

ISIS: the Islamic Movement

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To say that [ISIS members] are not Muslims, or that they are outside the interpretive parameters of Islam, is factually incorrect.

– Bernard Haykel, Professor of Near Eastern Studies at Princeton University¹

§1. Introduction

Brutality has become the hallmark of “the Islamic State in Iraq and Syria,” otherwise known by the acronym ISIS.² As of late, it has become politically correct and fashionable to repeat claims like “ISIS has nothing whatsoever to do with Islam,” and that ISIS members “are not Muslim,” etc. Indeed, the Council of American-Islamic Relations (CAIR) has even claimed that ISIS is “anti-Islamic.”³ Such remarks are not just limited to lay apologists of Islam or Islamic organizations, they are also advanced by heads of Western states (including Barack Obama), and even by prominent Western scholars of Islam like Hamza Yusuf and John Esposito.⁴ In this paper, I will show that a sober look at history proves otherwise, and that it is not implausible that ISIS is an Islamic movement with solid grounding in Islamic tradition.

Before advancing my thesis, some preliminary and clarifying remarks are necessary. First, my goal in this paper is not to argue for the bold thesis that ISIS is the representative

¹ “Bernard Haykel: How Islamic is the Islamic State?,” YouTube video, 1:50, posted by “Buno Braak,” Nov. 23, 2014.

² ISIS is also known by the acronym “ISIL” (the Islamic State in Iraq and the Levant) and just “IS” (the Islamic State).

³ Nihad Awad, the founder and executive director of CAIR, says as much in “Isis is Not just Un-Islamic, It is Anti-Islamic” Time, September 5, 2014, <http://time.com/3273873/stop-isis-islam>.

⁴ Barack Obama, “Transcript: President Obama’s speech outlining strategy to defeat Islamic State,” Washington Post, September 10, 2014, https://www.washingtonpost.com/politics/full-text-of-president-obamas-speech-outlining-strategy-to-defeat-islamic-state/2014/09/10/af69dec8-3943-11e4-9c9f-ebb47272e40e_story.html; “The Crisis of ISIS: A Prophetic Prediction | Sermon by Hamza Yusuf,” YouTube video, 12:38, posted by “Zaytuna College,” Sept. 19, 2014, <https://www.youtube.com/watch?v=hJo4B-yaxfk>; Reyhan Güner, “Interview with Prof. John Esposito: On ISIS, the Middle East, and Terrorism,” Turkish Weekly, October 24, 2014 (republished), <http://www.turkishweekly.net/2014/10/24/news/interview-with-prof-john-esposito-on-isis-the-middle-east-and-terrorism>. The 2016 edition of The Muslim 500 describes Hamza Yusuf, the co-founder of Zaytuna College (the first accredited Muslim liberal arts college in the US) as the leading Islamic authority in the United States. It also ranks him as the 36th most influential Muslim in the world. See The Muslim 500: The World’s 500 Most Influential Muslims 2016, ed. Schleifer. S. Abdallah et al., (Jordan: The Royal Islamic Strategic Studies Centre, 2015), 93. John Esposito is a very influential scholar of Islam and director of the Prince Alwaleed Center for Muslim–Christian Understanding at Georgetown University.

version of Islam, nor is it to argue that everything ISIS does is Islamic.⁵ My goal is only to argue for the relatively modest thesis that ISIS is an Islamic movement with grounding in Islamic tradition. In other words, I will argue that ISIS represents a not implausible interpretation of Islam that is firmly rooted in this tradition.⁶ Whether there are equally or more plausible interpretations of Islam is impertinent for the purposes of this study. In section §2 I will give a brief description of ISIS and the circumstances that engendered the group; I will then give a *prima facie* case for its Islamicity. Subsequently, in section §3 I will argue that one of ISIS's most central tenets and motivations, viz., the merging of religion and state in the caliphate, is something that is not implausibly Islamic. After which, I will present three case studies in sections §4 and §5, and §6 respectively, which feature some of the most notorious and inhumane actions done by ISIS, ones which have been popularly decried as “unislamic.” I will argue that, contrary to popular opinion, in each of these cases ISIS is not implausibly operating within the bounds set forth by the early Islamic sources.

My *modus operandi* will be to exclusively analyze the earliest Islamic sources, since it is from these early sources that Islamic doctrine and praxis ultimately originate. These sources include the Qur’ān, our oldest and only contemporary source of Muḥammad and his community, the Sīra or biographical literature on Muḥammad, the tafsīr or exegetical literature, and the aḥādīth or sayings of Muḥammad. For the purposes of this study, I take something to be Islamic or within the interpretive parameters of Islam if and only if it represents a not implausible interpretation of the material found in the early Islamic sources. So “Islam,” in the sense used herein and henceforth, will refer to the religion that is embodied in these earliest and traditional Islamic sources. Naturally, this raises the question of whether these sources are historically reliable and whether they supply us with an accurate picture of the nascent Islamic movement. Western scholars have a history of skepticism vis-à-vis the extra-Qur’ānic traditional Islamic sources, as they are relatively late. None of these sources pre-date circa 750 A.D.; they are at least about 120 years removed from the traditional date of Muḥammad’s death (632 A.D.). Much

⁵ So, pace Daniel Pipes, I make no claims that ISIS is 100% Islamic. Pipes make this claim in “Sorry Mr. President, ISIS is 100 Percent Islamic,” *National Review*, September 10, 2014,

<http://www.nationalreview.com/corner/387675/sorry-mr-president-isis-100-percent-islamic-daniel-pipes>.

⁶ To clarify, in this paper I am not arguing that ISIS represents a plausible interpretation of Islam. Rather, I argue for the more modest thesis that ISIS represents a not implausible interpretation of Islam (which is consistent with its being an interpretation that is neither plausible nor implausible).

has been written concerning the veracity of these sources in the burgeoning field of Islamic source criticism, but exploring this is outside the scope of the present study.⁷ For the purposes of this paper, I will assume, along with Sunni-Islamic tradition, that these sources, which represent the earliest Muslim sources on Islam, are generally accurate.⁸ Now, it is important to keep in mind that “Islam,” as I am using the term here, is not necessarily consonant with “early-historical Islam.” Early historical Islam, the Islam that existed during Muḥammad’s time, may be starkly different from the picture that comes down to us in Islamic tradition.

§2. The Birth of ISIS and Prima Facie Considerations

On September 11th, 2001, the United States witnessed the largest attack on its territories since Pearl Harbor. It soon became apparent that the Islamic terrorist group Al-Qā’ida was behind the attacks. President George W. Bush promptly declared a “war on terrorism” and invaded the country of Afghanistan in October 2001, where Al-Qā’ida’s headquarters were located. Two years later the sight of the twin towers’ decimation still resonated in the American psyche. This, along with the US State Department’s insistence that Saddam Hussein, the President of Iraq, was harboring weapons of mass destruction, eventually led to the United States’ invasion of Iraq in 2003. Saddam was quickly deposed, but a guerilla war with Iraqi insurgents dragged on for years, so the American occupation became increasingly unpopular with Americans back home. This eventually led President Barack Obama to end the American occupation of Iraq in 2011. The Americans left Iraq in the hands of the Shi’ī president Nouri Al-Mālikī and his Shi’ī allies. This would prove to be an unwise decision, as Maliki had sectarian tendencies. The new Shi’ī status quo still had grievances with the Sunnis; their persecution under Saddam’s Ba’thī regime had left an indelible mark in their memory. This antagonism fed into a cycle of vengeance, as sectarian bombings became a weekly occurrence. This resulted in the polarization of Iraq along sectarian lines, and culminated in massacres, such as the one witnessed in Hawija in 2013. This state of affairs led many Sunni tribal leaders to seek solidarity with radical Islamists, and in particular the Al-Qā’ida offshoot present in Iraq at the time (“Al-Qā’ida in Mesopotamia,” which

⁷ For a critical examination of the hadith literature, see Ignác Goldziher’s pioneering *Muslim Studies*, trans. C.R. Barber and S.M. Stern (New Brunswick, N.J: Aldine Transaction, 2006); also see Joseph Schacht’s seminal work, *the Origins of Muhammadan Jurisprudence* (Oxford; Clarendon: Oxford University Press, 1950).

⁸ In addition, when I use the ahadeeth, I will only use ahadeeth that traditional Sunni Muslim scholars have graded as “ṣaḥīḥ” or “correct.”

later transformed into “the Islamic State in Iraq”—which later became ISIS).⁹ Eventually, with large local Sunni backing, ISIS stormed Mosul, the second largest city of Iraq in June 2014. The ISIS invasion, hoisted by a few hundred militants with pick-up trucks, was met by little resistance—ISIS quickly took control of Mosul. Shortly thereafter, Abu-Bakr Al-Baghdādī, the leader of ISIS, gave a speech in Mosul’s Great Mosque of al-Nūrī. In his speech, which was conducted in exceptional Classical Arabic and riddled with allusions to Islamic tradition, Al-Baghdadi declared the restoration of the Islamic caliphate, and urged mass Muslim immigration to its lands. Currently, ISIS is heavily active in Iraq and Syria, and controls a land mass the size of the United Kingdom.

