial terrorist groups need to find ways to successfully conceal their terroballistic capabilities and their respective launch pads from the enemy's intelligence and surgical airstrikes. What would be the perfect way to conceal their capabilities? The answer lies in an additional characteristic of Stage III of the civilitary battlefield.

2. The Strategy of Ascivilation

In anticipation of surgical airstrikes that will destroy their terroballistic capabilities, and to enable them to continue launching terroballistic attacks, territorial terrorist groups undertake a strategic process of *ascivilation*. This new term (a portmanteau of the words assimilation and civilian) refers to the strategic and deliberate assimilation of terroballistic capabilities and launching pads into densely populated civilian areas.

Ascivilation can be illustrated by Darwin's natural selection and adaptation theory. Evolutionary adaptation has yielded some incredible survival strategies in the natural world.[111] Cryptic animal coloration, for example, enables certain animals to avoid, encounter, or escape danger by using markings to match the color and pattern of their surroundings.[112] A certain type of spider crab, commonly known as the "decorator crab," hides from predators by attaching local plants and animals from the surrounding habitat onto its back and legs.[113] This behavior enables decorator crabs to move about, perfectly camouflaged by their disguised backs.[114]

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[111] *See* Peter FORBES, DAZZLED AND DECEIVED: MIMICRY AND CAMOUFLAGE (2011); *see also* Aaron Sewell, *Aquarium Fish: Physical Crypsis: Mimicry and Camouflage*, ADVANCED AQUARIST (Mar. 2010), http://www.advancedaquarist.com/2010/3/fish2.

[112] *See* Martin Stevens and Sami Merilaita, *Animal Camouflage: Current Issues and New Perspectives*, 364 PHIL. TRANSACTIONS OF THE ROYAL SOC'Y B: BIOLOGICAL SCIS. 423–27 (2009).

[113] Kristin Hultgren and Jay Stachowicz, *Camouflage in Decorator Crabs*, *in* ANIMAL CAMOUFLAGE (M. Stevens and S. Merilaita ed., 2011). For a short movie about decorator crabs see https://www.youtube.com/watch?v=rUfp5lhtML0.

[114] *Id.*

Like the decorator crabs, territorial terrorists move about under the camouflage of the poor civilians. They "ascivilate" into their habitat and place the civilians of a neighborhood or of a village on their backs. Once the ascivilation process of the terrorists is complete, it is almost impossible to differentiate between terrorists and civilians, or between military targets and existing civilian infrastructures.[115]

Many people use the phrase "human shields."[116] For the layperson, this term describes the deliberate placement of civilians near combat targets as a tactical move aimed to deter the enemy from attacking these targets.[117] Some observers may recall civilians literally tied to specific structures in order to defend military infrastructure during the first Gulf War,[118] or Bosnian Serbs who took UN peacekeepers hostage and used them as human shields against NATO airstrikes in the Balkans.[119]

From a terrorist perspective, both concepts—human shields and ascivilation—are similar insofar as both aim to shield military capabilities. Yet in practice, the term "human shield" may not capture the complexity, magnitude and severity of the new phenomenon of ascivilation. Civilitary Theory recognizes that some fundamental differences exist between the two.

Ascivilation is, first and foremost, a long-term strategic process and not a mere military tactic deployed in specific instances. Ascivilation requires a fundamental decision to invest money and time to develop proper techniques, skills, and strategy in order to purposely deploy advanced military capabilities in civilian neighborhoods. Simply put, the use of human shields involves placing civilians around existing military installations. Ascivilation, by contrast, reflects a strategic decision to deliberately place all military capabilities inside existing civilian neighborhoods.

In other words, asciviliation entails the systematic transformation of existing civilian neighborhoods into hybrid civilian-military installations. Human shielding is conducted, in most cases, on an ad hoc basis. It does not require

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[115] *See The Future Character of Conflict*, U.K. MINISTRY OF DEFENSE (2010), https://www.gov.uk/government/publications/future-character-of-conflict.

[116] *See, e.g.*, Michael N. Schmitt, *Human Shields in International Humanitarian Law*, 47 COLUM. J. TRANSNAT'L L. 293, 293 ("Human shielding involved the use of persons protected by international humanitarian law such as prisoners of war or civilians to deter attacks on combatants and military objectives. The tactic hardly represents a new battlefield phenomenon. Shielding occurred, for example, in both the American Civil War and the Franco-Prussian War.").

[117] *Id.*

[118] *See Putting Noncombatants at Risk: Saddam's Use of "Human Shields,"* CENTRAL INTELLIGENCE AGENCY (Jan. 2003), https://www.cia.gov/library/reports/general-reports-1/iraq_human_shields.

[119] *See* Michael N. Schmitt, *Asymmetrical Warfare and International Humanitarian Law*, 62 A.F. L. REV. 1, 11–48 (2007); *see also* Dennis ROSS, STATECRAFT: AND HOW TO RESTORE AMERICA'S STANDING IN THE WORLD (2007).

significant preparation. The process of ascivilation can take years of preparation, and it creates a large-scale, permanent change on the ground (and in many cases, under the ground as well). A successful project of asciviliation in an urban location can also cost millions of dollars. Once the process of ascivilation is complete, territorial terrorist groups are willing to take more risks and become more aggressive.[120]

III.   Applying the Theory: Classifying 6 Territorial Terrorist
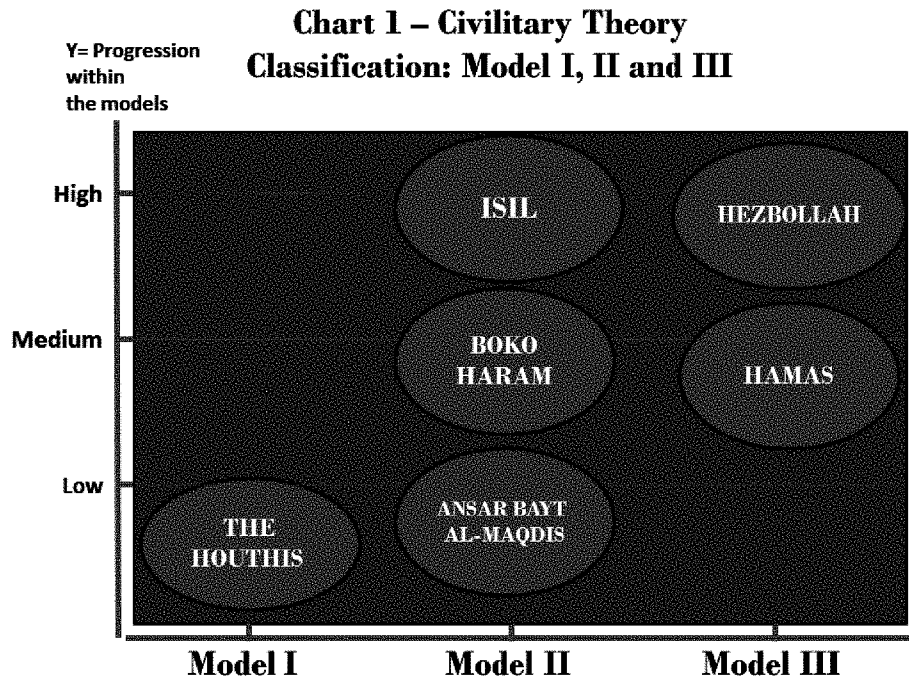Groups According to Models I, II and III

Civilitary Theory explains the evolution of certain terrorist groups in the 21st century. As noted above, the Theory presents three models: the first occurs when terrorist groups become territorial terrorist groups by acquiring land, governing civilians and establishing terroristates (Civilitary Model I); the second occurs when territorial terrorist groups terrorize different groups of civilians, whether within their territory, in nearby states, or around the world (Civilitary Model II); the third occurs when terrorists, in response to airstrikes, acquire terroballistic capabilities and then ascivilate them in densely populated residential areas (Civilitary Model III).

