

A RESOURCE FOR
COMMUNITY LEADERS

ISIS (ISLAMIC STATE OF IRAQ AND SYRIA)

ORIGINS, IDEOLOGY, AND RESPONSES
BY MAINSTREAM MUSLIM SCHOLARS

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2016

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MAINSTREAM MUSLIM SCHOLARS**

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This document was prepared by a research group based at the National Centre of Excellence for Islamic Studies to help Australian Muslims, in particular, understand what ISIS is, how it emerged, its ideological basis, and how mainstream Muslim scholars are responding to ISIS.

The views expressed in this document do not necessarily represent that of the University of Melbourne or the National Centre of Excellence for Islamic Studies.

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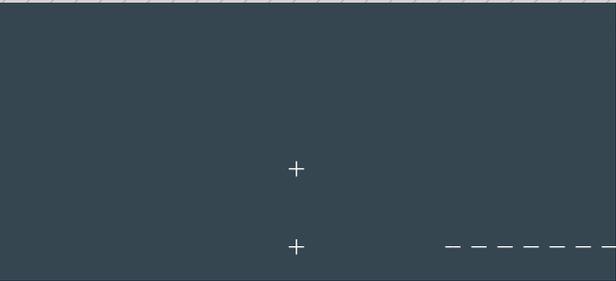
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INTRODUCTION

The aim of this document is to provide a resource for religious and community leaders who wish to counter the ideology of the group known as the Islamic State, Da'esh, or ISIS, and in particular the idea that Australian Sunni Muslims are religiously obligated either to travel to Iraq to fight, or to engage in other forms of violence. The guide contains background information on the conflict in Iraq and the emergence of ISIS, as well as a discussion of ISIS's ideology and the response of Muslim scholars to that ideology.

The guide is based on a range of modern and classical sources that are representative of the Islamic legal and ethical tradition. A number of useful modern discussions of jihad and terrorism have recently become available, and these are drawn on here—although they have been modified to reflect the latest developments and the aims of this document. Some resources are referred to extensively in the document, and we expect they will also be particularly beneficial to the reader. The most useful are: Rashad Ali and Hannah Stuart's *A Guide to Refuting Jihadism: Critiquing Radical Islamist Claims to Theological Authenticity*¹; the Open Letter to al-Baghdadi, signed by 126 Muslim scholars;² and the statement of positions adopted by the members of the Australian National Imams Consultative Forum (NICF).³

The appendix contains a list of resources that will allow readers to explore the issues raised in the document in more depth. Most of the resources are available online and, where possible, a link is provided for the reader.



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ISIS: ORIGINS AND IDEOLOGICAL BASIS

What is ISIS?

The Islamic State in Iraq and Syria (ISIS)—alternatively translated as “the Islamic State in Iraq and al-Sham” or “the Islamic State in Iraq and the Levant” (ISIL)—is a militant jihadist group that claims to have restored the caliphate and is currently waging a brutal war in parts of Iraq and Syria.

How did it emerge?

The origins of ISIS can be traced back to the career of Jordanian jihadist Abu Mus’ab al-Zarqawi (d. 1426/2006).⁴ Al-Zarqawi was a small-time criminal, known for bootlegging, pimping, and sexual assault.⁵ He turned to jihadism after being released from jail in 1999 and travelled to Afghanistan, where he met the leaders of al-Qaeda. After the American invasion, al-Zarqawi fled to Iraq, where he became known as a feared jihadist commander. His group was responsible for many suicide terrorist attacks in Iraq and notorious for targeting non-combatants, including aid workers and Iraqi civilians instead of foreign military forces.⁶ Al-Zarqawi’s group also targeted Shi’is and their places of worship. His objectives included driving out the coalition led by the United States (US) as well as initiating a sectarian conflict that would

ultimately result in the establishment of an Islamic State in Iraq.⁷ Many Iraqis opposed al-Zarqawi's group because of its cruel and violent tactics and its perceived foreign (non-Iraqi) membership.⁸

In September 2004, after prolonged negotiations, al-Zarqawi became part of the al-Qaeda network, pledging allegiance to Osama bin Laden. His group changed its name to al-Qaeda in Iraq (AQI). However, the relationship between the two groups was fraught with tension because al-Qaeda found al-Zarqawi to be too extreme. They especially disapproved of AQI's indiscriminate mass targeting of Shi'i civilians, which they saw as detrimental to the image of the jihadist project in the eyes of the broader Muslim populace.⁹ These criticisms were made by al-Qaeda leader Ayman al-Zawahiri in letters to al-Zarqawi in 2005.¹⁰