Above, I briefly delineated the circumstances which engendered ISIS. In what follows, I offer *prima facie* considerations that ISIS is indeed an Islamic movement. First, all ISIS members are Muslims—not a single member of ISIS holds to a faith other than Sunni Islam. What unites all ISIS members, who hail from many different countries and positions in the socioeconomic ladder, is their shared commitment to a particular militant interpretation of Islam. Second, the idea of a caliphate, a central notion in ISIS's philosophy, is incontrovertibly an exclusively Islamic notion. Third, the leader of ISIS, Abu Bakr Al-Baghdadi, has a PhD in Islamic studies from Saddam University.¹⁰ Fourth, Al-Azhar University, the scholarly seat of Sunni Islam, has refused to denounce ISIS militants as non-Muslims.¹¹ Fifth, ISIS is an offshoot of Al-Qā'ida, a self-proclaimed Islamic organization whose doctrines are very similar to those of ISIS.¹² Sixth, tens of millions of Muslims the world over support ISIS, and more than 200 million do not express an explicitly unfavorable view towards ISIS.¹³ Seventh, the symbols and features of ISIS are Islamic: the black flags that they fly (which refer to Muhammad and Allah), the growing of

⁹ William F. McCants, *The ISIS Apocalypse: The History, Strategy, and Doomsday Vision of the Islamic State*, First edition (New York: St. Martin's Press, 2015), 5-31.

¹⁰ William McCants, "The ISIS Apocalypse," 74, 117.

¹¹ General Secretariat of the Supreme Council of Al-Azhar, “الأزهر: مفتي نيجيريا لم يكفر داعش في مؤتمر مكافحة الإرهاب,” -Al-Azhar University, December 11, 2014, www.azhar.org/en.
الأمانة العامة للمجلس الأعلى للأزهر/الأزهر-مفتي نيجيريا لم يكفر-داعش-في مؤتمر-مكافحة الإرهاب/us

¹² William McCants, "The ISIS Apocalypse," 5-31.

¹³ This data is ultimately based on the Pew Research Center's November 2015 poll. See Jacob Poushter, "In nations with significant Muslim populations, much disdain for ISIS," Pew Research Center, November 17, 2015, <http://www.pewresearch.org/fact-tank/2015/11/17/in-nations-with-significant-muslim-populations-much-disdain-for-isis>. However, a lacuna in the study is that only relative percentages are given. So, using the latest data from the CIA World Factbook, I calculate the absolute numbers and analyze the poll in the appendix.

their beards (which comes from the ahadeeth), the “nasheeds” or hymns that they play in their videos, and their citation of Islamic authorities like Ibn Taymiyyah (d. 1328)). Eighth, the type of punishments that ISIS carries out, from slicing the hands of thieves (Q 5:38), to crucifying people (Q 5:33), to the stoning of adulterers, are all distinctive punishments found in the earliest Islamic source texts.¹⁴ Cumulatively, these eight points make a *prima facie* good case for ISIS’ being an Islamic movement. So, in the absence of adequate evidence to the contrary, one should believe that ISIS is an Islamic movement. But many people do think that adequate evidence to the contrary can be supplied. It is argued that ISIS has engaged in many notorious and barbaric actions, actions that clearly demonstrate that they are not Islamic. In the following sections I will examine some of these notorious cases, particularly ISIS’ acts of burning alive captives and kicking the Christians of Mosul out of their homes. In each of these cases, I conclude that ISIS is operating within the interpretive parameters of Islam.

§3. ISIS, the Caliphate, and the Fusion of Dīn and Dawla

One of the central motivations of ISIS is the idea of an Islamic state. Indeed, the very name ISIS is an abbreviation for the Islamic State in Iraq and the Levant. But ISIS is not only concerned with building just any kind of Islamic State. Rather, it is concerned with building a specifically caliphal state. After Attaturk dissolved the Ottoman caliphate in 1924, Muslims the world over began to form groups, like the Muslim Brotherhood, to work for the revival of the caliphate. ISIS’ dream of a caliphate is a dream, now realized, that fuses religion and state. This ISIS ideal is one that stands in direct contrast to the Western ideal of *laïcité*, and the separation between Church and State. In what follows I will argue that ISIS’ ideal of the caliphate where there is no separation of Church and state is not implausibly Islamic.

In Islam, there is no separation between “mosque and state.” When ordinary westerners think of religious houses of worship, they generally think of places ringing with sermons filled with religious piety—they do not think of centers where political positions are strongly voiced. But mosques have historically been places where political issues are discussed. This is because under Islamic law, i.e., *Sharī‘a*, the political sphere is totally subsumed under the religious sphere. There is nothing that is allowed to exist outside the hegemony of God’s law. As Sayyid Qutb (1906 – 1966), the leading theoretician of the Muslim Brotherhood states quite clearly, “it is an

¹⁴ For the prescription of stoning for adultery, see *Sahih Al-Bukhari*, Vol. 2, Book 23, Hadith 413, et al.

obligation for people to make the Sharīʿa of God that which rules every aspect of every affair of this life."¹⁵ The idea of the separation of church and state is, for the most part, a distinctly post-enlightenment and Western notion.

The modernness of the concept of separating religion and state and its foreignness to Islam was a point that was heavily stressed by twentieth-century Muslim-revivalist thinkers who vociferously resisted the proliferation of Western and secular ideas amongst the Muslim populace.

Muḥammad Hasan ʿAmāra, one such prominent twentieth-century Muslim revivalist, wrote a whole book entitled, *al-Islām wa al-Sīyāsa: al-Radd ʿala Shubuhāt al-'Almānīyīn* (Islam and Politics: A Response to the Heresies of the Secularists), which was given a favorable introduction by Gād al-Ḥaq Alī Gād al-Ḥaq (the grand imam of al-Azhar University from 1982 to 1996).¹⁶ In this work, Muḥammad ʿAmāra emphatically criticizes the idea behind separating affairs of state from religion, stating that "secularism is a school of thought of modern Western Civilization."¹⁷ Amara here implies that since secularism is a modern Western concept, it is therefore not compatible with Islam. Indeed, throughout the history of Islam, mainstream Muslims have rarely understood their religion to be an individualistic and pietistic faith, but rather an architectonic system of thought that encompasses all walks of life—including the political. The vast majority of Muslims throughout history have believed that the state should conduct its affairs with recourse to Islam. When Muslim Brotherhood member and former Egyptian President Muḥammad Morsī stood in front of a fired-up crowd in Egypt and took an oath [before](#) them and God

that regardless of the actual text [of the Egyptian Constitution], God willing, the text will truly reflect the Sharīʿa, and that "[the Egyptian people] will not accept the constitution if it does not reflect the true meaning of the Islamic Sharīʿa,"¹⁸

¹⁵ Sayyid Qutb, *Maʿālim fī al-Ṭarīq*, 6th reprint (Beirūt; Cairo: Dar al-Shurūq, 1979), 47.

¹⁶ Al-Azhar University, founded in the late tenth century, has for centuries been the seat of Sunni learning. It is the most influential Muslim body in the Sunni world.

¹⁷ Muḥammad ʿAmāra, *al-Islām wa al-Sīyāsa: al-Radd ʿala Shubuhāt al-'Almānīyīn*, (Cairo: Maktabat al-Shurūq al-Dawliya, 2008), 28.

¹⁸ "The Final speech - President Muhammad Morsi - English" YouTube video, 2:32, posted by "Islam Elmasry," July 7, 2013.

he was not acting in an unprecedented manner. On the contrary, he was acting in accordance with the mainstream Islamic tradition that has existed for about fourteen-hundred years. As Abul 'Ala Maudūdi, another prominent twentieth-century Muslim-revivalist thinker, states:

An Islamist state must in all respects be founded on the law laid down by God through His Prophet. The government which runs such a state will be entitled to obedience in its capacity as a political agency set up to enforce the laws of God and only in so far as it acts in that capacity.¹⁹

In *al-Islām wa al-Siyāsa*, Muḥammad 'Amāra appeals to a number of Qur'ānic verses to justify the position, encapsulated by Maudūdi above, that any legitimate legislation must be grounded in Islam and the Sharī'a. The following are some of the Qur'ānic verses that Muḥammad 'Amāra marshals:

Q 4:58-9: Allah doth command you to render back your Trusts to those to whom they are due; And when ye judge between man and man, that ye judge with justice: Verily how excellent is the teaching which He giveth you! For Allah is He Who heareth and seeth all things. O ye who believe! Obey Allah, and obey the Messenger, and those charged with authority among you. If ye differ in anything among yourselves, refer it to Allah and His Messenger, if ye do believe in Allah and the Last Day: That is best, and most suitable for final determination.

Q 4:65: But no, by the Lord, they can have no (real) Faith, until they make thee judge in all disputes between them, and find in their souls no resistance against Thy decisions, but accept them with the fullest conviction.

Q 42:10 Whatever it be wherein ye differ, the decision thereof is with Allah: such is Allah my Lord: In Him I trust, and to Him I turn.