The chart below illustrates the evolution of the six territorial terrorist groups. The X-axis represents the stages (Model I, II, or III) and the Y-axis represents the progress of the territorial terrorist group in each model. For example, a group could be classified under "Model II" and also get a mark of "high progression." This means that the group has demonstrated all the patterns of Model I and Model II, but has not yet made the leap to Model III.

For example, ISIL has acquired land and governs civilians, all the patterns of Model I. It also demonstrates all the patterns of Model II, terrorizing different groups of civilians—in its territory, in nearby states and around the world—and has suffered serious airstrikes. Yet ISIL has not yet acquired terroballistic capabilities and has not strategically ascivilated. Based on this analysis, ISIL is classified under Model II with a mark of "high progress."

The models set forth are used as paradigms and ideal types to broadly illustrate the evolutionary trends of some terrorist groups. They are dynamic and somewhat fluid classifications, and some groups could arguably fit into more than one model.

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[120] *See Nasrallah Threatens Israel: Our Rockets Can Reach Everywhere,* I24NEWS.TV (Nov. 4, 2014),   http://www.i24news.tv/en/news/israel/diplomacy-defense/49805-141104-nasrallah-close-airports-israel-war-hezbollah.

Chart 1 – Civilitary Theory
Classification: Model I, II and III

Y= Progression within the models

High

Medium

Low

Model I   Model II   Model III

As noted in the chart, Hezbollah and Hamas are both classified under Model III, yet Hezbollah has gained high progress in Model III while Hamas has only achieved medium progress. The next three territorial terrorist groups—ISIL, Boko Haram and Ansar Beit Al-Maqdis—are classified under Model II. Of these three, ISIL has achieved furthest progress within the model, Boko Harm only medium progress and Ansar Beit Al-Maqdis only low progress. Lastly, the Houthis in Yemen are classified under Model I.

A. *Model III types: Hamas and Hezbollah*

     1. Hamas

Hamas has followed all three stages of Civilitary Theory as it gained territory and governed civilians (Model I), terrorized different groups of civilians within its land and in nearby states (Model II), and then, in response to airstrikes, acquired terroballistic capabilities and ascivilated them in densely populated residential areas (Model III).

Hamas evolved to be a territorial terrorist group and moved to Model I in 2007, after it took over the territory of the Gaza Strip and gained control over the lives of 1.8 million civilians.[121] Hamas then moved quickly to Model II: first, it

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[121] S. Samuel and C. Rajiv, *The Hamas Takeover and Its Aftermath*, 31 STRATEGIC ANALYSIS 843, 843–51 (2007); *see also* MATTHEW LEVITT, HAMAS: POLITICS, CHARITY, AND TERRORISM IN THE SERVICE OF JIHAD (2007).

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terrorized its own civilians in Gaza;[122] and second, it conducted terrorism against civilians in nearby states while shooting thousands of rockets into and launching numerous terror attacks against Israel.[123] (However, it should be noted that Hamas activities apparently do not meet the final criterion of Model II, as there are no reports indicating its involvement in terrorist attacks around the world).

Since Hamas took over Gaza, it has had three major clashes with Israel— Operations Cast Lead in 2008,[124] Pillar of Defense in 2012,[125] and Protective Edge in 2014.[126] In all of these clashes, Hamas had no answer to Israel's aerial superiority. In the past, Hamas mostly fired short range homemade Kassam rockets and mortars.[127] But Hamas has slowly introduced better and more sophisticated terroballistic capabilities and enhanced its ability to execute terroballistic attacks deeper into Israeli territory.[128] In order to shield these terroballistic capabilities from aerial attacks, Hamas has also ascivilated its missiles in densely civilian populated areas in Gaza, transformed residential complexes into military installations[129] and even shot from the vicinity of UN

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[122] *See* Nathan J. Brown, Gaza Five Years On: Hamas Settles In, Carnegie Endowment for International Peace (June 11, 2012), http://carnegieendowment.org/2012/06/11/gaza-five-years-on-hamas-settles-in.

[123] *See* Minna Saarnivaar, Suicide Campaigns as a Strategic Choice: The Case of Hamas, POLICING 2.4 (2008): 423–433.

[124] *See* Sergio Catignani, Variation on a Theme: Israel's Operation Cast Lead and the Gaza Strip Missile Conundrum, 154.4 THE RUSI JOURNAL 66-73 (2009).

[125] *See* Shmuel Tzabag, *Operation Pillar of Defense: Lessons for Modern Warfare*, 7.3 ISRAEL JOURNAL OF FOREIGN AFFAIRS 79-93 (2013):.

[126] *See* Anat Kurz and Shlomo Brom, THE LESSONS OF OPERATION PROTECTIVE EDGE (2014), http://www.inss.org.il/uploadImages/systemFiles/ZukEtanENG_final.pdf.

[127] *See* Lian Zucker and Edward H. Kaplan, *Mass Casualty Potential of Qassam Rockets*, 37.3 STUDIES IN CONFLICT & TERRORISM 258-266 (2014).

[128] The year 2008 saw a dramatic increase in the extent of Hamas rocket fire and mortar attacks on Israel, with a total of 3,278 rockets and mortar shells landing in Israeli territory (1,750 rockets and 1,528 mortar shells). These numbers are double those of 2007 and 2006, years that marked a five-fold increase over prior years. There was also a significant increase in the number of Israeli residents exposed to rocket fire. Prior to 2008, the city of Sderot (about 20,000 residents), as well as villages around the Gaza Strip, were the main targets of rocket fire and mortar shelling. In 2008, the cities of Ashkelon and Netivot came under attack by Grad artillery rockets with a range of about 20 kilometers. November 2012 witnessed a major escalation of Hamas rocket capabilities as the Iranian Fajr-5 artillery rocket was employed for the first time. With a range of about 75 kilometers, it had twice the range of rockets previously used by Hamas, and brought Tel Aviv and Jerusalem within range of Hamas attacks. *Hamas Rockets*, GLOBAL SECURITY, http://www.globalsecurity.org/military/world/para/hamas-qassam.htm.

[129] *See UNRWA Strongly Condemns Placement of Rockets in School*, UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST (July 17, 2014), http://www.unrwa.org/newsroom/press-releases/unrwa-strongly-condemns-placement-rockets-school; *UNRWA Condemns Placement of Rockets, for a Second Time, in One of Its Schools*, UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST (July 22, 2014), http://www.unrwa.org/newsroom/press-releases/unrwa-condemns-placement-rockets-second-time-one-its-schools.

facilities.[130] In August 2014, President Obama acknowledged the tragic outcomes of this strategy by noting that "Hamas acts extraordinarily irresponsibly when it is deliberately siting rocket launchers in population centers, putting populations at risk because of that particular military strategy. . . . I've also expressed my distress at what's happened to innocent civilians, including women and children, during the course of this process."[131] Hamas executed numerous terroballistic attacks on densely populated areas in Israel. During operation Protective Edge in 2014, Hamas shot more than 4,500 missiles from Gaza into Israeli civilian areas, covering most areas in Israel.[132]

2. Hezbollah

Hezbollah is classified, like Hamas, under Model III. It emerged as a Model I group once it gained de facto control over the territory of the Bekaa Valley area and the south of Lebanon, where it governs the lives of many civilians.[133] Hezbollah advanced quickly to Model II. For example, since the early stages of the Syrian crisis, Hezbollah has executed terrorism across the border, against Syrian civilians.[134] According to U.N. reports, Hezbollah has been involved in Syria in massacres, widespread attacks on civilians, systematic murder, torture, rape, and enforced disappearance, amounting to crimes against humanity.[135] Hezbollah's troops are also active in Iraq.[136] In addition, Hezbollah has shot thousands of rockets into civilian settings in northern Israel.[137]

Hezbollah has planned and executed many terrorist attacks around the world through its clandestine External Security Organization.[138] With massive

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[130] *See Interview of U.N. Official John Ging Director of the Operational Division at OCHA* (CBS News broadcast July 30, 2014), http://www.cbc.ca/player/News/Politics/Power%2B&%2B Politics/ID/2479781349/ ("The militants, Hamas, and the other armed groups, they are firing also their weaponry, the rockets, into Israel from the vicinity of these [UN] installations and housing and so on, so the combat is being conducted very much in a residential built up area.").