After al-Zarqawi was killed in June 2006, Egyptian bomb-maker Abu Ayyub al-Masri became AQI's new leader.¹¹ To make AQI seem more Iraqi, al-Masri changed its name to the Islamic State in Iraq (ISI) in 2006, and installed an Iraqi, Abu Omar al-Baghdadi, as leader.¹² ISI quickly expanded, raising millions of dollars per year through ransoms, extortion, and oil smuggling. However, it failed to win over Iraqis because of its violent ideology and because Iraqis continued to feel alienated by the large presence of foreign fighters.¹³ This alienation contributed to the Sunni Awakening (Sahwa), a movement of Sunnis, originally in Anbar province, who fought ISI alongside Western coalition forces.¹⁴ ISI's response was to intensify its efforts against its fellow Sunnis, and to attack minority communities such as the Yazidis in northern Iraq. In a shocking attack on 14 August 2007, for example, four car bombs killed a total of 800 people in one day in Yazidi villages in northern Iraq.¹⁵

ISI's cruel and violent tactics resulted in it becoming targeted by many enemies. During this time it lost many of its foreign fighters and was weakened. As a result, sectarian violence subsided considerably in Iraq during the period 2007–2009. Both al-Masri and al-Baghdadi were killed in 2010.¹⁶

The beginning of the US withdrawal in 2009 caused the weakening of the Sahwa, and ISI relocated to Mosul where it attempted to re-centralise and consolidate its leadership. Sahwa tribal councils became increasingly disillusioned with the policies of the Shi'a-led government in Baghdad.¹⁷ By mid-2010, ISI was in a position to pay higher salaries than the government and started recruiting Sahwa members.¹⁸ ISI also began a propaganda

campaign to legitimise their “Islamic State” project. They highlighted Abu Omar al-Baghdadi’s supposed descent from the Quraysh tribe (the tribe of Prophet Muhammad), which according to one interpretation of Islamic tradition will produce the next caliph.¹⁹ Although al-Baghdadi was killed in 2010, his replacement, Abu Bakr al-Baghdadi, ISIS’s current leader and self-proclaimed caliph, also claims Qurayshi heritage.

During 2011–2012, ISI expanded into the Kurdish north and Shi’i south in Iraq. It freed insurgent prisoners held in a number of Iraqi prisons and increased its influence among Sunnis in Iraq.²⁰ Most significantly, the civil war in Syria facilitated ISI’s eventual expansion into Syria itself. In mid-2011, the ISI leadership in Syria started cooperating with local jihadist groups to establish Jabhat al-Nusra. Al-Nusra gained a public profile in early 2012 and continued its activities throughout the first half of 2012. Although it concentrated its efforts on government-related targets, it often incurred heavy civilian casualties in the process.²¹

In April 2013, Abu Bakr al-Baghdadi announced another name change. His group would now be known as the Islamic State in Iraq and Syria (ISIS).²² He also claimed that al-Nusra was an offshoot of ISI, and that it had to be brought under the umbrella of ISIS.²³ Al-Nusra’s leadership, however, rejected this and attempted to maintain their independence. Meanwhile, al-Qaeda’s al-Zawahiri attempted to prevent ISIS from expanding beyond Iraq.²⁴ However, al-Baghdadi went ahead with his plan and, in February 2014, severed all links between al-Qaeda and ISIS.²⁵ Finally, in June 2014, an audio recording was released that proclaimed the establishment of a caliphate under the leadership of Abu Bakr al-Baghdadi.

The response of Muslim leaders around the world was clear. Even those who had supported armed struggle in Iraq, such as Sheikh Yusuf al-Qaradawi, condemned the proclamation of the caliphate as “meaningless” and stated that Da’esh (the Arabic acronym for ISIS) does not fulfil the requirements of a caliphate.²⁶ Sheikh Muhammad al-Yaqoubi, another prominent scholar associated with the Syrian opposition, argued that, rather than an Islamic State, ISIS was an “al-Qaeda state” based on “their own understanding of Islam which they derived from the Internet.”²⁷ Sheikh Abdullah b. Bayyah, a senior jurist and member of the Islamic Fiqh Council, also released a statement detailing the contradictions between ISIS’s violence and the Qur’an and Sunna.²⁸

Not long afterwards, a group of 126 prominent Muslim scholars, including al-Qaradawi, Bin Bayyah, and al-Yaqoubi, signed the Open Letter to al-Baghdadi condemning the violent tactics of ISIS, refuting them with traditional Islamic sources, and countering its claim to be a caliphate.²⁹

Why is ISIS attractive to some young Muslims?