The first two verses cited above (Q 4:59-9) are verses that are frequently cited as proof that in Islam there is no separation between *dīn* and *dawla* (religion and state). Indeed, Ibn Taymīyyah (1263 – 1328), a darling of Islamists the world over and one of the greatest theoreticians of the Salafī strain of thought, wrote a whole treatise grounded on these two verses, which he interchangeably names the verses of *al-umarā'* (the commanders) and *wilāt al-umūr* (the

¹⁹ Abul 'Ala Maudūdi, as quoted in Montgomery Watt, *Islamic Fundamentalism and Modernity* (London; New York: Routledge, 1988), 91.

guardians of affairs).²⁰ These two verses seem to be saying that the ultimate arbiter of one's affairs should be God and his messenger Muḥammad. In his treatise on these verses, Ibn Taymīyyah states that it is the opinion of the ulema that Q 4:58 speaks of the rulers' obligations to the ruled, and Q 4:59 speaks of the ruled's obligation to the rulers. The latter verse, Ibn Taymīyyah says, mandates that the ruled obey their rulers unless the rulers disobey God—viz., the Sharī'a.²¹ In this he is in agreement with the position expressed by Maudūdi above. Muḥammad 'Amāra explains Q 4:59 by stating that "the Qur'ān here confirms the Islamicness of the (legal) source of the Islamic state, and it confirms the rule of divine Sharī'a in various political quarters."²² A few verses later in Q 4:65 we read that no one has faith (in Islam) until he lets God—which is here ostensibly the laws of God—to arbitrate their disputes. The recent translator of the Quran A.J. Droge, in the introduction to chapter four of the Qur'ān (sūrat al-nīsa), notes that in the chapter "the Prophet is put forward as God's representative and the supreme arbiter of all disputes."²³

The next verse under consideration, Q 42:10, is a verse that wears its meaning on its sleeve: all disputes between parties are to be decided by Allah. Ibn Kathīr (c. 1300 – 1373), one of the most renowned commentators on the Qur'ān in the Muslim world, states there that this ordinance is a "general [prescription] for all things"—i.e., every dispute that parties have should be decided in reference to what God has revealed through Muḥammad.²⁴ But clearly this can only be possible

²⁰ These verses have also been so labeled as such by other Muslim thinkers subsequent to Ibn Taymīyyah. See Ibn Taymīyyah, *al-Sīyāsa al-Sharī'a fī iṣṣlah al-Rā'i wa al-Ra'īya*, ed. Ali ibn Muhammad al-Imrān (Dar alim al-fowā'id: Mecca, 2008).

²¹ Ibid., 5.

²² Muḥammad 'Amāra, *al-Islam wa al-Sīyāsa: al-Radd 'ala Shubuhāt al-'Almānīyīn*, 40.

²³ A.J. Droge, trans., *The Qur'ān: A New Annotated Translation* (Croydon: Equinox Publishing, 2013), 47. Droge's translation is, in my opinion, the best English translation of the Qur'ān currently available. It is unique in that it departs from the practice of other translators of interpreting the Qur'ān through the lens of later Islamic tradition, a tradition which was penned down some generations after the Qur'ān was first written. The problem with the traditional methodology is that, as Droge mentions, it is like relying heavily on the commentaries of Origen of Alexandria (184/185 – 253/254) to translate the New Testament. Hardly any New Testament scholar would favor such an approach. Furthermore, the translator here is free of pietistic or apologetic intentions, something which plagues many English translations of the Qur'ān. In the introduction to his translation, Droge states that "reverence may be a religious virtue, but it should not be a scholarly one (p. xii)."

²⁴ Ibn Kathīr, *Tafsīr al-Qur'ān al-Adhīm* (vol.7), ed. Samī bin Muḥammad al-Salāma (Riyādh: Dar al-Ṭayiba, 1999), 193. The tafsīr of Ibn Kathīr is definitely one of the two most widely read tafāsīr in the Muslim world, perhaps second only to Al-Ṭabarī's commentary. In the publisher's note to an English translation, Darusalām, the Saudi-based publishing house, states that Ibn Kathīr's tafsīr "is the most popular interpretation of the Qur'ān in the Arabic language, and the majority of Muslims consider it to be

in a society where the law is ultimately rooted in Islam. After all, people who live in secular societies, even Muslims in secular societies, do not arbitrate all of their disputes by appealing to Islamic law—Sharī‘a.

The above four Qur’ānic verses are frequently appealed to in justifying the proposition that in Islam religion and matters of state are inseparable. The mainstream Islamic tradition views Muḥammad as being "the supreme arbiter of all disputes." As [‘abd al-Rāziq al-Sanhūrī](#) (1895–1971), a prominent twentieth-century and Western-educated Muslim jurist who played an important role in the drafting of the Iraqi and Egyptian legal codes in 1949 and 1951, respectively, states: "Islam is dīn wa dawla."²⁵ That Islam is dīn wa dawla is now a prominent Arabic and Muslim aphorism that means that Islam is both religion and state.

The above Qur’ānic prescriptions are also supported by what is found in Ibn Ishāq’s *Sīrat Rasūl Allāh*, our earliest and best source on the life of Muḥammad. The Qur’ān describes Muḥammad as a good example for mankind ([Q 33:21](#)), and later Islamic tradition praises Muḥammad as al-insān al-kāmil (the perfect man). In the so-called "Farewell Address" or "Last Sermon" of Muḥammad, preserved in the *Sīra*, he tells his followers that he is leaving behind them two things that if they follow they will never be led astray: "the book of God" (the Qur’ān) and "the practice of his prophet" (i.e., the sunna).²⁶ The sunna is "the way" of Muḥammad —i.e., the actions that Muḥammad performed, and which are traditionally held by Muslims to have been partially preserved in the relatively early *sīra*, ḥadīth, and tafsīr literature. The important point to note here is that it is incumbent upon all Muslims to follow Muḥammad’s way of life or sunna. All of these data, along with the fact that Muḥammad was both a political head of state as well as a religious leader who, at the end of his life, ruled most of the Arabian peninsula, are strong evidence that there is no separation of dīn and dawla in Islam. After all, how could there be if the seal of the prophets ([Q 33:40](#)), the good example to all mankind ([Q 33:21](#)), and the perfect man (al-insān al-kāmil), did not separate the two spheres? Muslims, of course, must emulate Muḥammad. That he did not separate the religion and the state can be gleaned from *Sīrat Rasūl Allāh*, penned by Ibn Ishāq, and our earliest and best source for the life of Muḥammad.

the best source based on Qur’ān and sunna." See Ibn Kathīr, *Tafsīr Ibn Kathīr* (Abridged), Second ed., Vol. 1, trans. Jalal Abu Raub et al. (Riyadh: Darussalam, 2003), 5.

²⁵ As quoted in Muḥammad ‘Amāra, *al-Islām wa al-Sīyāsa: al-Radd ‘ala Shubuhāt al-‘Almānīyīn*, 31.

²⁶ ‘Abd al-Malik Ibn Hishām, Muḥammad Ibn Ishāq, and Alfred Guillaume, *The Life of Muhammad: A Translation of Ishāq’s Sīrat Rasūl Allāh* (Karachi; New York: Oxford University Press, 2001), 651.

When, according to *Sīrat Rasūl Allāh*, Muḥammad and his emigrant followers (*muhājirūn*) emigrated to Medina (which was then called Yathrib), he instituted a political charter with the people of Yathrib. This came to be known as *al-Ṣahīfa* (the Constitution of Medina) and it marked the beginning of Muḥammad's ascendancy to political power. the Constitution of Medina is a document that is generally agreed upon by even Islamicists of skeptical proclivities to be genuine. The agreement specified Muḥammad as the leader of the partakers of the Constitution (i.e., the *muhājirūn* and *anṣār* ; the *anṣār* being the people who "helped" or welcomed Muḥammad in Medina). The Constitution of Medina, reproduced in full in Ibn Ishaq's *Sīra*,²⁷ is an important document because it shows that from the very beginning of Islam politics and religion were intertwined. Evidence of this is that the document states the following:

Whenever you differ about a matter it must be referred to God and to Muḥammad...If any dispute or controversy likely to cause trouble should arise it must be referred to God and to Muḥammad, the apostle of God.²⁸

Here we see clearly that the first polity that Muḥammad set up was a theocratic one where God rules through Muḥammad. We can infer that disputes were decided in accordance with religious principles that were "revealed" to Muḥammad. Indeed, the main parties to this Medinan Constitution were spoken of as religious groups—the "believers" (*al-mu'minūn*) who "formed a community (*umma*) to the exclusion of all men," and the Jews (some of whom, e.g., the Jews of Banu 'Auf, are explicitly stated to be "one community with the believers.")²⁹ So according to Ibn Ishaq's *Sīra*, the first political system that Muḥammad set up was one where God ruled through him, and where the main parties of the polity were defined by their religion. Hence, what we find in the earliest biography of Muḥammad, viz., that disputes should be handled by recourse to God and Muḥammad, is consonant with what we find in the Qur'ānic verses taught above.

²⁷ It is interesting that the first work written after Ibn Ishaq's *Sira* that contains an unabridged version of the Constitution of Medina appears in the Prophet's biography by Muḥammad b. Abī Bakr Ibn Sayyid Al-Nās (d. 734/1333–1334), almost six centuries after Ibn Ishaq wrote the *Sīra*. See Nöldeke, T. F. Schwally, G. Bergsträsser and O. Pretzl, *The History of the Qur'ān*, trans., ed. Wolfgang H. Behn (Leiden; Boston: Brill, 2013), 322-3.