[131] *See* Remarks by President Obama at Press Conference After the 2014 U.S.-Africa Leaders' Summit, THE WHITE HOUSE, (Aug. 6, 2014), https://www.whitehouse.gov/photos-and-video/video/2014/08/06/president-obama-holds-press-conference-us-african-leaders-summit#transcript.

[132] *See* Daniel Rubenstein, *Key Moments in a 50-Day War: A Timeline*, THE JERUSALEM CENTER FOR PUBLIC AFFAIR, http://jcpa.org/timeline-key-moments-gaza-war/.

[133] Eitan Azani, Hezbollah: The Story of the Party of God From Revolution to Institutionalization (2011).

[134] *Independent International Commission of Inquiry on the Syrian Arab Republic*, UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (Aug. 13, 2014), http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/IndependentInternationalCommission. asx.

[135] *Id.*

[136] *Echoes of Syria: Hezbollah Reemerges in Iraq*, INSTITUTE FOR THE STUDY OF WAR (April 2014), http://iswiraq.blogspot.com/2014/08/echoes-of-syria-hezbollah-reemerges-in.html.

[137] *See* Uzi Rubin, *The Rocket Campaign Against Israel During the 2006 Lebanon War*, BEGIN-SADAT CENTER FOR STRATEGIC STUDIES (2007).

[138] *See* Statement of the Australian Parliament on Hizballah's External Security Organization, www.aphref.aph.gov.au-house-committee-pjcis-hizballah_eso-subs-sub2.pdf ("ESO continues to

support from Iran, Hezbollah has acquired and developed unprecedented terroballistic capabilities, and has ascivilated them in densely populated residential locations and villages in Lebanon in order to shield the group from attack. These acts moved Hezbollah from Model II to Model III. Hezbollah has evolved further than Hamas within Model III not only because its terroballistic arsenal is much bigger, but also because its transnational terrorist activity—including executing terrorism in different parts of the world—is considered by some academic experts to be sophisticated.[139]

B. *Model II Types: Boko Haram, ISIL and Ansar Bayt al-Maqdis*

The ideal Model II type is a territorial terrorist group that has progressed through the first stage—gained territory and governed civilians—and is executing terrorism against different groups of civilians, whether in their territory, in nearby states or around the world. Yet, the three Model II territorial groups detailed below have not yet made the strategic decision to acquire terroballistic capabilities and to ascivilate them in densely populated residential areas. Therefore, these groups remain in Model II.

1. Boko Haram

Boko Haram, which means "Western Civilization is Forbidden," is part of a movement whose primary aim has been to establish an Islamic state based on Shari'a law, with a secondary aim being the wider imposition of Islamic rule beyond Nigeria.[140] Boko Haram clashed with the Nigerian government for years with a bombing campaign that targeted churches, mosques, government buildings, and police stations.[141] It is only since 2009 that the group has started to evolve into a territorial terrorist group with the seizure of land in northeast Nigeria, one of the country's poorest regions.

Boko Haram today controls about 20,000 square miles of territory—an area the size of Belgium—and administers the lives of more than 1.7 million

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operate on a global basis gathering intelligence to be used in terrorist attack planning, collecting money by both legal and illegal methods, recruiting and training terrorists and acquiring weapons.").

[139] *See, e.g.*, MATTHEW LEVITT, HEZBOLLAH: THE GLOBAL FOOTPRINT OF LEBANON'S PARTY OF GOD (2013) (explaining why Hezbollah is seen as such a global threat by painting a compelling picture of Hezbollah's terror activities not just in the Middle East but throughout Europe, Asia, Africa, and North and South America).

[140] *See U.K. Country Information and Guidance Nigeria: Fear of Boko Haram*, UNITED KINGDOM HOME OFFICE (June 2015), https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/435251/CIG_NIG_Fear_of_Boko_Haram_v1_0.pdf.

[141] *See* Freedom C. Onuoha, *The Islamic Challenge: Nigeria's Boko Haram Crisis Explained*, 19.2 AFRICAN SECURITY REVIEW 54-67 (2010); Peter J. Pham, *Boko Haram's Evolving Threat*, 20 AFRICA SECURITY BRIEFS 1 (2012).

people.[142] In keeping with Civilitary Theory, Boko Haram first terrorized local civilians. Boko Haram overtook ISIL as the world's deadliest terror group in 2014,[143] responsible for 6,644 deaths (an increase of 317% from 2013).[144] Due to the increase in deadliness of Boko Haram, Nigeria now has the second highest number of deaths, behind Iraq.[145]

The group appears to be well organized and it possesses sophisticated weaponry financed through robbery, extortion and ransom.[146] As a result, over one million people have been internally displaced from within northern Nigeria, and the flow of Nigerian refugees to neighboring countries continues to rise.[147] In addition, it has executed terrorist attacks against civilians in nearby states[148] mainly in Chad[149] Cameroon[150] and Niger.[151] Boko Haram's activities have remained focused on the regional level. There are no indications of its involvement in terrorist attacks around the world.

The U.S. maintains a drone base in the region, from which it conducts surveillance flights to monitor Boko Haram[152] and has also provided training,

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[142] *Boko Haram Is Now a Mini-Islamic State, With Its Own Territory*, THE TELEGRAPH (Jan. 2015), http://www.telegraph.co.uk/news/worldnews/africaandindianocean/nigeria/11337722/ Boko-Haram-is-now-a-mini-Islamic-State-with-its-own-territory.html. *See also Boko Haram Incident Map: September 2014 – January 2015*, EDINBURGH INTERNATIONAL (Jan. 16, 2015), http://edinburghint.com/insidetrack/boko-haram-incident-map-september-2014-january-2015/.

[143] *See* GLOBAL TERRORISM INDEX, *supra* at 42.

[144] *Id.*

[145] *Id.*

[146] U.K. Country, supra at 140.

[147] *Id. See also* Mausi Segun, A Long Way Home: Life for the Women Rescued From Boko Haram, FOREIGN AFFAIRS (July 28, 2015), https://www.foreignaffairs.com/articles/africa/2015-07-28/long-way-home; Those Terrible Weeks in Their Camp: Boko Haram Violence Against Women and Girls in Northeast Nigeria, FOREIGN AFFAIRS (Oct. 27, 2014), http://www.hrw.org/report/2014/10/27/those-terrible-weeks-their-camp/boko-haram-violence-against-women-and-girls.

[148] Yaroslav Trofimov, *Expanding Beyond Nigeria, Boko Haram Threatens Region*, THE WALL ST. J. (Dec. 3, 2015), http://www.wsj.com/articles/expanding-beyond-nigeria-boko-haram-threatens-region-1449138601.

[149] *See* Suspected Boko Haram Triple Suicide Bombing Kills 27 at Chad Market Nigeria's Boko Haram, HUFFINGTON POST (Dec. 5, 2015); Chad Declares State Of Emergency In Boko Haram-Hit Region, REUTERS (Nov. 9, 2015), http://www.reuters.com/article/us-nigeria-violence-chad-idUSKCN0SY2E620151109#KTghxvZBg9rK0AG5.99.