Around 4000 people have left their homes in the West to migrate to ISIS.³⁰ While this is a very small proportion of the more than 47 million Muslims living in the West (less than one-hundredth of one per cent),³¹ it has nevertheless caused some concern. Around 100 people have travelled from Australia to fight with ISIS. Again, while this is a very small percentage of the population, community leaders are nevertheless very concerned.

Criminologist Simon Cottee argues that, like twentieth-century Western intellectuals who sympathised with communism, the phenomenon of Westerners emigrating to ISIS bears “testimony to the power of wishful thinking and how desire can trump reason.”³² Like these intellectuals, they are estranged from Western society and in search of a utopian alternative. Although there is a great deal of information available about the reality of ISIS’s brutality, young people have tended to “push ‘threatening information’ away in favour of information that confirms their own beliefs,” according to counterterrorism expert Christina Nemr.³³ Cottee believes that “at some deep psychological level, would-be migrants to ISIS *want* to be deceived about its widely reported depredations.”³⁴ The utopian narrative purveyed by ISIS on its social media platforms appeals so strongly to people looking for easy answers that the reality of ISIS is ignored—including testimony from those who have escaped to tell the tale.³⁵ Counterterrorism expert Matthew Levitt agrees that “for many people who are lacking a strong sense of identity and purpose, [ISIS’s] violent radical global narrative provides easy answers and solutions: it can be a very powerful message for people who are looking for answers.”³⁶

Often the individuals identified as fighting for ISIS come from difficult backgrounds, many with fathers who were abusive or absent.³⁷ Young teenagers seeking a role model may view the group’s macho hierarchy as a force for stability, much as other teenagers become attracted to gangs and violent crime.³⁸ Samia Hathroubi, a social activist based in France,

has noted that many jihadists come from a “[d]islocated family, being in the very beginning drug dealers, going to jails and being radicalized in jails.”³⁹ A common feature is also a feeling of isolation and alienation from the society they live in, as well as anxiety about their identity. Hathroubi notes: “France failed to integrate [its Muslim population] and to make those people [feel] happy in their own country.”⁴⁰

A number of other factors have also been identified as sources of ISIS’s attraction for what remains a very small percentage of the Muslim population. These include black-and-white thinking when it comes to religion and sheer curiosity about ISIS as a result of its high media profile.⁴¹ For others, ISIS appeals to a rebellious streak, and indeed its brutality and lawlessness is what some are seeking out.⁴² For young men, a desire to be adventurous and be seen as “warriors” by their peers is also a factor.⁴³

There are also many reports of ISIS actually pursuing individual recruits: often lonely young individuals who spend a lot of time online, usually with little or no prior knowledge of Islam.⁴⁴

Ideological basis

The ideology of ISIS has been described as “a totalitarian, millenarian worldview that eschews political pluralism, competition, and diversity of thought.”⁴⁵ However, contrary to the belief of ISIS and like-minded groups, Islamic history is filled with a rich diversity of interpretation and thought, a diversity that has enabled Muslim societies to thrive economically, politically, and spiritually. ISIS’s worldview dismisses centuries of development of Islamic thought and embodies a marginal reading of Islamic doctrine and history.⁴⁶

Rather than referring to widely recognised Muslim scholars, ISIS has cultivated its own scholarly authorities, largely drawn from a younger generation.⁴⁷ Also, instead of being rooted in traditional Islam, ISIS’s ideology can be traced to three very modern documents. The most well-known of the three is *The Management of Savagery (Idarat al-tawahhush)* by a certain Abu Bakr al-Naji (a pseudonym), written in the early 2000s. This work is a strategic roadmap to creating an Islamic “state” that is very distinct from the efforts of previous jihadist organisations. *The Management of Savagery* was circulated widely among ISIS commanders and fighters.⁴⁸

Al-Naji's work is also quite different to those one finds in the classical Islamic tradition: it is steeped in realpolitik and short on religious principles. It is not surprising that it has gained a wide following in modern jihadist circles. As terrorism analyst William McCants puts it:

Despite Naji's insistence that jihadists are constrained by Islamic scripture, the "Islamic" principles he enunciated override the Prophet's strictures on violence [forbidding the targeting of civilians]. Maximum latitude for maximum violence is the real interpretive framework for Naji and his acolytes.⁴⁹

Rather than relying on the example of the Prophet and his Companions, al-Naji frequently draws on non-Muslim historians and theorists to justify his theory of maximum violence.⁵⁰ Even the key word in the title of al-Naji's work—*al-tawahhush* (which can be translated as "savagery," "barbarism," or "bestiality")—shows how far he departs from the Islamic ideal of civilised, chivalrous, and principled conduct, even, and indeed especially, in warfare. The popularity of this book among ISIS leaders, which they describe as "the first resource for mujahids in managing their areas of influence,"⁵¹ is doubly revealing, showing the depth of ISIS's misguidance.

Two other books held in high regard by ISIS leaders are *Introduction to the Jurisprudence of Jihad* by Abu Abdullah al-Muhajjer and *The Essentials of Making Ready [for Jihad]* by Sayyid Imam al-Sharif, known as Dr Fadl. According to Fawaz Gerges:

The three books call for all-out war and advocate offensive jihad as opposed to defensive jihad in order to bleed the *kuffar* (infidels) or the enemies of Islam, thus creating chaos and fear ... all three manifestos call on the movement's planners and lieutenants to kill with impunity, to observe no limits and follow in the footsteps of the Prophet's companions, who, in their opinion, brutally punished dissenters and rivals.⁵²

These three works, far more than any classical work of Islamic jurisprudence, help to explain ISIS's brutal ideology and cruel methods. Even more revealing, however, is the recent history of many of ISIS's chief organisers and planners.

Links between ISIS and Saddam Hussein's former secret police

Many members of the former dictator Saddam Hussein's army and police forces, including his secret police, joined the Sunni and Shi'i sectarian militias that formed in Iraq in the aftermath of the US invasion of Iraq in 2003. By some estimates, around 30 per cent of senior ISIS military commanders are former Iraqi army and police officers.⁵³ Abu Omar al-Zarwaqi, the leader of al-Qaeda in Iraq after the death of al-Zarqawi in 2006, was an ex-officer in the Iraqi army and actively sought to co-opt former Baathists to the jihadist cause. This process intensified further when Abu Bakr al-Baghdadi was named leader of ISIS in 2010. Al-Baghdadi had family connections in Saddam's military,⁵⁴ and was instrumental in recruiting hundreds of Baathist military and police officers to ISIS.⁵⁵

The most notorious of these former Baathists was the Iraqi colonel Samir al-Dulaimi, known as Haji Samir, or Haji Bakr, who was considered by many to be the real "driving force" behind ISIS.⁵⁶ According to an internal ISIS source, Samir was one of three former Baathist officers who commanded ISIS's military council, the equivalent of its cabinet, which was entirely Iraqi in ethnicity.⁵⁷ When Samir was killed by a rival insurgent group in 2014, his possessions included documents that set out a detailed organisational structure for a state, as well as plans for gathering intelligence for the purpose of intimidating the conquered population, dividing and setting people against one another, and using blackmail, threats, and fear in a manner highly reminiscent of the methods of Saddam's former secret police.⁵⁸ These surveillance and control techniques are the same as those used by secret police in authoritarian regimes the world over—and the very opposite of the methods used by Islam's enlightened caliphs, who eschewed spying.⁵⁹

While some of these former secret police and state intelligence officers may have embraced Islam, their long experience in Saddam's Baathist terror-state—with its torture prisons and unpredictable cruelty—clearly explain the incredible brutality of ISIS's tactics and their disregard for Islamic principles. Even if they think they are doing God's work, their training has prepared them only for bloodshed, intimidation, and terror.



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KEY ASPECTS OF ISIS'S IDEOLOGY: MUSLIM SCHOLARS RESPOND

This document will now examine key parts of ISIS's ideology and methods in turn, and respond to it with arguments drawn from Islamic sources and contemporary authoritative Islamic scholars.

I. *Takfir*

At the very centre of ISIS's ideology is the theology inherited by its major forerunner and foundational ideologue, the Jordanian jihadist Abu Mus'ab al-Zarqawi—especially his understanding of *takfir* (declaring someone to be an apostate) and the killing of Shi'i Muslims on the basis of theology.