²⁸ 'Abd al-Malik Ibn Hishām, Muḥammad Ibn Ishāq, and Alfred Guillaume, *The Life of Muhammad*, 232-3.

²⁹ *Ibid.*, 231-3. This is consistent with the Qur'ānic proclivity to define people primarily by religious groups.

Further evidence that Sharīʿa teaches that there is no separation of "mosque and state" comes from the history of the first four "rightly guided" caliphs.³⁰ As noted above, Muḥammad was both a prophet and a statesman. His immediate successors were the four rightly guided caliphs. Though they did not inherit from him the charism of prophethood, they were nevertheless supposed to be the guardians of the Islamic religion. A caliph at least as early as the third caliph Uthman Ibn Affān (r. 644 – 656) was called *khalīfat Allāh* (deputy of God), clearly implying that he was considered to be endowed with religious as well as political authority.³¹ In addition, a caliph was also called *amīr al-mu'minīn*, i.e., the commander of the believers, further evidence that the caliphal role was wedded to the Islamic religion. The caliph acted as the protector of religion and state (*dīn wa dawla*). Indeed, Patricia Crone, the late and renowned scholar of Islam who taught at Oxford, Cambridge, and the Institute for Advanced Study, states that "the Caliphate clearly did fuse religion and politics from the start [emphasis added]." ³² Only caliphs, for example, were granted with the power to declare offensive jihad, because only they were taken to have the proper religious authority to do so (jihad being a religious "holy" war).³³ And under Sharīʿa the caliphate is a necessity. As the prolific Shāfiʿī scholar Ibn Hajar Haytam (1504-1567) states in his commentary on al-Nawawī's (1233–1277) *Minhāj al-Ṭālibīn*, "the investiture of someone from the Islamic community (ʿumma) able to fulfill the duties of the caliphate is obligatory by scholarly consensus [emphasis added]." ³⁴ In addition, Ibn Qudāma (1147 – 1223)

³⁰ The four "rightly guided" caliphs, all companions of Muhammad, were Abu Bakr al-Ṣiddīq (r. 632-4), Umar Ibn al-Khattāb (r. 634-44), Uthman ibn Affān (r. 644-56), and Alī ibn Abī Ṭālib (r. 656-61).

³¹ Patricia Crone, Martin Hinds, *God's Caliph: Religious Authority in the First Centuries of Islam* (Cambridge: Cambridge University Press, 1986), 5.

³² Patricia Crone and Martin Hinds, *God's Caliph*, 115.

³³ David Cook, *Understanding Jihad* (Berkeley; Los Angeles: University of California Press, 2005), 6.

³⁴ As quoted in Ahmad ibn Naqīb al-Misrī, *The Reliance of the Traveler (Umdat al-Sālik)*, trans. Nuh Ha Mim Keller (Beltsville, MD: Amana Publications, 1997), Book O (Justice), sec. 25.0-1, 638. This is not present in the original Arabic version of *Umdat As-Sālik*. But the translator, Ahmad ibn Naqīb al-Misrī, found it necessary to add a section on the caliphate because "the caliphate is both obligatory in itself and the necessary precondition for hundreds of rulings (books k through o) established by Allah Most High to govern and guide Islamic community life (ibid.)." It is important to note that scholarly consensus or *ijma'* is one of the principle foundations of Islamic law (particularly Sunni-Islamic law). In Muslim jurisprudence, if the ulema (Muslim scholars) have arrived at a consensus concerning some issue, then it is obligatory on the Muslim to follow the consensus. This principle of *ijma'* ultimately has as its basis multiple *aḥādīth* where Muhammad effectively states that his umma (nation) will not agree on an error.

states in his *al-Mughnī*, one of the most authoritative Hanbalī legal manuals, that the imamate, i.e. the caliphate, is obligatory (*wājib*).³⁵

Therefore, we can surmise that the first four "rightly guided" caliphs of the Islamic umma played both a religious and political role. And this is significant because many Muslims the world over try to emulate the life of seventh and early eighth-century Muslims—including, preeminently, the caliphs—due to traditions that state that the best generations were those of Muḥammad, his companions (*al-ṣaḥāba*), and the followers of the companions (*al-tābiʿūn*).

As we have seen above, there is good reason for positing that under Sharīʿa there is no separation between the Islamic religion and politics. Indeed, as Bernard Lewis notes, there is not even a word to separate the secular from the religious in classical Arabic. Islam is not, as is commonly supposed, a religion like Christianity where you have a solid basis for the separation of Church and state in the life of Jesus of Nazareth. Jesus was not, contrary to scholars as early as Heinrich Reimarus (1729 – 1814), a political or revolutionary figure—politics was not the forte of the historical Jesus. Indeed, he is famous for calling upon people to "render unto Caesar what is Caesar's, and render unto God what is God's."³⁶ No such explicit basis exists for separating the secular sphere from the religious in Islam. As the Saudi sheikh Muḥammad Ṣālih al-Munajjid states in a [fatwa](#) (legal opinion) on his prominent website, IslamQA.com, politics is not something that can be isolated from Islam, and there is no difference in Islam between politics and religion ("*la farq fī al-Islām bayna al-siyāsa wa al-dīn*").

It is worth noting that in the fourteen-hundred year history of Islam, there have been Muslim thinkers who challenged the predominant view that the Islamic religion is irreparably linked to politics. That being said, there have been a few occasions where reformist-minded Muslim thinkers arise—mostly in modern times. However, they are almost invariably shunned and persecuted by the greater community of ulema (Muslim scholars). For example, in the early

³⁵ Ibn Qudāma, *al-Mughnī*, vol. 14, eds. ʿAbd al-Fatāh Muhammad al-Hilu and ʿAbdallāh bin ʿAbd al-Muhsin al-Turkī (Cairo: Dār ʿĀlim al-Kutub, 1997), 5.

³⁶ From a critical-historical perspective, these words were very likely uttered by Jesus of Nazareth. Indeed, even the Jesus Seminar, a group of very liberal scholars, highlight this verse in red in their translation of the Gospels—meaning that they "would include this item unequivocally in the database for determining who Jesus was." See Robert Funk, Roy Hoover, and the Jesus Seminar, *The Five Gospels: What Did Jesus Really Say? The Search for the Authentic Words of Jesus* (New York: Harper One, 1993) 36, 236.

twentieth century one Alī ‘Abd al-Rāziq, an Azhari graduate and Egyptian judge in Alexandria, wrote a book entitled "al-Islām wa usūl al-hukum" (Islam and the Foundation of Ruling), wherein he argued that Muḥammad was only a religious leader, not a political leader, and that therefore there should be no caliphate in the Islamic community. Not surprisingly, Abd al-Raziq was summarily denounced as a court consisting of twenty-five senior ulema from al-Azhar university found him guilty of heresy and of "conduct unbecoming of a religious scholar." He was stripped of his academic qualifications and subsequently emigrated to Paris.³⁷

The reason for this animosity against reformers like Alī ‘Abd al-Rāziq, who later somehow "repented" of his ways according to Muḥammad ‘Amāra,³⁸ is that for all intents and purposes, the ulema are vehemently opposed to the idea of separating religion and state, firmly believing that in Islam the two spheres are inextricably intertwined. The idea that there is no separation of religion and state in Islam or under Sharī‘a is succinctly put by Gerhard Bowering, Professor of Islamic Studies at Yale University, in his introduction to a 2015 Princeton anthology of Islamic Politics:

The foundations of Islam neither allow for distinctions between spiritual and temporal, ecclesiastical and civil, or religious and secular categories, nor envisage the same duality of authority accepted in Western political thought as standard, such as God and Caesar, church and state, and clergy and laity. Over the centuries, Islamic forms of state and government, power and authority, and rule and loyalty have exhibited great diversity. Although they were all based on the premise of a unity of religion and state...In contrast to the West, the respective realms of religion and state are intimately intertwined in Islam and subject to a process of fluid negotiation; the concepts of authority and duty overshadow those of freedom and the rights of the individual. Islamic political thought deals not only with matters of government, politics, and the state, but also addresses questions of acceptable behavior and ethics of both the ruler and the ruled before God. Islamic political thought cannot be measured by Western criteria and standards of political theory. It must be understood from within its own tradition, characterized by a vibrant integration of the secular and sacred in obedience to God and His Prophet.³⁹

³⁷ Montgomery Watt, *Islamic Fundamentalism and Modernity*, 31.

³⁸ Muḥammad ‘Amāra, *al-Islam wa al-Sīyāsa: al-Radd ‘ala Shubuhāt al-'Almānīyīn*, 101.

³⁹ Gerhard Bowering, ed., *Islamic Political Thought: an Introduction* (Princeton; Oxford: Princeton University Press, 2015), 4.