[150] *Boko Haram Crosses Border, Kills About 30 in Northern Cameroon*, CNN (Sept. 4, 2015), http://edition.cnn.com/2015/09/03/africa/boko-haram-cameroon-violence/.

[151] *See Niger Says Boko Haram Gunmen Kill 18 in Village Bordering Nigeria*, REUTERS (NOV. 26, 2015), www.reuters.com/article/us-nigeria-violence-niger-iduskbn0tf1i520151126#qujjuztiedh0 vvfk.97.

[152] *Pentagon Set to Open Second Drone Base in Niger as It Expands Operations in Africa*, THE WASHINGTON POST (Sept. 1, 2014), https://www.washingtonpost.com/world/national-security/pentagon-set-to-open-second-drone-base-in-niger-as-it-expands-operations-in-africa/2014/08/31/365489c4-2eb8-11e4-994d-202962a9150c_story.html?hpid=z1.

some equipment, and financial assistance to the Nigerian military.[153] The Nigerian leadership has publicly called for the United States to increase its involvement and to fight against Boko Haram in the same way it fights ISIL.[154] But Boko Haram does not face the threat of a substantial air campaign against it, so the group's evolution has halted for now at Model II.

2. ISIL

ISIL evolved to Model I once it exploited overall instability in Iraq and Syria and began its territorial expansion.[155] On June 29, 2014, ISIL proclaimed itself a "caliphate."[156] In many areas it governs, ISIL operates a primitive but rigid administrative system that comprises the al-Hisbah morality police, the general police force, courts, tax collection and entities managing recruitment, tribal relations, finance,[157] and education.[158]

According to Model II, territorial terrorist groups terrorize civilians within their territories, in nearby states and around the world. Shortly after its June 2014 proclamation, ISIL approached Model II by terrorizing the local populations in Iraq and Syria.[159] ISIL abducted hundreds of schoolboys, women, and journalists.[160] The group has tortured civilians and forced minorities to either convert or flee.[161] Numerous reports suggest that ISIL's mass atrocities amount to crimes against humanity in Syria and Iraq alike.[162]

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[153] *U.S. to Boost Military Aid to Nigeria for Boko Haram Fight*, FOREIGN POLICY (July 16, 2015), http://foreignpolicy.com/2015/07/16/u-s-to-boost-military-aid-to-nigeria-for-boko-haram-fight/.

[154] *Nigerian President Goodluck Jonathan Wants U.S. Troops to Fight Boko Haram*, THE WALL ST. J. (Feb. 15, 2015), http://www.wsj.com/articles/nigerian-president-wants-u-s-troops-to-fight-boko-haram-1423850893.

[155] *See* Boaz Ganor, *Four Questions on ISIS: A "Trend" Analysis of the Islamic State,* PERSPECTIVES ON TERRORISM 9.3 (2015), http://www.terrorismanalysts.com/pt/index.php/pot/article/view/436/html.

[156] See ISIS Declares New Islamist Caliphate; Militant Group Declares Statehood, Demands Allegiance From Other Organizations, THE WALL ST. J. (June 29, 2014), http://www.wsj.com/articles/isis-declares-new-islamist-caliphate-1404065263.

[157] *See* Tom Keatinge, *The Financial Fight Against Daesh*, THE ROYAL UNITED SERVICES INSTITUTE COMMENTARY (March 2015), https://www.rusi.org/commentary/financial-fight-against-daesh and Ahmad Abbas, *Terrorism 2.0: How IS developed new techniques to achieve is goals*, DAILY NEW EGYPT (Jan. 20, 2016), http://www.dailynewsegypt.com/2016/01/20/terrorism-2-0-how-is-developed-new-techniques-to-achieve-its-goals/.

[158] *See* Jessica Lewis, *The Islamic State: A Counter Strategy for a Counter State*, INSTITUTE FOR THE STUDY OF WAR (July 2014), http://www.understandingwar.org/sites/default/files/Lewis-Center%20of%20gravity.pdHRCouncil/CoISyria/HRC_CRP_ISIL_14Nov2014.pdf; *The Fortunes of War, the Islamic State has Made Some Gains, But Is Far From Winning*, THE ECONOMIST (May 30, 2015), http://www.economist.com/news/middle-east-and-africa/21652312-islamic-state-has-made-some-gains-far-winning-fortunes-war.

[159] *Id.*

[160] *Id.*

[161] *Id. See also* P. Cockburn, The Rise of Islamic State: ISIS and the New Sunni Revolution (2015).

[162] *See* United Nations Office of the High Commissioner for Human Rights, *supra* at 134.

Moreover, in line with Civilitary Model II, ISIL facilitates and executes terrorist attacks around the world. According to various sources, between October 2014 and August 2015, ISIL has directed terrorist attacks in numerous counties such as France, Libya, Lebanon, Egypt, Tunisia, Yemen, Afghanistan and Kuwait, while other terrorist attacks in Australia, Algeria, Canada, United States, and Denmark are also believed to be linked to or inspired by the territorial terrorist group.[163] In light of ISIL's terrorist attacks around the world, between October 2014 and August 2015 law enforcement agencies arrested ISIL operatives and suspected supporters in Australia, Canada, United States, Saudi Arabia, France, Morocco, Belgium, Germany, Israel, Bangladesh, Spain, Tunisia, Malesia, Turkey, Kosovo, the United Kingdom and Italy.[164]

ISIL previously relied on so-called "lone wolf" actors that were simply inspired by ISIL to carry out attacks abroad on their own—including several incidents in the U.S.[165] Recently, however, ISIL appears to be embarking on complicated, commanded and controlled multi-actor external operations[166] and is developing a specific group within its organization dedicated to launching terrorist attacks around the world.[167] As a result, in October 2015, ISIL staged a massive terrorist attack in Ankara, Turkey, killing nearly 100 civilians and injuring hundreds.[168] In November 2015, ISIL executed a double bombing in Lebanon (43 civilians dead),[169] claimed credit for bringing down a Russian airliner over Egypt (224 civilians dead),[170] claimed a series of unprecedented terrorist attacks in Paris[171] (more than 130 civilians dead and 350 injured in the

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[163] *See* Karen Yourish, Derek Watkins, and Tom Giratkanon, *Where ISIS Has Directed and Inspired Attacks Around the World*, NY TIMES (Nov. 17, 2015), http://www.nytimes.com/interactive/2015/06/17/world/middleeast/map-isis-attacks-around-the-world.html?_r=0; *see also* Robert Wall, *Foreign Fighters Are Still Able to Travel to War Zones Despite Efforts to Halt Flow*, THE WALL ST. J. (Oct. 27, 2015) http://www.wsj.com/articles/u-n-countries-cant-stop-flow-of-foreign-fighters-to-war-zones-1445958056.

[164] *Id.*

[165] *See* Ross, *supra* at 94; Karen Yourish, *ISIS Is Likely Responsible for Nearly 1,000 Civilian Deaths Outside Iraq and Syria*, THE N.Y TIMES (Nov. 17, 2015), http://www.nytimes.com/interactive/2015/06/17/world/middleeast/map-isis-attacks-around-the-world.html?_r=0.

[166] *Id.*

[167] *Id.*

[168] *See* Lizzie Dearden, *Ankara Terror Attack 'Ordered by Isis to Cause Political Instability and Delay Elections,' Turkish Prosecutors Say*, THE INDEPENDENT (Oct. 28, 2015), http://www.independent.co.uk/news/world/europe/ankara-terror-attack-ordered-by-isis-to-cause-political-instability-and-delay-elections-turkish-a6711766.html.

