

Sex-Slavery and Sharia in the Islamic State

by Joseph S. Spoerl (November 2014)



An Islamic State fighter acquires a bride (or a slave?) in Mosul, Iraq, Summer 2014¹

In September 2014, several Muslim men had the following discussion on Facebook:

“Abou Jihad: “350 dollars for the Yazidi girl in Mosul if you want. LOL

[...]

Abu Selefie: I heard there were slaves in Raqqa is it true?

Abde-Rahman: I saw it was around 180 dollars per slave LOL.

Abou Muhammad: You have revived a tradition.”²

“Abou Jihad” is a French Islamic State (or ISIL or ISIS) fighter in Syria who is one of the main disseminators of IS materials in French. He is stating openly what mainstream Western media outlets, the United Nations, and the Islamic State itself have now confirmed, namely, that the Islamic State is practicing the sexual enslavement of Yazidi and other non-Muslim women and girls.³ Abou Muhammad demonstrates his knowledge of Islamic history and law by accurately observing that in permitting these practices, the Islamic State has “revived a tradition.” Classical Islamic law, based on both the Koran and the example and teaching of Muhammad (c. 570-632), does indeed condone the sexual enslavement of non-Muslim women taken as captives in *jihad* .

To understand the tradition that is being revived in Iraq and Syria, let us begin with the Koran and then turn to the traditional Islamic sources on the life of Muhammad.

The Koran (the literal, eternal, infallible, uncreated word of God, according to mainstream Muslim doctrine⁴) expressly permits Muslim men to have sexual relations not only with their wives but also with their slave girls: “Blessed are the believers, who are humble in their prayers; who avoid profane talk, and give alms to the destitute; who restrain their carnal desires (except with their wives and slave-girls, for these are lawful to them...)” (23:1-5; cf.

33:52, 70:29-31).⁵

The Koran also teaches Muslims that Muhammad “is verily of noble nature” (68:4), and many of its verses command Muslims to obey and imitate Muhammad (e.g. 3:32, 3:132, 4:13, 4:59, 4:69, 5:92, 8:1, 8:20, 8:46, 9:71, 24:47, 24:51, 24:52, 24:54, 24:56, 33:33, 33:36, 47:33, 49:14, 58:13, 64:12). Mainstream Islam teaches as a central doctrine Muhammad’s moral perfection, insisting that he enjoyed God-given immunity (*isma*) from sin and error⁶ and that he was “the perfect person,” the most perfect of all God’s creatures.⁷ This implies the moral permissibility of everything that Muhammad himself did and of everything that, by his teachings, he himself permitted.

The earliest extant biography of Muhammad, that of Ibn Ishaq (d. c. 767), tells us that the ruler of Alexandria “gave to the apostle four slave girls, one of whom was Mary mother of Ibrahim the apostle’s son.”⁸ Muhammad not only accepted female sex-slaves as gifts (and impregnated them) but also gave them as gifts as well, for example, giving Sirin, another Coptic girl, to his follower Hassan bin Thabit, who sired a son by her.⁹

The Muslim sources also tell us that Muhammad permitted his fighters to have sex with female war-captives, even ones they had no intention of keeping as wives or slaves. Ibn Ishaq has Muhammad teaching his soldiers the following, after the conquest of Khaybar, a large Jewish settlement north of Medina: “It is not lawful for a man who believes in Allah and the last day to mingle his seed with another man’s (meaning to approach carnally a pregnant woman among the captives), nor is it lawful for him to take her until he has made sure that she is in a state of cleanness...”¹⁰ This passage clearly implies that Muhammad has no objection to Muslim fighters having sex with female war captives, so long as their victims are not pregnant or menstruating.