The fact of the matter is that Islamic law (i.e., Shari'a) is simply incompatible with Western laws. It is definitely incompatible with, e.g., the clause of the First Amendment that states that "Congress shall make no law respecting an establishment of religion." As Robert Houghwout Jackson, United States Attorney General (1940-41), an Associate Justice of the United States Supreme Court (1941-54), and Chief United States Prosecutor at the Nuremburg War Crimes Trial (1945-46) states:

In any broad sense, Islamic law offers the American lawyer a study in dramatic contrasts. Even casual acquaintance and superficial knowledge—all that most of us at bench or bar will be able to acquire—reveal that its striking features relative to our law are not likenesses but inconsistencies, not similarities but contrarities. In its source, its scope and its sanctions, the law of the Middle East is the antithesis of Western law.⁴⁰

The late Islamicist Majid Khadduri, a scholar with intimate acquaintance and profound knowledge of Islamic law, states in a preface to one of his influential books that "Islam, emerging in the seventh century as a conquering nation with world domination as its ultimate aim, refused to recognize legal systems other than its own [emphasis added]." ⁴¹ In today's politically correct climate, it would be unthinkable for someone of Justice Jackson's stature in the U.S. legal system to make the above pronouncements so forcefully and blatantly. The fact is that under Shari'a, the state should pass laws respecting an establishment of religion, particularly the Islamic religion, to the chagrin of others. Therefore, it would be a modest inference from the above to the conclusion that ISIS's idea of a theocratic caliphate with no separation between mosque and state represents an interpretation of the early Islamic source texts which is not implausible.

§4. ISIS and the Burning of Captives

On February 3rd, 2015, ISIS shocked the world with the release of a video showing Muath Safi Yousef Al-Kasasbeh, a downed Jordanian F-16 pilot, being burned to death while trapped inside a cage. Many people decried this act as unislamic, including the most prominent Salafi-Jihadi cleric in Jordan, Abu Muhammad al-Maqdisi.⁴² In this section, I will argue that burning people in

⁴⁰ Robert Houghwout Jackson, *Forward to Law in the Middle East*, eds. Majid Khadduri and Herbert J. Liebesny, (Washington: The Middle East Institute), 1955, vi.

⁴¹ Majid Khadduri, *War and Peace in Islam* (Baltimore: John Hopkins Press, 1955), vii.

⁴² A few months later, ISIS released a less discussed video where they burned alive four allegedly Shi'i spies.

general, and particularly Kasasbeh, is inside the interpretive parameters set by the early Islamic sources.

Now, the Qur'ān, the cornerstone of Islamic doctrine and praxis, does not explicitly take a stance on the permissibility of burning people. So it is to the early Islamic traditions that we must turn. Al-Maqdisī, who tried and failed to negotiate Kasasbeh's release in exchange for a female suicide bomber, Sājida Al-Rishawi, argued that this action was contrary to Islam.⁴³ Virtually, the only source that Al-Maqdisi and others cite as evidence for this position is a hadith where Muḥammad says that "no one burns by fire except Allah."⁴⁴ This hadith is found in Sahih Al-Bukhari, the relatively early and most trusted canonical Sunni-hadith collection; slightly varying versions are also found in other collections. So, this hadith is substantial evidence that Islam (as defined in the introduction) prohibits burning. Taken in and of itself, this hadith looks decisive, but a consideration of the total evidence proves otherwise. For one, the hadith (and its parallels) is peculiar. The full hadith says the following:

Narrated Abu Huraira: Allah's Apostle sent us in a mission (i.e. an army-unit) and said, "If you find so-and-so and so-and-so, burn both of them with fire." When we intended to depart, Allah's Apostle said, "I have ordered you to burn so-and-so and so-and-so, and it is none but Allah Who punishes with fire, so, if you find them, kill them."

In the hadith, Muḥammad first orders that people be burned, but then states "no one burns by fire except God." A question immediately arises: if none save God is permitted to burn people, then why did Muḥammad order people be burned in the first place? Unfortunately, there is not enough context in this hadith and its parallels to decide this question. However, Muḥammad's seeming vacillation does temper the confirmation that the hadith gives to Al-Maqdisi's interpretation.

In the above, I laid out some of the evidence that burning is prohibited in Islam. Now we examine the positive evidence that burning people is permitted in Islam. To begin with, there is a sahih (correct) hadith that lends slight support to the view that Muḥammad burned people. It is as follows:

⁴³ "لقاء حصري لقناة رؤيا مع أبو محمد المقدسي" beF "sweNayoR" yb detsop ,75:51 ,oediv ebuTuoY. 6, 5102, <https://www.youtube.com/watch?v=XFh6gMKSGmA>.

⁴⁴ Sahih Al-Bukhari, Vol. 4, Book 52, Hadith 259. Variant versions read "no one burns by fire save for erif fo droL eht" (لا يحلك بالنار إلا رب النار).

The Messenger of Allah said: 'I was thinking of commanding that the call to prayer be given, then I would tell a man to lead the people in prayer, then I would go out with some other men carrying bundles of wood, and go to people who do not attend the prayer, and burn their houses down on meht fo pot (عليهم).⁴⁵

tcejbo tcerid dna noitisoperp cibara deniojnoc ehT, عليهم, literally means “on top of them,” and seems to straightforwardly imply that Muḥammad burned houses on top of people. This hadith, therefore, gives us some disconfirmation, albeit slight, of Al-Maqdisi’s view that burning people is prohibited in Islam (I say “slight” because the hadith could be interpreted to mean that Muḥammad only burned houses). Stronger evidence of Muḥammad burning people comes down to us in the Sira or biographical literature. According to Ibn Ishaq’s Sira, the earliest and best extra-Qur’ānic source of Muḥammad’s life,⁴⁶ Muḥammad had applied fire unto the chest of Kenana al-Rabi, a Jewish tribal leader, until he was near-death. Ibn Ishaq relates the account as follows:

Kenana al-Rabi, who had the custody of the treasure of Banu Nadir [a Jewish tribe], was brought to the apostle who asked him about it. He denied that he knew where it was. A Jew came (Tabari says "was brought"), to the apostle and said that he had seen Kenana going round a certain ruin every morning early. When the apostle said to Kenana, "Do you know that if we find you have it I shall kill you?" He said "Yes". The apostle gave orders that the ruin was to be excavated and some of the treasure was found. When he asked him about the rest he refused to produce it, so the apostle gave orders to al-Zubayr Al-Awwam, "Torture him until you extract what he has." So he kindled a fire with flint and steel on his chest until he was nearly dead. Then the apostle delivered him to Muḥammad b. Maslama and he struck off his head, in revenge for his brother Mahmud [emphasis is mine].⁴⁷

This incident is *prima facie* inconsistent with the “no one burns by fire except Allah” hadith, if Al-Maqdisi’s interpretation is correct. Furthermore, this report in Ibn Ishaq was written down at least one hundred years earlier than the “no one burns by fire except Allah” hadith and its parallels, and is therefore more likely to be historically accurate. But according to the traditional sources, it is not only Muḥammad, an “exemplary” person (Q 33:21) to be emulated by all

⁴⁵ Sunan Ibn Majah Vol. 1, Book 4, Hadith 791.

⁴⁶ Arthur Jeffery, “THE QUEST OF THE HISTORICAL MOHAMMED*,” *The Muslim World* 16, no. 4 (October 1, 1926): 328, doi:10.1111/j.1478-1913.1926.tb00634.x.

⁴⁷ ‘Abd al-Malik Ibn Hishām, Muḥammad Ibn Ishāq, and Alfred Guillaume, *The Life of Muhammad: A Translation of Ishāq’s Sīrat Rasūl Allāh* (Karachi; New York: Oxford University Press, 2001), 515.

Muslims, who has people burned: some of his prominent companions did as well. According to the traditional sources, Abu Bakr and Ali Ibn Abi Talib (who were the first and fourth “rightly guided caliphs,” respectively), and Khalid Ibn Al-Walid (one of Muḥammad’s generals), did not take issue with burning people to death (and not just to near-death). Abu Ja’far Muḥammad ibn Jarir al-Tabari (d. 923 A.D), one of our earliest Islamic writers, relates that following the ridda or apostasy that occurred after Muḥammad’s death, Abu Bakr sent the apostates a letter wherein he states that he has ordered Khalid ibn Al-Walid to “not spare any one of them he can gain mastery over, [but may] burn [the apostates] with fire, slaughter them by any means, and take women and children captive [emphasis is mine].”⁴⁸ At Al-Butah, where some of the rebel apostates were camped, Abu Bakr instructed Khalid Ibn Al-Walid to “kill [the apostates] by every means, by fire or whatever else.”⁴⁹ Al-Tabari relates that when a rebel captive was brought to Abu Bakr, he “ordered a fire to be kindled with much firewood in the prayer yard (musalla) of Medina and threw him, with arms and legs bound, into it.”⁵⁰ Other sahih ahadeeth also tell us that Ali Ibn Abi Talib burnt people who apostatized from Islam, although some also relate that after Ibn Abbas, the cousin of Muḥammad, told Ali that Muḥammad had said only God burns with fire, Ali agreed.⁵¹ So the textual evidence doesn’t fully support one position over the other; however, it does seem that the balance of evidence from the earliest Islamic sources supports more the permissibility of burning in Islam. At the very least, this is not an implausible interpretation of the early Islamic sources.

In addition to the above evidence, some schools of Islam allow burning as a form of *sasiQlex talionis*, even if they ban it in general. This doctrine of Qisas has a basis in (قصاص) or Q 16:126, which says that “if you punish, punish with an equivalent of that with which you were harmed.” Indeed, in their gruesome video, ISIS members appealed to this concept of Qisas as at least a partial justification for the burning of Kasasbeh. They argued that just as Kasasbeh killed ISIS members with incendiary bombs, so too would they incend him to death. Given all the above considerations, I submit that ISIS’ act of burning people, and particularly of Kasasbeh, is within the interpretive parameters of Islam.