[169] *See Beirut Bomb: At Least 43 Dead in Twin Isis Suicide Blast in Lebanese Capital*, THE INDEPENDENT (Nov. 13, 2015), http://www.independent.co.uk/news/world/middle-east/beirut-bomb-scores-killed-in-twin-suicide-blast-in-lebanese-capital-a6732156.html.

[170] *ISIS Claims Soda Can Bomb Took Down Russian Plane*, NBC NEWS (Nov. 18, 2015), http://www.nbcnews.com/nightly-news/video/isis-claims-soda-can-bomb-took-down-russian-plane-569529923685.

[171] *See* Rukmini Callimachi, *ISIS Claims Responsibility, Calling Paris Attacks 'First of the Storm,'* N.Y. TIMES (Nov. 14, 2015), http://www.nytimes.com/2015/11/15/world/europe/isis-claims-responsibility-for-paris-attacks-calling-them-miracles.html.

deadliest attacks to hit the city since World War II[172] and the most lethal terrorist attack in Europe since the Madrid bombings of 2004), and claimed a terrorist attack on a bus in Tunisia (12 civilians dead).[173]

In Model II, states launch airstrikes against territorial terrorist groups. In this case, both U.S.-led coalition forces and Russia have engaged in air campaigns against ISIL.[174] According to Department of Defense data released in January 2016, the United States and its coalition allies had so far conducted a total of 9,782 airstrikes (6,516 Iraq / 3,266 Syria).[175] As of the end of December 2015, the total cost of operations related to ISIL (since the U.S. campaign started on Aug. 8, 2014) was $5.8 billion and the average daily cost was $11.4 million.[176] News reports quote a senior military officer in the Pentagon noting that the U.S.-led air campaign against ISIL had killed 20,000 of the group's fighters in just over a year.[177]

The coalition airstrikes pose a significant challenge to ISIL. In response, and in line with Civilitary Model III, ISIL has begun to embed itself among civilians in order to make itself indistinguishable from its surroundings.[178] In December 2015, President Obama stated that the fight against ISIL continues to be a difficult, "as ISIL is dug in, including in urban areas, and they hide behind

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[172] Lori Hinnant, *120 Dead in Paris Attacks, Worst Since WWII*, ABC NEWS (Nov. 14, 2015), http://abcnews.go.com/International/wireStory/french-police-report-shootout-explosion-paris-35186168.

[173] Adam Withnall, *Tunisia Bus Attack: Isis Claims Responsibility for Suicide Bomb Blast Killing 12 in Tunis*, THE INDEPENDENT (NOV. 25, 2015), http://www.independent.co.uk/news/world/africa/tunisia-bus-attack-isis-claims-responsibility-for-suicide-bomb-blast-killing-12-in-tunis-a6748411.html.

[174] *See U.S. Officials Say 6,000 ISIL Fighters Killed in Battles*, CNN (Jan. 22, 2015), http://www.cnn.com/2015/01/22/politics/us-officials-say-6000-ISIL-fighters-killed-in-battles/; *Russia Launches First Airstrikes in Syria*, CNN (Oct. 1, 2015), http://edition.cnn.com/2015/09/30/politics/russia-syria-airstrikes-isis/.

[175] *See* Task Force Operation Inherent Resolve, Department of Defense (Jan. 19, 2016), http://www.defense.gov/News/Special-Reports/0814_Inherent-Resolve. U.S. has conducted 7,551 strikes in Iraq and Syria (4,482 Iraq / 3,069 Syria). Rest of Coalition has conducted 2,231 strikes in Iraq and Syria (2,034 Iraq /197 Syria).

[176] *Id.*

[177] Tom Vanden Brook, *ISIL Death Toll at 20,000, but 'Stalemate' Continues*, USA TODAY (OCT. 12, 2015), http://www.usatoday.com/story/news/world/2015/10/12/islamic-state-pentagon/73840116/; *Counting the ISIS Dead*, THE ATLANTIC (Oct. 2015), http://www.theatlantic.com/international/archive/2015/10/us-isis-fighters-killed/410599/; *The U.S. Air Campaign in Syria Is Suspiciously Impressive at Not Killing Civilians*, FOREIGN POLICY (Nov. 25, 2015), http://foreignpolicy.com/2015/11/25/the-u-s-air-campaign-in-syria-is-suspiciously-impressive-at-not-killing-civilians/.

[178] *See* Anthony H. Cordesman, *The War Against The Islamic State: The Challenge Of Civilian Casualties*, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES (Jan. 8, 2015), http://csis.org/files/publication/150108_War_Against_the_Islamic_State_rev.pdf.

civilians, using defenseless men, women, and children as human shields. So even as we are relentless, we have to be smart and target ISIL with precision."[179]

The following examples support President Obama's statement. In October 2014, two Australian Super Hornet jets pulled out of a planned strike on a moving ISIL target in Iraq because the targeted terrorists fled into civilian areas.[180] ISIL's fighters, according to a national security journalist, "adapted to bombing raids by fleeing for the safety of civilian areas when confronted by a threat from above."[181] "ISIL is now dispersing its assets to allow situations to be more survivable, requiring the U.S.-led forces to work harder to locate and appropriately target the group."[182]

Similarly, the Russian Ministry of Defense stated that in response to Russia's airstrikes in Syria, the terrorists are deploying armored hardware in close proximity to mosques because they know, according to the Russian spokesman, that Russian aviation will not strike them.[183] News reports from the Syrian city of Raqqa confirmed, unsurprisingly, that in response to the heavy bombardment by Russian, French and U.S. fighter jets[184] ISIL is now deliberately placing its command centers in civilian neighborhoods and has hidden its vehicles among the civilian population.

In November 2015, Kurdish forces recaptured the city of Sinjar and found that beneath the Iraqi city lay hundreds of feet of underground tunnels and pathways that ISIL used to evade coalition airstrikes.[185] They were found filled with remnants of food, medical supplies, blankets and bomb-making

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[179] Remarks by the President on the Military Campaign to Destroy ISIL, THE WHITE HOUSE (Dec. 14, 2015), https://www.whitehouse.gov/the-press-office/2015/12/14/remarks-president-military-campaign-destroy-isil.

[180] David Roe, *Islamic State Fighters Fled Into Civilian Areas at First Sight of Australian Forces*, SYDNEY MORNING HERALD (Oct. 6, 2014), http://www.smh.com.au/federal-politics/political-news/islamic-state-fighters-fled-into-civilian-areas-at-first-sight-of-australian-forces-defence-20141008-10rrml.html.

[181] *Id.*

[182] David Pugliese, *CF-18 Pilots May Find It Difficult to Find ISIL Targets to Bomb*, OTTAWA CITIZEN (Oct. 2, 2014), http://ottawacitizen.com/news/national/cf-18-pilots-may-find-it-difficult-to-find-isil-targets-to-bomb. *See also* Ross Baggage, *Deeper Challenges for Australia in Counter-ISIL Campaign*, THE STRATEGIST – AUSTRALIAN STRATEGIC POLICY INSTITUTE (Oct. 10, 2014), http://www.aspistrategist.org.au/deeper-challenges-for-australia-in-counter-isil-campaign/.

[183] Ministry of Defense of the Russian Federation, Having Recognized High Effectiveness of Armament Detection and Threat of Immediate Liquidation, Terrorists are Taking Efforts to Transport Weapons to Inhabited Areas (Sept. 10, 2015), http://eng.mil.ru/en/news_page/country/more.htm?id=12059896@egNews.

[184] *See Hitting ISIS in Raqqa After the Paris Attacks,* THE NEW YORK TIMES (Nov. 20, 2015), http://www.nytimes.com/interactive/2014/06/12/world/middleeast/the-iraq-isis-conflict-in-maps-photos-and-video.html.