The second-most important biography of Muhammad, that of al-Waqidi (d. c. 823), provides even more evidence of Muhammad’s permissive stance regarding sex with female war-captives. After the conquest of the tribe of the Banu l-Mustaliq, some of Muhammad’s fighters came to him for advice:

“We were lusting after women and chastity had become too hard for us, but we had no objections to getting the ransom money for our prisoners. So we wanted to use the ‘azl [*coitus interruptus*].... We asked the prophet about it and he said: ‘You are not under any obligation to forbear from that...’ Later on women and children were ransomed by envoys...”¹¹

Here Muhammad plainly has no objection to his soldiers having sex with female war-captives, and indeed the way his fighters phrase the question makes it quite clear that they know he has no objection to this practice. They wish to know, not if it is permissible for them to have intercourse with their war-prizes, which they take for granted, but if they may withdraw from them before ejaculating, since if they make the women pregnant, they may not get the ransom they desire. Muhammad's answer is that they have no obligation to withdraw before ejaculating: Muhammad does not recommend the practice of *coitus interruptus*, but neither does he forbid it. In Rizwi Faizer's translation, he justifies his position as follows: "I do not recommend it. Indeed, a creation that God intended will be to the Day of Judgment."¹² In other words, Muhammad is being fatalistic: if God has intended that a child be conceived in an act of intercourse, then the child will be conceived whether the man withdraws before ejaculation or not. As Muhammad explains in another passage, "Pregnancy does not require all the 'water' [i.e. semen], and when God desires it, nothing will prevent it."¹³ The story of the Banu l-Mustaliq continues with an account of a Muslim fighter bringing a young girl to sell at the slave market (Rodinson comments that she must have been a poor girl for whom no one could pay ransom): "A Jew said to me: 'Abu Said, no doubt you want to sell her as she has in her belly a baby by you.' I said: 'No; I used the 'azl.' To which he replied [sarcastically]: 'Then it was the lesser child murder!' When I repeated this story to the prophet he said: 'The Jews lie. The Jews lie.'"¹⁴ Here it is clear that Muhammad is angry, not because one of his soldiers has had sex with a defenseless female prisoner of war, but because a Jew has dared to make fun of a Muslim.

Another passage from al-Waqidi illustrates just how common it was for Muslims to have sex with female war-captives, with Muhammad's clear permission and approval. In his account of the Muslim victory at the battle of Hunayn, al-Waqidi includes the following details:

"We asked permission from the Messenger of God about the prisoners he had distributed and given to other men. A woman from them was with Abd al-Rahman b. Awf, who had intercourse with her as his property. The Messenger of God had gifted her to him in Hunayn. He resisted her at al-Jiranna until she menstruated: then, he had intercourse with her. The Messenger of God gave Safwan b. Umayya another. He gave Ali b. Abi Talib a slave girl named... Rayta bt. Hilal bt. Hayyan b. Umayra; he gave Uthman b. Affan a slave girl named Zaynab b. Hayyan b. Amr. Uthman had intercourse with her and she detested him. Ali did not have intercourse. The Messenger of God gave Umar b. al-Khattab a slave girl, and Umar gave her to his son, Abdullah b. Umar. Ibn Umar sent her to his uncle in Mecca of the Banu Jumah to improve her... She was a slave girl, pure and admirable."¹⁵

Here we see Muhammad giving his closest companions sex-slaves as gifts. Three of the men mentioned here – Ali, Uthman, and Umar – would succeed Muhammad as caliphs or leaders of the Muslim community. The statement about Uthman b. Affan – that he had sex with his slave girl “and she detested him” – makes it clear, if it was not clear enough already, that we are talking here about non-consensual sex or, to be blunt, rape.

If we turn now from the traditional biographies to the canonical collections of Muhammad’s sayings or *ahadith* (singular *hadith*), we find exactly the same picture. The most important of these collections is *Sahih Bukhari*, assembled by the great Muslim scholar Bukhari (d. c. 870), “whose collection,” David Cook notes, “is accorded a rank in Sunni Islam just below that of the Qur’an.”¹⁶ In *Sahih Bukhari* (and also in the second-most important collection, *Sahih Muslim*) we read, to select just one example, a passage in which Muhammad’s fighters recount the following: “We got female captives in the war booty and we used to do *coitus interruptus* with them. So we asked Allah’s Apostle about it and he said, ‘Do you really do that?’ repeating the question thrice. ‘There is no soul that is destined to exist but will come into existence, till the Day of Resurrection.’”¹⁷ Again, the only issue here is *coitus interruptus*, both Muhammad and his soldiers taking it for granted that there is nothing wrong with raping female prisoners of war. (In fact, these texts form the basis of the permissibility of *coitus interruptus* in at least some schools of Islamic law and, by analogy, of contraception.¹⁸)