⁴⁸ Al-Ṭabarī, *The History of Al-Tabari*, v. 10, the Conquest of Arabia, trans., ed., Fred Donner (Albany: State University of New York Press, 1993), 57.

⁴⁹ *Ibid.*, 100.

⁵⁰ *Ibid.*, 80.

⁵¹ Jami’ al-Tirmidhi, Vol. 3, Book 15, Hadith 1458; Sunan al-Nasa’i, Vol. 5, Book 37, Hadith 4060

§5. ISIS and the Christians of Mosul

In July 2014, ISIS issued an ultimatum to Christians in the city of Mosul, Iraq: they were to leave the city within three days, convert to Islam and stay, maintain their religion and pay a poll tax, or be killed. Now, this action by ISIS is ultimately based on Qur’ān 9:29, which says the following:

Fight those who do not believe in Allah or in the Last Day and who do not consider unlawful what Allah and His Messenger have made unlawful and who do not adopt the religion of truth from those who were given the Scripture - [fight] until they give the jizyah by their hand in humiliation (my translation).

The meaning of the text is quite clear—the people of the Book (i.e., Jews, Christians, and Sabians) are to be fought until they give the jizyah by their hand in humiliation. The word “jizyah” means “poll tax,” and only appears here in the Qur’ān. Furthermore, when we look at the immediate context of this verse, it is clear that the reason for fighting them is because of their beliefs. For the immediately following verse, Q 9:30, relates that Jews say that Uzair (often translated as Ezra) is the son of God, just as Christians say the Messiah is the Son of God; the verse then rebukes them for this. In addition to the immediate context of the verse, the external context, given by the early Islamic sources, seems to corroborate this. For example, in his commentary on the Qur’ān, Al-Tabari tells us that this verse was revealed prior to Muḥammad’s leading an offensive military expedition against Tabuk, a Christian Byzantine-frontier fortress.⁵³ Given the clear meaning of Q 9:29, and the internal and external contexts, it seems that in giving the Christians of Mosul this ultimatum, ISIS is following the Qur’ān to the letter. At the very least, what they are doing is carrying out a not implausible interpretation of Islam.

Now, some argue that interpreting the above “sword verse” as an injunction to violence against the People of the Book is contrary to the Qur’ān’s own precepts, for Q 2:256 famously states that “there is no compulsion in religion.” But it is not implausible to suppose that Q 9:29,

⁵² This is an enigmatic verse because there is no record of Jews believing that “Uzair” or “Ezra” is the Son of God in a sense analogous to how Christians believe Jesus is the Son of God.

⁵³ Al-Tabari, *The Commentary of At-Tabari: Jami' al-Bayan 'an Ta'wil ay al-Qur'an*, vol. 14, 2nd ed., eds., Mahmood Shakr and Ahmad Shakr (Cairo: Maktabat Ibn Taymiyyah), 200.

which is part of one of the last chapters in the Qur'ān to be revealed,⁵⁴ abrogates the earlier Q 2:256 revelation. This is because Q 9:29 seems to entail the contradictory proposition that there is compulsion in religion—The People of the Book are compelled to be subjugated because of their religious beliefs. Since both verses cannot be true, it is not implausible for a Muslim to suppose that the later precept abrogated the earlier one. This is especially the case since the concept of abrogation (or “Naskh”) is also based on Qur'ānic verses (Q: 2:106; Q 16:101), and was appropriated by many medieval jurists.⁵⁵ Given all the above considerations, I submit that ISIS' act of giving Christians an ultimatum to either leave Mosul, convert, pay the Jizya and stay in Mosul, or be killed is not implausibly within the interpretive parameters of Islam.

§6. ISIS' Practice of Taking Sex Slaves

Perhaps one of the most egregious and notorious acts that ISIS members have perpetrated is the rape of Christian and Yazidi women in Iraq and Syria. Although many would say that this practice has no basis in Islamic law, and has nothing to do with the Islamic religion, it appears that the early Islamic source texts speak otherwise. Indeed, it is very likely that Muḥammad sanctioned the rape of female captives in his lifetime.

Indeed, according to Q 4:24 (ما ملكت إيمانكم), *sevals xes elamef gnivah* "ruoy mohw esoht" *ssessop dnah thgir* *W .elbissimrep si* *si tah* *ylralucitrap* *ni suoigerge* *si mals* *taht* *era* *sroirraw* *dettimrep* (ملكت إيمانكم), to capture the women of "infidels" and use them for their sexual gratification. According to Q 4:3, Q 4:24, Q 23:5-6, Q 70:22-30, having female slaves, “those whom your right hand possess” *sa detaretilsnart* (ما ملكت إيمانكم), is permissible *ma malikat aymānikum*.

Furthermore, interpreting *ma malikat aymānikum* as "female slaves" is not something that, pace Western-Muslim apologists, is something that is only advanced by so-called Islamophobes. Our earliest tafsīr (Qur'ānic exegesis), the tafsīr of Muqātil Ibn Sulaymān, states that *ma malikat*

⁵⁴ Islamic tradition situates the ninth chapter of the Qur'ān as the second to last chapter (the 113th) to have been revealed. Theodore Noldeke's chronology, which is the most accepted amongst Orientalists, has the same placement for the ninth chapter. For a chart of juxtaposing prominent chronologies, see Richard Bell, Montgomery Watt, Bell's introduction to the Qur'ān (Edinburgh: Edinburgh University Press, 1970), 205-213.

⁵⁵ Michael David Bonner, *Jihad in Islamic History: Doctrines and Practice* (Princeton, NJ: Princeton University Press, 2008), 26.

(ولائد), aymānikum means walā'id .sevals elamef setoned hcihw⁵⁶ This view has been held by many mufasirīn (exegetes) since medieval times, and A.J. Droge's recent 2013 scholarly translation of the Qur'ān, which is, in my opinion, the best English translation around, explains the phrase "those whom your right hand possess" as straightforwardly referring to female slaves. Having female slaves, Droge explains, is permissible even when the (Muslim) male is married.⁵⁷ Indeed, the Qur'ān contrasts female slaves with married women a few times, clearly demonstrating female slaves were not considered to be wives. There can be no doubt that in using the term ma malikat aymānikum, the Qur'ān is here referring to females who have been captured during war for the sexual gratification of their male captors. Indeed, reading Ibn Iṣḥāq's Sīrat Rasūl Allāh, we can discern that Muḥammad himself took female concubines and permitted his warriors to do likewise as well.

Ibn Iṣḥāq tells us that after Muḥammad had 600 to 900 adult Jewish men of the tribe of Banu Qurayza beheaded and thrown into trenches for alleged treason, he "divided the property, wives, and children of b. Qurayza among the Muslims." Ibn Iṣḥāq further relates that "the apostle sent Sa'd b. Zayd al-Anṣār brother of 'Abdu'l-Ashhal with some of the captive women of B. Qurayza to Najd and he sold them for horses and weapons [emphasis added]."⁵⁸

Hence, according to Ibn Iṣḥāq, Muḥammad enslaved women and sanctioned their being sold off (not much different from what ISIS militants are doing today with Yazidi women, no doubt modeling themselves after Muḥammad of the early Islamic sources). Furthermore, Ibn Iṣḥāq tells us that "the apostle had chosen one of [the women of the tribe of B. Qurayza] for himself."⁵⁹ In other words, Muḥammad, the prophet of Islam, was himself taking female captives for his own sexual gratification.

⁵⁶ A.J. Droge, trans., *The Qur'ān: A New Annotated Translation*, 47. The translation is unique in that it departs from the practice of other translators of interpreting the Qur'ān through the lens of later Islamic tradition, tradition which was penned down some generations after the Qur'ān was written. Edward W. Lane, *Arabic-English Lexicon* (vol.2), ed. Stanley Lane Poole (Cambridge: The Islamic Texts Society, 1984), 2967.

⁵⁷ A.J. Droge, trans., *The Qur'ān: A New Annotated Translation*, 49.

⁵⁸ *Ibid.*, 466.

⁵⁹ *Ibid.*

We also read in the *Sīra* about what is ostensibly Muḥammad's aggressive attack against the Jews of Khaybar (a Jewish-settled oasis about ninety-five miles north of Medina).⁶⁰ Ibn Iṣḥāq reports on the authority of one ʿAbdullah b. Abū Najīḥ that on the day of the conquest of Khaybar, Muḥammad prohibited his fighters from having "carnal intercourse with pregnant women who were captured."⁶¹ The implicature of this prohibition is that carnal intercourse with non-pregnant women who were captured was permissible.

Furthermore, we read in Ibn Iṣḥāq that "the women of Khaybar were distributed among the Muslims."⁶² That is, according to our earliest and best source on Muḥammad's life, Muḥammad sanctioned the sexual use of female slaves, or "those who your right hand possess," to use Qur'ānic terminology.