[185] *See The Islamic State's Underground Lair*, FOREIGN AFFAIRS (Jan. 6, 2016), https://www.foreignaffairs.com/gallerys/2016-01-06/islamic-states-underground-lair.

equipment.[186] These tunnels, similar to the ones found in Gaza and used by Hamas, opened into above-ground houses and enabled the militants to move through the city undetected.[187]

Currently, ISIL has no answer to the airstrikes of the U.S coalition or the Russian forces. It has to adapt to the new reality.[188] As these bombings intensify, ISIL will take measures to further blend into the local population's civilian habitat and make itself even more indistinguishable.[189] But this defensive adaptation strategy is not likely to satisfy ISIL. According to Civilitary Theory, ISIL is likely to seek to develop more robust offensive capabilities as a countermeasure and to expand beyond its current territories.[190] In July 2015, a study by the Institute of the Study of War predicted that ISIL would likely expand regionally and project force globally in the medium term.[191] Pictures taken during ISIL's military parade in Al-Raqqah depicted a scud missile that could suggest that the group has obtained terroballistic capabilities.[192] Nevertheless, as long as ISIL does not develop strong offensive capabilities in the form of terroballistic capabilities, it appears to remain in Model II.

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[186] *Id.*

[187] *Id.* Referring to Arthur Herman, *Notes From the Underground,* FOREIGN AFFAIRS (August. 26, 2014) ("perhaps the most surprising development of the recent war between Israel and Gaza was the discovery of the sophisticated network of tunnels that Hamas had quietly developed in the preceding years"), https://www.foreignaffairs.com/articles/middle-east/2014-08-26/notesundergro und.

[188] *See* Harleen Gambhir, *The Isis Regional Strategy for Yemen and Saudi Arabia,* INSTITUTE OF THE STUDY OF WAR (May 22, 2015), http://www.understandingwar.org/backgrounder/isis-regional-strategy-yemen-and-saudi-arabia.

[189] *ISIS Digging in Amid Intensified Airstrikes in Raqqa, Say Activists,* THE GUARDIAN (Nov. 18, 2015), http://www.theguardian.com/world/2015/nov/18/isis-intensified-airstrikes-raqqa-activists-paris-attacks.

[190] According to a Wall Street Journal article, "ISIS—no longer a regional problem—is executing a complex strategy across three geographic rings." The "Interior Ring" "is at the center of the fighting and includes terrain the group is named for, specifically Iraq and al Sham." The "Near Abroad Ring" "includes the rest of the Middle East and North Africa." The "Far Abroad Ring" "includes the rest of the world, specifically Europe, the U.S. and Asia." According to the authors, "ISIS's primary mission on the Interior Ring is defending the current territories it controls in Iraq and Syria from counterattack and undermining neighboring states," while its "primary mission in the Near Abroad is territorial expansion," and its aim in the Far Abroad is "disruption of the current political order through terrorism and cyberattacks." Jessica Lewis McFate and Harleen Gambhir, *Islamic State's Global Ambitions,* THE WALL ST. J. (Feb. 22, 2015), http://www.wsj.com/articles/islamic-states-global-ambitions-1424646205.

[191] Harleen Gambhir, *ISIS's Global Strategy: A Wargame,* Middle East Security Report No. 28, Institute of the Study of War 7 (July 2015), http://understandingwar.org/sites/default/files/ISIS%20Global%20Strategy%20--%20A%20Wargame%20FINAL.pdf.

[192] Sharona Schwartz, *Islamic State Boasts Scud Missile and Tanks in Celebratory Military Parade,* THE BLAZE (Jul. 1, 2014), http://www.theblaze.com/stories/2014/07/01/islamic-state-boasts-scud-missile-and-tanks-in-celebratory-military-parade/.

3. Ansar Bayt al-Maqdis (ISIL in the Sinai Peninsula)

A third territorial terrorist group classified under Model II is Ansar Bayt al-Maqdis. This group, which has allied itself with ISIL,[193] has been operating in the Sinai Peninsula but is evolving as fragmentation and political upheaval roil Egypt.[194] In particular, the group has exploited two situations to acquire land in northern Sinai: the governmental vacuum created in Egypt in the period between the ouster of President Hosni Mubarak and the establishment of the new government of Mohamed Morsi,[195] and long-running problems with Egyptian control in Sinai. In the background, a security vacuum[196] has developed in that area caused by the complex relationship between the local Bedouin population and the central state.[197] The Egyptian government has been accused of promoting discriminatory policies, economic marginalization, and repressive measures toward local residents.[198] The territorial dimension of this group forms a triangle that stretches between the cities of Rafah, Sheikh Zuweid, and al-Arish. The escape and release of the group's operatives from prison, where they were serving long terms for past activity, allowed it to fortify its ranks with loyal members who already had operational experience.[199]

Ansar Bayt al-Maqdis then quickly moved from Model I to II. The theory characterizes this stage as employing terrorism in the territory under the group's control and throughout nearby states. Over the following years, Ansar Bayt al-Maqdis has been responsible for the majority of the most complex terrorist attacks in the Sinai Peninsula. It bombed military checkpoints and local governorates[200] in addition to carrying out numerous attacks on Sinai's energy pipeline, which

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[193] Khalil al-Anani, *ISIS Enters Egypt*, FOREIGN AFFAIRS (Dec. 4, 2014), https://www.foreignaffairs.com/articles/middle-east/2014-12-04/isis-enters-egypt; Patrick Kingsley, Martin Chulov, and Lotfy Salman, *Egyptian Jihadis Pledge Allegiance to ISIS*, THE GUARDIAN (Nov. 10, 2014), http://www.theguardian.com/world/2014/nov/10/egyptian-jihadists-pledge-allegiance-isis.

[194] *See* Eran Zohar, *The Arming of Non-State Actors in the Gaza Strip and Sinai Peninsula*, 69.4 AUST. J. OF INT'L AFF., 439-455 (Feb. 19, 2015), http://www.tandfonline.com/doi/full/10.1080/10357718.2014.988206.

[195] Helena Burgrová, The Security Question in the Post-Mubarak Egypt: The Security Void in Sinai, Obrana a Strategie, 65, 65-76 (Jun. 15, 2014).

[196] Lisa Watanabe, *Sinai Peninsula–from Buffer Zone to Battlefield*, CENTER FOR SECURITY STUDIES ANALYSES IN SECURITY POLICY, No. 168 (Feb. 2015).

[197] *See* Ruben Tuitel, *The Future of the Sinai Peninsula*, CONNECTIONS: THE QUARTERLY JOURNAL, 79, 79–91 (Spring 2014).

[198] Giuseppe Dentice, "Sinai-Next Frontier of Jihadism?" *New (and Old) Patterns of Jihadism: Al-Qa'ida, the Islamic State and Beyond*, INST. FOR INT'L POL. STUDIES (2014). *See also* Nicolas Pelham, *Sinai: The Buffer Erodes*, CHATHAM HOUSE – THE ROYAL INST. FOR INT'L AFF., 74, 74-79 (Sept. 2012), http://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Middle%20East/pr0912pelham.pdf.

[199] Yoram Schweitzer, *Global Jihad: Approaching Israel's Borders?* 15.3 INSTITUTE FOR NATIONAL SECURITY STUDIES STRATEGIC ASSESSMENT 59-71 (2012).