It is no surprise, therefore, that Islamic law, based as it is on the Koran and the example and teaching of Muhammad, permits the sexual enslavement of female war-captives. The mainstream Sunni Shafi legal manual *The Reliance of the Traveller* stipulates the following: “When a child or a woman is taken captive, they become slaves by the fact of capture, and the woman’s previous marriage is immediately annulled.”¹⁹ This conveniently ensures that sex with such war captives is not adulterous.

In his classic study, *War and Peace in the Law of Islam*, the scholar Majid Khadduri writes the following:

“As a consequence of attaining victory over the enemy, the imam [Muslim leader] may condemn part of ... the population of the conquered territory, in case they did not accept Islam and the imam did not demand that they work and pay the kharaj [a tax on non-Muslims], to be slaves and to be divided among the jihadists as spoils of war. The recipient had the legal right to regard the slave as his property, but he was under a moral obligation to treat him gently and show him real kindness. If the slave were a woman, the master was permitted to have sexual connection with her as a concubine.”²⁰

Khadduri is right to point out that Islamic law contains provisions protecting slaves from certain types of abuse. Joseph Schacht, a leading scholar of Islamic law, writes that “the authorities must ensure that the owner fulfills the religious duties towards his slave; he must not overwork him and must give him sufficient rest; the slave of a persistent offender can be sold compulsorily.”²¹ Bernard Lewis also writes that Islamic law has humane provisions regarding treatment of slaves.²² But the kindness owed to a slave has its limits: in particular, it does not protect the unmarried female slave from having to submit to non-consensual sex with her male owner. Like Khadduri, Schacht observes that “the unmarried female slave is at the disposal of her male owner as a concubine” (and, Schacht points out, “the marriage of the slave requires the permission of the owner”²³). Likewise, Lewis observes: “A Muslim slaveowner was entitled by law to the sexual enjoyment of his slave women.”²⁴ Moreover, Schacht further writes that the slave has no legal right to sue the owner²⁵ and, in general, even a free non-Muslim subject of the Islamic state or *dhimmi* cannot testify in an Islamic court except in matters concerning other *dhimmis*.²⁶ Yohanan Friedmann, another leading scholar of Islamic law, likewise points out that under *sharia*, “non-Muslims’ testimony is not admissible against Muslims, but the testimony of Muslims is valid against members of all religions.”²⁷ Bernard Lewis also says of slaves, “Their testimony was not admitted at judicial proceedings.”²⁸ Thus, a non-Muslim female slave under *sharia* has no capacity to stand before an Islamic court and demand relief from sexual abuse at the hands of her Muslim owner.

There is another important aspect of classical *sharia* that ought to be mentioned here, namely, that Islamic law mandates not only the conquest but also the humiliation of non-Muslims who refuse to convert to Islam. Joseph Schacht writes: “The basis of the Islamic attitude towards unbelievers is the law of war; they must be either converted[*note omitted*] or subjugated or killed (excepting women, children, and slaves); the third alternative [i.e. being killed], in general, occurs only if the first two [i.e. conversion or surrender] are refused.”²⁹ Those who are conquered after refusing to surrender or convert are either made slaves or killed (men only) or left alive as free *dhimmis*, subject to a special tax called the *jizya* or poll tax as mandated by the Koran 9:29.³⁰ The very language of the Koran in this verse makes it clear that humiliation is to accompany the collection of the *jizya*.³¹ Schacht notes tersely that the *dhimmis* “must pay the poll tax under humiliating conditions.”³²

Bernard Lewis provides some details of this humiliation, quoting Mahmud ibn Umar al-Zamakshari (d. 1144), “author of a standard commentary on the Qur’an.”³³ Commenting on Koran 9:29, al-

Zamakshari writes as follows:

“[T]he *jizya* shall be taken from them with belittlement and humiliation. He [the *dhimmi*] shall come in person, walking not riding. When he pays, he shall stand, while the tax collector sits. The collector shall seize him by the scruff of the neck, shake him, and say: ‘Pay the *jizya*!’, and when he pays it, he shall be slapped on the nape of his neck.”³⁴

Lewis adds this comment: “Other authorities add similar details – such as, for example, that the *dhimmi* must appear with bent back and bowed head, that the tax collector must treat him with disdain and even with violence, seizing his beard and slapping his cheeks, and the like.”³⁵ The greatest theologian in the history of Sunni Islam, Abu Hamid al-Ghazali (1058-1111), prescribes that “on offering up the *jizya*, the *dhimmi* must hang his head while the official takes hold of his beard and hits [the *dhimmi*] on the protuberant bone beneath his ear [i.e. the mandible]...”³⁶

The American sailor James Riley, shipwrecked and enslaved on the coast of Morocco in 1815, provides an eyewitness account of the *jizya* collection in that country:

“The Jews soon appeared...; as they approached, they put off their slippers, took their money in both their hands, and holding them alongside each other, as high as the breast, came slowly forward to the talb or Mohammedan scrivener, appointed to receive it; he took it from them, hitting each one a smart blow with his fist on his bare forehead, by way of a receipt for his money, at which the Jews said, *Nahma Sidi* (thank you, my lord)... he that said, no [he could not pay], or was not ready, was seized instantly by the Moors, who throwing him flat on his face to the ground, gave him about fifty blows with a thick stick upon his back and posteriors, and conducted him away, I was told, to a dungeon... many of them changed their religion, were received by the Moors as brothers, and were taken to the mosque, and highly feasted...”³⁷

Small wonder that the great Jewish scholar Maimonides (1135-1204) would lament to his fellow Jews about the Muslims: “No nation has ever done more harm to Israel. None has matched it in debasing and humiliating us.”³⁸

One of the many humiliating regulations imposed on the *dhimmi* by classical *sharia* – known collectively as “the covenant of Umar” – is that

“...[H]e must carry no weapons and is therefore always at the mercy of any who choose to

attack him... The *dhimmi* cannot and indeed may not defend himself even against such petty but painful attacks as stone throwing, done mainly by children – a form of amusement recorded in many places from early until modern times.”³⁹

Yohanan Friedmann remarks that, in general, non-Muslim subjects of the Islamic state “must at all times behave towards the Muslims with a deference reflecting their lowly station in society. Reading the relevant material in the Muslim sources, one has frequently the impression that the humiliation of the unbeliever is more important than his conversion.[note omitted]”⁴⁰

The point I wish to make is this: If Islamic law mandates such humiliating treatment of *free* non-Muslim subjects of the Islamic state, then surely it is not averse to the humiliation of non-Muslim *slaves*. If Islamic law strips even free non-Muslims of any legal right to defend themselves either physically or verbally before an Islamic court, then it gives non-Muslim slaves even less ability to defend themselves. Whatever Islamic law mandates by way of “kindness” to slaves must be understood in this context. In fact, the enslavement of non-Muslims conquered in *jihad* is itself only one aspect of the humiliation called for by the Koran, the *ahadith*, and the classical jurists, and the sexual enslavement of non-Muslim women is an especially vivid and bitter aspect of this divinely sanctioned humiliation and disempowerment.

So far we have seen that the rape and sexual enslavement of non-Muslim women by the Islamic State is not in any obvious way a perversion or violation of Islamic principles, if by “Islamic principles” one means classical *sharia*. There is, however, one further aspect of slavery under *sharia* that we need to mention, and that is that slaves are primarily to be acquired in a legitimate *jihad* (or by tribute, offspring, or purchase, which we will not be considering here).⁴¹ Is the Islamic State waging a legitimate *jihad*, under classical Sunni Islamic legal criteria?

Classical Sunni Islamic law sanctions several types of war, conveniently summarized by Majid Khadduri.