In addition, when one reads the relatively early Islamic sources, one gleans that in the battle of Khaybar, Muḥammad himself had [sexual intercourse](#) with a captured woman, Ṣafīyyah bint Huyyay (Safīyyah, daughter of Huyyay), whose father Muḥammad had ordered killed, either the same night that he had her husband killed at Khaybar, or shortly thereafter on the way to Wādī al-Qurā (a "valley" which is located close to Khaybar).⁶³

⁶⁰ Ibn Iṣḥāq, *Sīra Rasūl Allāh*, 510-19. There are several lines of evidence that point to this being an aggressive conquest and not one done out of self-defense. For example, the people of Khaybar were clearly not expecting any attack, as they would if this were indeed an attack done out of self-defense. Indeed, Ibn Iṣḥāq tells us that "when the apostle raided a people he waited until the morning. If he heard a call to prayer he held back; if he did not hear he attacked," and that "when morning came [but Muḥammad] did not hear a call to prayer" he rode out to attack. Indeed, Muhammad and his warriors came upon the early-morning farmers of Khaybar who were "coming out with their spades and baskets (*Sirat Rasūl Allāh*, 511)." Further evidence that that was not an exercise in self-defense was that, as Ibn Iṣḥāq tells us, when the people of Ghatafan heard that Muḥammad was moving his forces towards Khaybar, the men hurried to defend their brothers in Khaybar, only to renege because of rumors that their families and properties were attacked during their absence. If this were an act of self-defense, the people of Ghatafan would likely have already joined the people of Khaybar prior to Muhammad's military movement (*ibid.*).

⁶¹ *Ibid.*, 512.

⁶² *Ibid.*, 511.

⁶³ *Sahih Al-Bukhari*, Vol. 1, Book 8, *ḥadīth* 367; *Sahih Al-Bukhari*, Vol. 5, Book 59, *ḥadīth* 522; Al-Ṭabarī, *The History of al-Ṭabarī: Biographies of the Prophet's Companions and Their Successors*, vol. 9, trans. Ismaʿīl K. Poonawala (Albany: State University of New York Press, 1990), 134-35. Al-Ṭabarī, *The History al-Tabari*, vol. 39, trans. Ella Landau-Tasseron (Albany: SUNY Press, 1998), 185. We say "relatively early" because, absolutely speaking, the extra-Qur'ānic sources of Islam are quite late. For example, the oldest biography of Muhammad, *Sirat Rasūl Allah* by Ibn Iṣḥāq, was written at least around 120 years after Muhammad's death, and only comes down to us in rescinded versions (e.g., in the versions of al-Ṭabarī and Ibn Hishām). Ibn Iṣḥāq's biography of Muhammad gives us further details about

From *Sahih al-Bukhari* we learn that Suffiyya, the "chief mistress of the tribes of Qurayza and An-Nadir" was originally considered by the Muslim victors as a slave woman or *jārīya* (جارية) but (ج) that Muḥammad manumitted her and subsequently "married" her (al-Ṭabarī tells us that this occurred after she accepted Islam).⁶⁴

Ibn Ishāq relates that when Muḥammad first engaged in sexual relations with Ṣafiyyah (when he "married" her) in his tent (the same day or just a few days after killing her male folks), one Abū Ayyūb, Khālīd b. Zayd

passed the night girt with his sword, guarding the apostle [i.e., Muḥammad] and going around the tent until the morning the apostle saw him there and asked him what he meant by his action. He replied, "I was afraid for you with this woman for you have killed her father, her husband, and her people, and till recently she was in unbelief, so I was afraid on your account."⁶⁵

The above excerpt makes it abundantly clear that the guard wanted to guard Muḥammad because he perceived him to be forcefully having sex with someone who must have harbored deep resentment and hatred for him because of his slaughter of her kin, particularly her father and her husband.

Indeed, 'Aḥmad Ibn Yaḥyā al-Baladhūri (d. circa 892), one of earliest writers of Islamic history (particularly of the early Arab-Islamic conquests), relates that Ṣafiyya said the following:

how Ṣaffiyya's husband, Kināna ibn al-Rabī' ibn Abī al-Huqayq, was killed. Ibn Ishāq relates that Muhammad tortured Kināna by kindling fire with flint and steel on his chest until he was near dead, prior to ordering Muhammad ibn Maslama to behead him. Ibn Ishāq relates that Muhammad did this because Kināna would not disclose to Muhammad where the treasure of the Jewish tribe of Banu Naḍir was hidden. See 'Abd al-Mālīk Ibn Hishām, Muḥammad Ibn Ishāq, and Alfred Guillaume, *The Life of Muhammad: A Translation of Ishāq's Sīrat Rasūl Allāh* (Karachi; New York: Oxford University Press, 2001), 51.

⁶⁴ *Sahih Al-Bukhari*, Vol. 1, Book 8, *ḥadīth* 367. Al-Ṭabarī, *The History of al-Ṭabarī: Biographies of the Prophet's Companions and Their Successors*, vol. 9, trans. Isma'īl K. Poonawala, 134.

⁶⁵ Al-Ṭabarī, in his prominent *Tarīkh al-Rusul wa al-Muluk* (the *Annals of the Prophets and the Kings*), also relates this story (though he seems to have been relying on a copy of Ibn Ishāq's *Sira*) on the authority of al-Wāqidī, adding that after Muhammad's guard told him this, "the apostle laughed." Al-Ṭabarī also adds that Ṣafiyya was just seventeen years of age when Muhammad had sexual relations with her. Cf. Al-Ṭabarī, *The History al-Ṭabarī*, vol. 39, 185.

Of all men the Prophet was the one I hated the most, for he had killed my husband, father and brother. But he kept saying "your father excited the Arabs to unite against me and he did this and that," until the hatred [for Muḥammad] was gone from me.⁶⁶

So, if our earliest sources on Islam are to be trusted, Muḥammad, after he conquered the oasis of Khaybar, claimed Ṣāfiyya bint Huyyay as his sexual captive.⁶⁷ Indeed, if the earliest sources on Islam are to be trusted, then one must accept the commonsensical conclusion that Muḥammad raped Ṣāfiyya,⁶⁸ and allowed his followers to similarly rape women who were captured during battle.⁶⁹

Typically Westernized Muslims, if they are even aware of the existence of such stories in the earliest and most reliable biography of Muḥammad, will dismiss them as ahistorical, and as having nothing whatsoever to do with pure and unadulterated Islam. However, there is no non-ad hoc reason to believe that these unpleasant events are not historical, whilst at the same time affirming that records more consonant with Western sensibilities are.

⁶⁶ 'Aḥmad Ibn Yaḥyā al-Balādhurī, *Futūḥ al-Buldan*, ed. 'Amr Anīs al-Ṭabā (Beirut: Mu'assasit al-Ma'ārif, n.d.), 32.

⁶⁷ Indeed, Ibn Ishāq tells us that Muhammad picked Ṣāfiya for himself on account of her beauty (*Sahih Al-Bukhari*, Volume 5, Book 59, ḥadīth 522). She was, the sources tell us, originally picked out by Dihya al-Kalbī, one of Muḥammad's subordinates (cf., e.g., *Sahih al-Bukhari*, Vol. 1, Book 8, ḥadīth 367; Vol. 3, Book 34, ḥadīth 431; Vol. 5, Book 59, ḥadīth 512). However, her youthful beauty ostensibly caught Muhammad's eye and he wanted her for himself. So he gave Dihya other captured women in exchange for Ṣāfiyya. A ḥadīth in *Sunan Ibn Majah* states that Muḥammad gave Dihya seven female slaves in exchange for Ṣāfiyya (Vol. 3, Book 12, ḥadīth 2272).

⁶⁸ The conclusion that it was rape, though politically incorrect, seems to me to be inescapable, unless one wants to admit the absurd proposition that a young woman would willingly have sex with someone she hates very shortly after he had killed her friends, tortured and killed her husband, and previously killed her father (the sources do not specify that her brother and father were killed at Khaybar, only that her husband was). Indeed, clearly Ṣāfiyya was traumatized from witnessing the killing of her people prior to Muhammad's raping her. For Ibn Ishāq reports how when a Jewish woman who was taken captive along with Ṣāfiyya was led past the "[male] Jews that were slain," the woman "shrieked and slapped her face and poured dust on her head," after which Muḥammad said, "take this she-devil away from me." It is extremely likely that Ṣāfiyya shared her fellow Jewess' very natural sentiments here. Ṣāfiyya certainly was in no mood to sleep with the person who was ultimately responsible for this macabre deed, and the death of her father, husband, and wider community. See Ibn Ishāq, *Sīrat Rasūl Allāh*, 515.

⁶⁹ An interesting note in the context of this article is that Muhammad apparently did not wait for Ṣāfiyya's three-month idda or waiting period to expire before he "married" her and had sexual relations with her. Just as he marks an exception to the "no-more-than-four-wives" rule so he marks an exception to the waiting-period rule. After all, in traditional Islam, Muhammad is considered to be al-insān al-kāmil, i.e., the perfect man. (Al-Ṭabarī states that he had married a total of fifteen women, consummated the marriage with thirteen, and was married to eleven at one time; cf. Al-Ṭabarī, *The History of al-Ṭabarī: Biographies of the Prophet's Companions and Their Successors*, vol. 9, trans. Isma'īl K. Poonawala, 126-7.)