[200] *See* Erin Cunningham, *Bomb Blast in Egypt's Sinai Peninsula Is Deadliest Attack on Army in Decades*, THE WASHINGTON POST (Oct. 24, 2014), https://www.washingtonpost.com/world/bomb-attack-in-egypts-sinai-peninsula-is-deadliest-attack-on-its-army-in-years/2014/10/24/98d14ad7-91c0-4acd-835f-e61b8f18a434_story.html.

exports gas to Israel and Jordan.[201] After President Morsi's ouster, the situation in the Sinai Peninsula deteriorated[202] and Ansar Bayt al-Maqdis began to expand its targets, striking locations in Egypt's mainland.[203] Terrorist attacks were planned and executed around the Suez Canal, the Nile Delta region, the Cairo district[204] and the Libyan cross-border region, followed by attempts to assassinate Egyptian Interior Minister Mohammed Ibrahim.[205] On January 29, 2015, a series of deadly attacks involving car bombs, mortar fire, and ambushes targeted several military and police sites in the North Sinai Governorate. At least 44 people, including military and police personnel and civilians, were killed, and 105 others were injured in the attacks.[206]

In line with Model II, this group also terrorizes civilians in nearby states. For example, the group claimed responsibility for several rocket attacks on the southern Israeli city of Eilat,[207] and also killed one soldier and injured another in a September 2012 attack on an Israeli border patrol.[208] With respect to the third criterion of Model II, there is no available information to suggest that members of Ansar Bayt al-Maqdis facilitate terrorist attacks around the world.

In an effort to crack down on the organization in the face of increasing terrorist attacks, the Egyptian leadership has modified its national security

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[201] *See Egypt Jihadists Claim Attack on Sinai Pipeline to Jordan*, YAHOO NEWS, (Jan. 19, 2015), http://news.yahoo.com/egypt-jihadists-claim-attack-sinai-pipeline-jordan-205846613.html.

[202] This deterioration is illustrated by an assault on the Kerem Abu Salem checkpoint, near Rafah, on August 5, 2012, in which 16 soldiers were killed; the bombing of the South Sinai Security Directorate headquarters in at-Tur on October 7, 2014, killing 3 soldiers and injuring 62; the shooting down of an Egyptian army helicopter with MANPADS (man portable air defense systems) on January 25, 2014; and an attack in Taba on an Egyptian tour busload of South Korean tourists on February 4, 2014. Dentice, *supra* at 198.

[203] *Id. See also* Aaron Zelin, *Jihadists on the Nile: The Return of Old Players*, The Washington Institute for Near East Policy, POLICY ANALYSIS, POLICY WATCH 2016 (Jan. 17, 2013), http://www.washingtoninstitute.org/policy-analysis/view/jihadists-on-the-nile-the-return-of-old-players; Safaa Saleh, *Terrorism Expands From Sinai to Cairo*, AL MONITOR (Apr. 16, 2014), http://www.al-monitor.com/pulse/originals/2014/04/egypt-terrorism-shift-sinai-cairo.html.

[204] *Id.*

[205] Yasmine Saleh, *Sinai Islamists Claim Responsibility for Attack on Egypt Minister*, REUTERS (Sept. 8, 2013), http://www.reuters.com/article/2013/09/08/us-egypt-attack-interior-idUSBRE987 0BX20130908.

[206] Shaul Shay, *Egypt's Ansar Bayt al-Maqdis and the Islamic State*, INTERNATIONAL INSTITUTE FOR COUNTER-TERRORISM (Feb. 11, 2015), http://www.ict.org.il/Article/1341/Egypts-Ansar-Bayt-al-Maqdis-and-the-Islamic-State.

[207] Dan Williams, *Egyptian Militants Claim Rocket Attack On Israel's Eilat*, REUTERS (Jan. 21, 2014), http://www.reuters.com/article/2014/01/21/us-israel-egypt-rockets-idUSBREA0K0ZX201 40121.

[208] Joel Greenberg, *Egypt-based Islamist Militant Group Asserts Responsibility for Israel Border Attack*, THE WASHINGTON POST (Sept. 23, 2012), https://www.washingtonpost.com/world/egypt-based-islamist-militant-group-claims-responsibility-for-israel-border-attack/2012/09/23/abc05f24-058b-11e2-afff-d6c7f20a83bf_story.html. *See also Terrorist Designation of Ansar Bayt al-Maqdis*, DEPT. OF STATE (Apr. 9, 2014), http://www.state.gov/r/pa/prs/ps/2014/04/224566.htm.

strategy.[209] Similar to ISIL, Boko Haram, the Houthis, Hezbollah and Hamas, members of Ansar Bayt al-Maqdis also face the threat of airstrikes, undertaken, in this case, by the Egyptian Air Force.[210] Because the Sinai Peninsula is demilitarized under the terms of the 1979 Israel-Egypt Peace Treaty, the use of Egyptian military force to confront terrorism in a demilitarized zone had to be addressed properly.[211] Attacks by Egyptian planes play an important role in the Egyptian air campaign against terrorism.[212] In addition, in August 2013, Ansar Bayt al-Maqdis announced that four of its fighters were killed as they were preparing a cross-border rocket strike into Israel in what was claimed by the group to be an Israeli drone strike.[213]

The military campaign against Ansar Bayt al-Maqdis continues as of this writing. In November 2015, the group claimed credit for a terrorist attack that brought down a Russian airliner over Egypt, killing all 224 people on board.[214] At this stage, the territorial terrorist group has yet to acquire significant terroballistic capabilities and ascivilate these terrorist capabilities among civilians. It should be noted that the group operates from the desert, which does not have, in general, many densely populated residential cities. On the other hand, Ansar Bayt al-Maqdis has already demonstrated its ability to shoot missiles from Sinai into Israel. This development might indicate the possibility that it will shoot more missiles against Israel or against Egypt in future. In the meantime, however, we categorize Ansar Bayt al-Maqdis as a Model II organization.

C. *Civilitary Model I: The Houthis in Yemen*

Finally, we look at the sixth of the territorial terrorist groups explored in this Article, the Houthis in Yemen, which we classify under Civilitary Model I. The Houthis, a group of Shia rebels from northern Yemen, overran the capital city of Sanaa in September 2014. In January 2015, they further took over key

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[209] *See* Zack Gold, *Egypt's War on Terrorism*, CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE (2014).

[210] *See Egyptian Attack Helicopters Kill 15 Jihadists in Sinai*, JERUSALEM POST (Mar. 9, 2013), http://www.jpost.com/Defense/Report-Egyptian-attack-helicopters-strike-jihadist-targets-in-Sinai-32514; *Egyptian Airstrikes kill 25 Daesh-linked Militants in Sinai*, ALBAWABA NEWS (Feb. 6, 2015), http://www.albawaba.com/news/egyptian-airstrikes-kill-25-daesh-linked-militants-sinai-653326; *Egypt Apache Helicopters Raid Sinai After Deadly Attacks,* MIDDLE EAST EYE (Jan. 15, 2015), http://www.middleeasteye.net/news/egypt-apache-helicopters-sinai-after-deadly-attacks-1678342017#sthash.cSYRdUTC.dpuf.

[211] Dan Williams, *Israel Allows Egypt Attack Helicopters in Sinai*, REUTERS (Aug. 9, 2012), http://af.reuters.com/article/commoditiesNews/idAFL6E8J9HNJ20120809.

[212] *See id.*

[213] *Sinai Terror Group Says It Was Target of Israeli Drone*, USA TODAY (Aug. 10, 2013), http://www.usatoday.com/story/news/world/2013/08/10/sinai-qaeda-israel-drone/2638365/.