First is the *jihad* against polytheists or pagans. “No compromise is permitted with those who fail to believe in God, they have either to accept Islam or fight... All the jurists, perhaps without exception, assert that polytheism and Islam cannot exist together...”⁴² The Yazidis of northern Iraq practice a form of pre-Islamic paganism.⁴³ Such polytheists have only two choices under *sharia*: conversion to Islam or death (if they are men – the women and children are not

to be killed but enslaved).

A second type of *jihad* is against "Scriptuaries" or "People of the Book," i.e. those who have received a written revelation before the time of Muhammad: Jews, Samaritans, Sabians, or Christians.⁴⁴ Since they have distorted their holy books and fallen into disfavor with God, they deserve to be punished, but not as severely as the polytheists. Khadduri writes:

"The polytheists have the limited choice between Islam or the jihad; the Scriptuaries can choose one of three propositions: Islam, the poll tax [*jizya*], or the jihad. If they accept Islam, they are entitled under the law to full citizenship as other believers; if they prefer to remain Scriptuaries at the sacrifice of paying the poll tax, they suffer certain disabilities which reduce them to second class citizens; if they fight they are to be treated in war on the same footing as polytheists.⁴⁵

Lewis points out that Jews or Christians who are *dhimmi*s and pay the poll tax and obey the "Pact of Umar" may not be enslaved under Islamic law.⁴⁶ The problem is that the Christians of Iraq and Syria do not pay the poll tax, since the governments there do not enforce classical Islamic law in its entirety. This leads to our next topic.

A third type of *jihad* is war against apostasy. "The outstanding case of apostasy was the secession of the tribes of Arabia after the death of Muhammad," notes Khadduri.⁴⁷ Muhammad's successor and the first caliph, Abu Bakr, waged the "wars of apostasy" after the Arab tribes refused to pay the *zakat*, a tax that is one of the five pillars of Islam, after the death of Muhammad. "An eminent chronicler, al-Baladhuri, reports that nobody escaped death save those who returned to Islam.[note omitted]"⁴⁸ Under classical *sharia*, the penalty for apostasy is death,⁴⁹ and there are many acts that entail apostasy, including denying any verse of the Koran, or denying the obligatory character of something which by the consensus of Muslim scholars (*ijma*) is part of Islam, when it is well known as such, like daily prayer or payment of *zakat*.⁵⁰ This definition of apostasy is quite broad. Indeed, the liberal Muslim reformer Abdullah Saeed points out a disturbing implication: "Nominal Muslims present a major challenge to the law on apostasy. Under classical Islamic law, such people should be considered apostates," for example, merely because they fail to perform the obligatory five daily prayers.⁵¹ Here the Islamic State may have (from its point of view) a legitimate grievance against the government of Iraq, which (for example) fails to impose the *jizya* payments or to impose the full "covenant of Umar" on Christians, with all its humiliating regulations. Majid Khadduri notes that the covenant of Umar "was regarded by all (i.e. by *ijma*) as the definitive

law governing the relations of the dhimmis with Islam.”⁵² In fact, one of the first things the Islamic State does when it conquers a Christian community is to impose the *jizya* tax.⁵³ A government that tolerates pre-Islamic Arab pagans like the Yazidis could also be fairly accused of apostasy, since, as we have seen, classical *sharia* mandates that such people be given only a choice between Islam or death, a point on which there is clear consensus (*ijma*) among classical Sunni legal scholars.⁵⁴

The Alawites who control the Syrian government are descendants of Muslims, but their religion has devolved over the centuries into a syncretistic form of polytheism. As Daniel Pipes writes, “Alawis reject Islam’s main tenets; by almost any standard they must be considered non-Muslims.”⁵⁵ The Islamic State therefore regards them as apostates from Islam who must be fought until they are killed or forced to return to Islamic orthodoxy.⁵⁶

The Kurdish enemies of the Islamic State in both Iraq and Syria have militias that are Marxist (the PKK and the PYD). The Islamic State thus accuses these Kurds of being apostates (*murtaddin*).⁵⁷