Furthermore, bracketing the question of historicity, there is much less reason to believe that contemporary actions that are consonant with what is recounted in these stories are "unislamic"—for these stories come from sources that form the very heart and soul of Islam.⁷⁰ Certainly Islamists are not going to buy the idea that such stories are unislamic or ahistorical just because they are contrary to Western sensibilities.

The fact is that ISIS militants in Iraq and Syria, who are notorious for raping Yazidī women who they capture (sometimes shortly after killing their families and neighbors), are clearly acting within the interpretive parameters of traditional Islam and following the example of the Muḥammad of the earliest Islamic sources.

In his legal handbook, *Bidāyat al-Mujtahid wa Nihāyat al-Muqtaṣid*,⁷¹ the Malikī jurist and philosopher Ibn Rushd (1126 – 1198) confirms the permissibility of enslaving women after battle. In the section "Identification of the harm permitted to be inflicted upon the enemy," Ibn Rushd states in no equivocal terms that Muḥammad "enslaved women."⁷² Ostensibly the implication is that enslaving women after battle is justified, following the example of Muḥammad.

There is no question that taking female captives in warfare is a practice that is sanctioned in the earliest Islamic sources; this practice or tradition is not just an innovation of groups like ISIS. And this is not just something that only so-called Islamophobic Westerners point out.

Indeed, Dr. Su'ād Ṣālih, former Dean of the Women's College of Islamic and Arabic Studies at al-Azhar University in Egypt (the seat of Sunni learning), very explicitly and nonchalantly [states](#) that taking female slaves (milk al-yamīn) is Islamically permissible in a war against Muslim enemies. She gives an example involving Israelis, stating that were Israel to fall, it would be

⁷⁰ I give a suggestion for how Muslim reformers can approach these thorny issues in the conclusion of the article.

⁷¹ See Ibn Rushd, *Bidāyat al-Mujtahid wa Nihāyat al-Muqtaṣid*, vol.1-4 (Cairo: Maktabat Ibn Taymiyya, 1995 A.D./1415 hijrī). The work has been translated in *The Distinguished Jurist's Primer* (vol.1-2), trans. Ahsan Khan Nyzazee (Reading: Garnet Publishing, n.d.).

⁷² Ibn Rushd, *The Distinguished Jurist's Primer* (vol.1), trans. Ahsan Khan Nyzazee, 456.

permissible to take Israeli women as captives and use them for sexual gratification in order to humiliate them.⁷³

The irony that Dr. Su‘ād Ṣālih, herself a woman, is sanctioning the sexual enslavement of female war captives, is completely lost on the former Azharī dean. But the irony is lost presumably because the former dean is utterly convinced that using female captives for sexual gratification is not something that is inhumane—after all, from her perspective, the flawless religion of Islam and the ideal for all mankind, Muḥammad, sanction the practice.

§7. Conclusion

In conclusion, we have seen that there is good *prima facie* considerations for why ISIS is an Islamic organization. We have also seen that these *prima facie* considerations are not overridden by some of ISIS’ notorious actions. Indeed, we concluded that in the case of ISIS’ caliphal ideal and the three other notorious cases, ISIS is operating on an interpretation of Islam that is not implausible. Ultimately, we are stuck with the unpalatable conclusion that ISIS is an Islamic movement.

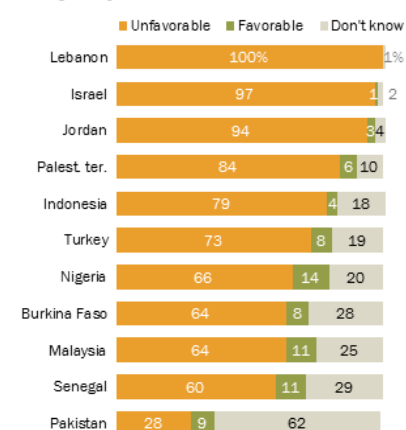
⁷³ “Fiqh Al-marāa – برنامج فقه المرأة – د. بسعاد صالح – المقصود بملك اليمين” YouTube video, 3:37, posted by “AlHayah TV Network,” Sept. 12, 2014. She literally says that that a Muslim man can “yastimt’ bihim kama yastimt’ bi zawjātihī” – i.e., he can “enjoy” female slaves or “those who his right hand possesses” just like he “enjoys” his wives.

Appendix

A recent November 2015 poll has been released by the Pew Research Center.⁷⁴ The relevant charts from the poll are pictured below.

Views of ISIS Overwhelmingly Negative

Do you have a ___ opinion of the Islamic militant group in Iraq and Syria known as ISIS?



Note: Due to rounding, percentages may not total 100%.

Source: Spring 2015 Global Attitudes survey. Q12n.

PEW RESEARCH CENTER

Views of ISIS by Religion, Ethnicity and Region

Do you have a ___ opinion of the Islamic militant group in Iraq and Syria known as ISIS?

Country	Group	Unfavorable	Favorable	Don't know
Lebanon	Christian	100%	0%	0%
	Shia	100	0	0
	Sunni	98	1	2
Israel	Jewish	98	0	2
	Arab	91	4	5
Palest. ter.	Gaza	92	5	3
	West Bank	79	8	13
Burkina Faso	Christian	66	5	29
	Muslim	64	9	26
Nigeria	Christian	71	7	22
	Muslim	61	20	19
Malaysia	Muslim	67	12	21
	Buddhist	65	6	29

Note: Due to rounding, percentages may not total 100%.

Source: Spring 2015 Global Attitudes survey. Q12n.

PEW RESEARCH CENTER

The poll asks people from eleven countries with significant Muslim populations whether “[they] have [favorable/unfavorable] opinion[s] of the Islamic militant group in Iraq and Syria known as ISIS.” The poll found, as expected, that only a minority of Muslims in these countries hold favorable views towards ISIS. So, relatively speaking, there aren’t that many Muslims who support ISIS in these countries. However, absolutely speaking, if you crunch the numbers you get that over 66 million people in these countries, the vast majority of whom are Muslims, support ISIS.⁷⁵ That is a lot of Muslim support for ISIS. To put this number into perspective, the

⁷⁴ Jacob Poushter, “In nations with significant Muslim populations, much disdain for ISIS,” Pew Research Center, November 17, 2015, <http://www.pewresearch.org/fact-tank/2015/11/17/in-nations-with-significant-muslim-populations-much-disdain-for-isis>.

⁷⁵ The following are my calculations. The population numbers are taken from the CIA World Factbook's July 2015 estimates.

Israel: 1% of 8,049,314 = 80,493.14

Jordan: 3% of 8,117,564 = 243,526.92

Palestinian territories: 6% of ---

Indonesia: 4% of 255,993,674 = 10,239,746.96

Turkey: 8% of 79,414,269 = 6,353,141.52

Nigeria: 14% 181,562,056 = 25,418,687.84

United Kingdom is the 22nd most populous country in the world with a population that is around 64.1 million. So, according to this poll, more people support ISIS than live in the United Kingdom. If you add the views of Muslims in countries excluded from the poll into the mix, like Saudia Arabia, Afghanistan, Egypt, Yemen, Iraq, Syria, Kuwait, Qatar, and India, then you will have millions more Muslims with favorable views towards ISIS.

The poll also found other interesting results, one of which is that statistically significant percentages in all of these countries (save for Israel and Jordan) were not sure whether they held favorable or unfavorable views towards ISIS. In fact, the poll found that 62% of Pakistanis answered with a “don’t know.” Since the population of Pakistan is currently around 199 million, that means that around 123.38 million people do not expressly hold unfavorable views towards ISIS.

Another interesting finding of the poll was that single digit percentages of Christians in Nigeria and Burkina Faso, and Buddhists in Malaysia, hold favorable views towards ISIS. This adds up to a few million of them in absolute numbers. This is strange because ISIS holds very antagonistic views towards non-Muslims, and has been actively persecuting Christians in the Middle East. However, the margin of error for national samples in these countries is approximately 3.8%. The margin of error is larger for results based on subsamples in the survey, and so for Christian and Buddhist population samples here. Given this, and given that only 5% of Christians in Burkina Faso, 7% of Christians in Nigeria, and 6% of Buddhists in Malaysia hold favorable views towards ISIS, these percentages are not (or barely) statistically significant.

It should also be noted that the percentage of Muslims with favorable views towards ISIS in Israel, the Palestinian territories, and Indonesia, are not (or barely) statistically significant. But the conclusion that tens of millions of Muslims support ISIS still holds. Now, one might object with the inference that I am drawing from the results here and say that holding favorable views of

Burkina Faso: 8% of 18,931,686 = 1,514,534.88

Malaysia: 11% of 30,513,848 = 3,356,523.28

Senegal: 11% of 13,975,834 = 1,537,341.74

Pakistan: 9% of 199,085,847 = 17,917,726.23

Given these numbers, the total number of people with favorable views towards ISIS is approximately 66,661,722.51, excluding the Palestinian territories. I excluded the Palestinian territories for source uniformity (the CIA World Factbook does not have July 2015 estimates for the West Bank).

ISIS does not imply supporting ISIS. In response, I would just say that given the ubiquity of ISIS in the media, and the notoriety of the group's barbarism, it is safe to say that if you hold a favorable view of ISIS, then you support ISIS.