[214] ISIS Claims, supra at 170.

governmental buildings, including the presidential palace and the parliament, and put the president under house arrest.[215]

It may be too soon to assess the long-term implications of this territorial development. Similarly, it may be too early to forecast how this group will behave and whether it will move along the path predicted by Civilitary Theory. The fact that Iran—a state sponsor of terrorism—stands firmly behind the Houthis is indicative of what may lie ahead. Iran views the Shiite Houthis as "a copy to Lebanon's Hezbollah"[216] and sees the recent developments in Yemen in a way that is "moving toward building a great Islamic civilization."[217]

Due to uncertainty, at this stage we would like only to allude to some facts and developments in the course of the conflict between the Houthis and Saudi Arabia that, in our view, could be better understood through the lens of Civilitary Theory. First, the Houthis have gained territory and administer the lives of civilians in Yemen, which makes them a territorial terrorist group in line with Model I of the theory. Second, the Houthis have already executed terrorist and military attacks not only locally but also in Saudi Arabia. The Saudis have responded by modifying their national security strategy, spearheading a coalition of several Arab states and carrying out airstrikes against Houthi targets in Yemen. Third, the Houthis responded to Saudi intervention by launching several Scud missiles from Yemen toward Saudi Arabia.[218] In response, in late August 2015 Brigadier General Ahmed Asseri, a spokesman for the Saudi-led military

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[215] Shuaib Almosawa and Rod Nordland, *U.S. Fears Chaos as Government of Yemen Falls*, THE N.Y TIMES (Jan. 22, 2015), http://www.nytimes.com/2015/01/23/world/middleeast/yemen-houthi-crisis-sana.html. *See also Yemen's Houthis Form Own Government in Sanaa*, AL JAZEERA (Feb. 6 2015), http://www.aljazeera.com/news/middleeast/2015/02/yemen-houthi-rebels-announcepresi dential-council-150206122736448.html; Laura Smith-Spark, *Who's in Charge in Yemen?* CNN (Jan. 23, 2015), http://edition.cnn.com/2015/01/23/middleeast/yemen-whos-in-charge/.

[216] Seleh Hamid, *Yemen's Houthis 'Similar' to Lebanon's Hezbollah: Iran Official*, AL ARABIYA NEWS (Jan. 26, 2015), http://english.alarabiya.net/en/News/middle-east/2015/01/26/Yemen-s-Houthis-similar-to-Lebanon-s-Hezbollah-Iran-official.html.

[217] *The Iranian Revolution Inspired Yemen*, MIDDLE EAST MONITOR (May 5, 2015), https://www.middleeastmonitor.com/news/middle-east/18447-the-iranian-revolution-inspired-yemen. *See also* Oren Dorell, *Iranian Support for Yemen's Houthis Goes Back Years*, USA TODAY (Apr. 20, 2015), http://www.usatoday.com/story/news/world/2015/04/20/iran-support-for-yemen-houthis-goes-back-years/26095101/ (according to David Schenker, director of Arab politics at the Washington Institute for Near East Policy, Iran has supported the Houthis for years in many different ways, including by sending fighter pilots to Lebanon, where they received Lebanese passports and then traveled to Yemen to join the fighting in advance of the Houthi takeover earlier this year).

[218] Abdullah as-Shihri, *Houthi Rebels Fire Scud Missile from Yemen into Saudi Arabia*, THE WASHINGTON POST (Jun. 6 2015), https://www.washingtonpost.com/world/houthi-rebels-fire-scud-missile-from-yemen-into-saudi-arabia/2015/06/06/00e39c44-0c89-11e5-a7ad-b430fc1d3f5c_story.html.

confirmed that "Saudi forces have taken control of some areas in Yemen's Saada province to stop mortar shells and Katyusha rocket attacks."[219]

These days are a sensitive time for Yemeni and Saudis citizens alike. Because the situation in Yemen continues to unfold as this article is being written, it may be too early to definitively classify it into a Civilitary model. But, preliminarily, the situation may be classified as Model I—even though some indicators, like the continuation of a relatively effective airstrike campaign against the Houthis and its response by shooting scud missiles towards Saudi Arabia,[220] might support categorizing the group in a higher model.

Before concluding, there is a need to emphasize that this Article limits its exploration to the six territorial terrorist groups analyzed above, but the list of globally active groups is far longer. Groups in countries like Libya, Afghanistan, Pakistan, and others present a similar threat. For example, Libya is relatively close geographically to the European Union. If a Model III territorial terrorist group were to operate in Libya, its terroballistic capabilities could threaten E.U. soil.[221] Based on Civilitary Theory analysis, once a terrorist organization evolves and becomes territorial, movement from Model I to II and III is just a matter of time. The European Union should take quite seriously the threat coming from Libya.[222]

IV. The Future Use of Civilitary Theory

Our thinking about the fight against terrorism is often hampered by the tension between continuity and change. We tend to embrace the known past and hold onto it, sometimes too tightly.[223] But thinking about the evolution of certain terrorist groups has to be based on more than extrapolating from history and the continued use of outdated terminology that no longer captures the changing reality.[224]

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[219] Nafeesa Syeed, *Saudis Intercepted Scud Missile Shot Over Border by Houthis*, BLOOMBERG BUS. (Aug. 26, 2015), http://www.bloomberg.com/news/articles/2015-08-26/houthi-rebels-say-they-fired-scud-missile-into-saudi-arabia.

[220] *See id.*

[221] *See Is Libya the Next Stronghold of the Islamic State?* FOREIGN POLICY (March 2, 2015), http://foreignpolicy.com/2015/03/02/is-libya-the-next-stronghold-of-the-islamic-state/.

[222] *See* David D. Kirkpatrick, *Isis' Grip On Libyan City Gives It A Fallback Option*, THE NEW YORK TIMES (Nov. 28, 2015), http://www.nytimes.com/2015/11/29/world/middleeast/isis-grip-on-libyan-city-gives-it-a-fallback-option.html?emc=edit_th_20151129&nl=todaysheadlines&nlid=70354492 *and compare with* The Editorial Board, *Opening a New Front Against ISIS in Libya*, THE NEW YORK TIMES (Jan. 26, 2016) http://www.nytimes.com/2016/01/26/opinion/opening-a-new-front-against-isis-in-libya.html.

[223] *See* F. Hoffman, *The Great Revamp: 11 Trends Shaping the Future of Conflict*, WAR ON THE ROCK (Oct. 8, 2014), http://warontherocks.com/2014/10/the-great-revamp-11-trends-shaping-future-conflict/.

[224] *Id.*

We may be facing a new era. In the Middle East and Africa, we are witnessing similar new patterns in which traditional terrorist groups evolve from non-territorial to territorial entities that also govern the lives of civilians. They terrorize civilians not only within their own borders, but also in nearby states and across the globe. When states realize this threat and use air campaigns against these groups, the groups acquire ballistic capabilities and embed the weapons in densely populated residential areas to shield them from attacks and to shoot from these residential areas onto civilians.

As demonstrated, each of the six territorial terrorist groups—ISIL, Boko Haram, Hamas, Hezbollah, Ansar Bayt al-Maqdis, and the Huthies in Yemen—has *already* evolved, although each at its own pace. Exploring these groups in an organized and structured way, as Civilitary Theory does, reveals similar patterns of behavior. These patterns are identified, explained, labeled, and demonstrated in a way that can better capture the present state of play between the international community and radical forces that are rising in the Middle East, Africa and other places.

Civilitary Theory can open the door to further interdisciplinary scholarship and research. It poses a number of fundamental questions in key areas of interest. National security scholars and policy advisors can explore its impacts on national security strategy and decision-making at the highest level. Experts on terrorism can deepen the analysis on the notion of territorial terrorist groups and the classification of such groups as Model I, II, or III.

Diplomats and speech writers can better recognize the new pattern of terrorism and also reevaluate the use of certain terms in the common diplomatic and public jargon. Foreign affairs policy specialists, legal scholars and military experts may utilize the theory to develop scholarly work in the realm of international relations, international law and the law of armed conflict. Journalists, editors and media experts may use this analytic framework to generate inclusive journalism and better analyze the new reality in the global fight against terrorism.

Further development of analytic frameworks, including Civilitary Theory, will help the international community to forecast future trends of violence in the 21st century and build contemporary national security strategies that better address the national security challenges of our time.