Another point has to do with the Sunni-Shiite division. Shiites believe that the rightful leader of the Muslim community must be a member of Muhammad’s family, beginning with Muhammad’s son-in-law and cousin Ali bin Abi Talib and continuing by lineal descent through his offspring. Sunnis deny this and hold that the leader may be a devout Muslim from outside Muhammad’s family. Shiites thus tend to praise Ali and to denigrate those who (in their view) either opposed Ali or usurped his rightful position as leader of the Muslim community after Muhammad’s death, including close companions of Muhammad (e.g. Abu Bakr, Umar, Uthman, or Aisha). Sunni Muslim scholars hold that “[i]t is obligatory to believe in the excellence... of the prophetic Companions... One must think the best of all the Companions of the Prophet...and praise them just as Allah...and His Messenger have praised them...”⁵⁸ “There is a scholarly consensus of the Sunni Community that all the Companions are legally upright.”⁵⁹ According to the great Sunni legal scholar and theologian al-Ghazali, “...as for the hypothesis that the Prophet...explicitly appointed [Ali to lead the community after his death], it amounts to an accusation against all the Companions of contravening the Messenger of Allah..., which is a violation of scholarly consensus (*ijma*)...that no one has had the effrontery to invent except the Shiites...”⁶⁰ This creates an opening for more intolerant Sunnis, like those of the Islamic State, to accuse Shiites of apostasy. The Islamic State’s magazine *Dabiq* in fact refers to their Shiite enemies in Iraq as apostates.⁶¹

A final point is that, under classical *sharia*, “the caliphate is a communal obligation...because the Islamic community needs a ruler to uphold the religion, defend the sunna, succor the oppressed from oppressors, fulfil rights, and restore them to whom they belong.”⁶² (A “communal obligation” is a duty such that if some fulfil it, then all are sinless, but if no one fulfils it, then all Muslims are guilty of serious sin.⁶³) The leader of the Islamic State, Abu Bakr al-Baghdadi, has proclaimed himself the caliph no doubt in part because he, like many traditional Sunni Muslims, regards it as a sin of the whole Muslim community that there has been no caliph since 1924, and he would perhaps have grounds under *sharia* to regard as an apostate any Muslim who denies the obligatory nature of the caliphate. (Moreover, mere seizure of power is one of the ways in which a caliph may be invested with office under Sunni Islamic law.⁶⁴) A related point is that offensive war to impose Islamic rule on non-Muslims is a communal obligation under *sharia*,⁶⁵ and is regarded as such “by all jurists, with almost no exceptions...”⁶⁶ Enjoying as it does *ijma* or consensus of the great Sunni Muslim legal scholars, any Muslim who denies this duty is vulnerable to the charge of apostasy. A central duty of the caliph is “to see that Islam’s ultimate mission, namely, the supremacy of Allah’s word over this world, is carried out by the jihad.”⁶⁷ The head of the Islamic State, Abu Bakr al-Baghdadi, a.k.a. Caliph Ibrahim, has in fact openly stated the Islamic State’s aspiration to conquer “Rome” (i.e. Europe) and the whole world.⁶⁸ Its official magazine proclaims: “We will conquer your Rome, break your crosses, and enslave your women ... and ... sell your sons as slaves at the slave market.”⁶⁹ “Soon, by Allah’s permission, a day will come when the Muslim will walk everywhere as a master...”⁷⁰

The Sunni insurgents of the Islamic State therefore have several grounds under classical *sharia* to regard their Muslim and Alawite enemies as apostates.

A fourth type of *Jihad* is war against *baghi* (i.e. dissenters or rebels). Many, perhaps most, Muslims today regard the Islamic State as a band of rebels who may rightfully be suppressed by the authorities in Iraq and Syria. Khadduri notes an evolution in Islamic thinking on when or whether rebellion might be justified. In early Islam, he notes, “Muslim public opinion was not inclined to support an imam [Muslim ruler] who himself seemed to have departed from the law...” However, Islamic jurist-theologians “seem to have gradually tended to support the authority of the imam against any element revolting against him.”⁷¹ Thus, classical *sharia* gives some support to Muslims who oppose the Islamic State and want to see it defeated. On the other hand, the matter is not so easily settled, since, as we have seen, classical Sunni Islamic law also gives the Islamic State grounds for seeing itself as a champion of orthodoxy fighting

apostate regimes in Iraq and Syria.

An important point to bear in mind in general is that Muhammad spent the last ten years of his life waging an ideologically-driven insurgency that ultimately aimed at replacing a non-Muslim social and political order with an Islamic one.⁷² The American military historian Richard A. Gabriel has argued persuasively that Muhammad was in fact the founding father of ideologically-driven insurgency warfare.⁷³ Given that all Muslims are obliged to emulate Muhammad, "the perfect person," it should hardly surprise us that ideologically-driven insurgency wars are endemic across the Muslim world, either against non-Muslim states (Chechnya, Gaza, Kashmir, Nigeria, the Philippines, Thailand) or against insufficiently Islamic or "apostate" governments (Syria, Iraq, Algeria, Libya, Mali, Egypt, Tunisia, Pakistan, Afghanistan, Somalia). This is not to deny that there are non-religious factors that also fuel the violence in these countries.⁷⁴ It is only to assert that religion is often an important part of the complex mixtures of motives that drive human actions, especially in Muslim societies where people tend to be far more religious than in the increasingly secular West.

The courageous liberal Muslim reformer, Nasr Hamid Abu Zayd (1943-2010), argued that both the Koran and Muhammad must be understood as products of seventh-century Arab culture and that both must therefore be regarded as fallible, and Islam must consequently be open to development and change in its moral and religious teachings.⁷⁵ He maintained that this claim is consistent with affirming the divine inspiration of both the Qur'an and Muhammad. The interpretive challenge for Muslims, as he saw it, is to separate the temporal and the outmoded from the eternal religious verities conveyed by both these sources. For saying such things, he was declared an apostate by more conservative Muslims in his native Egypt who took him to court and had his marriage nullified on the grounds that a Muslim woman cannot (under *sharia* or Egyptian law) be married to a non-Muslim man. Having received death threats, he resigned his professorship at the University of Cairo, and in 1995 he and his wife fled Egypt and took up residence in the Netherlands, where he taught at the University of Leiden.⁷⁶ Nasr Abu Zayd knew better than anyone just how oppressive *conservative* or *classical* Islam can be. He wrote, "if we follow the rules of interpretation developed from the classical 'science of Koranic interpretation', it is not possible to condemn terrorism in religious terms. It remains completely true to the classical rules in its evocation of sanctity for its justification. This is where the secret of its theological strength lies."⁷⁷

It has become fashionable in many quarters to deny that the Islamic State is in *any* sense

Islamic.⁷⁸ This is inaccurate and unhelpful. The analysts at the Middle East Media Research Institute are correct in observing about the Islamic State that, “As for the atrocities against Yazidis and [fellow Muslims], and the persecution of Christians, these conform to ancient Islamic doctrines with regards to idolaters, Christians, and apostates to which the Islamic State is committed.”⁷⁹ The Islamic State has a strong claim to be considered authentically Islamic according to classical Sunni juristic principles. That is part of what makes it attractive to the tens of thousands of conservative Sunni Muslims who are flocking to fight under its banner from all over the world. We may wish that fewer of the world’s Muslims would be attracted to this version of their faith, and that all Muslims would embrace the liberal, tolerant, reformed Islam of Nasr Abu Zayd, but wishful thinking is no substitute for a clear-eyed view of reality. Nor is it a basis for sound public policy.

[1] Tweeted by Fadel al Hadidi on Aug. 2, 2014: https://twitter.com/Fadel_alHadidi.

[2] “French, British IS Fighters Discuss Use of Yazidi Women as Sex Slaves,” Middle East Media Research Institute, Special Dispatch No. 5833, Sept. 3, 2014, <http://www.memri.org/report/en/print8135.htm>.

[3] The magazine of the Islamic State gives a lengthy apologetic defense of slavery: see *Dabiq*, Issue 4, Dhul-Hijjah 1435, pp. 14-7, <http://www.clarionproject.org/news/islamic-state-isis-isil-propaganda-magazine-dabiq>