In ISIS's view, it is very easy to leave the fold of Islam. For ISIS, failure to rule in accordance with a narrow definition of God's law constitutes unbelief.⁶⁰ This makes the Muslim Brotherhood and Hamas, among many others, traitors against Islam.⁶¹ Even fighting ISIS itself is tantamount to apostasy in their view.⁶² Indeed, Muslim "apostates" are the most common victims of ISIS's violence.⁶³

The 126 Muslim scholars who co-authored the Open Letter to al-Baghdadi have pointed out:

This issue is of the utmost importance because it is used to justify the spilling of Muslim blood, violating their sanctity, and usurping their wealth and rights.⁶⁴

In addition, in the view of ISIS, those who are not Muslims, or who are deviant Muslims such as Shi'is, can simply be killed.

Murder in the view of Islam

The Qur'an is clear about the sanctity of human life in Islam: murder is an abomination:

And do not take life, which God has made sacred, except by right.
(Q. 17:33)

and:

Say, "Come! I will tell you what your Lord has really forbidden you. Do not ascribe anything as a partner to Him; be good to your parents; do not kill your children in fear of poverty" — We will provide for you and for them — "stay well away from committing obscenities, whether openly or in secret; do not take the life God has made sacred, except by right. This is what He commands you to do: perhaps you will use your reason." (Q. 6:151)

and:

On account of that, We decreed to the Children of Israel that if anyone kills a person—unless in retribution for murder or spreading corruption in the land—it is as if he kills all mankind, while if any saves a life it is as if he saves the lives of all mankind. Our messengers came to them with clear signs, but many of them continued to commit excesses in the land. (Q. 5:32)

In Islamic tradition, the killing of fellow Muslims is strongly condemned. In the Open Letter to al-Baghdadi, the authors state that "God has warned, in the strongest terms, against killing anyone who verbally declares his Islam."⁶⁵

The Open Letter cites reports of ISIS fighters executing people who claimed to be Muslim but could not pray properly, and rightly calls this a "heinous crime."⁶⁶ The established position among Muslim scholars is clear: "anyone who says: 'There is no god but God; Muhammad is the Messenger of God' is a Muslim and cannot be declared a non-Muslim."⁶⁷

The Letter quotes extensively from the Qur'an, including a key passage from *Surat al-Nisa'* addressed to Muslims living at the time of the Prophet during a war with the pagan Meccans. The Qur'an warns that:

If anyone kills a believer deliberately, the punishment for him is Hell, and there he will remain: God is angry with him, and rejects him, and has prepared a tremendous torment for him. (Q. 4:93)

It continues:

So, you who believe, be discriminating [*fa-tabayyanū*] when you go to fight in God's way, and do not say to someone who offers you a greeting of peace, "You are not a believer," out of desire for the chance gains of this life—God has plenty of gains for you. You yourself were in the same position [once], but God was gracious to you, so be discriminating: God is fully aware of what you do. (Q. 4:94)

In the established view of traditional Muslim scholarship, the words "be discriminating" in the above verse means no more than to ask: "Are you Muslims?" Whatever their answer, it must be accepted without any further questioning or tests, lest the believers end up at war with one other.⁶⁸

This has been echoed in the recent statement of Islamic principles endorsed by 26 Australian imams, which includes the view that:

A Muslim is anyone who sincerely confesses that there is no god but God (Allah), and Muhammad (PBUH) is the messenger of God. [This statement] is the minimum requirement of being a Muslim, and no Muslim has the right to label or declare other Muslims as non-believers or apostates.⁶⁹

In a well-known narration, the Companion Usama b. Zayd confessed after a battle to the Prophet that he had killed a man who had said: "There is no god but God." Shocked, the Prophet asked: "He said: 'There is no god but God' and you killed him?!" I replied: "O Messenger of God, he only said it out of fear of [our] arms." He said: "Did you see inside his heart to know whether or not he meant it?"⁷⁰

The Prophet also warned against the Muslims fighting and killing one another: "Woe to you! After I die, do not return to being non-believers, striking each other's necks."⁷¹ The Companion Abdullah b. Umar and the Prophet's wife A'isha also said: "Declaring the people of the *qibla* as non-Muslim is not permissible."⁷²

Accusations of disbelief

The authors of the Open Letter to al-Baghdadi remind us that accusing people of being disbelievers is also not permissible without proof of intention.⁷³ The Qur'an explicitly provides an exception for those who have been compelled. Thus, "it is forbidden to interpret the implications of a person's deeds; only the person himself or herself may interpret their own deeds—particularly when there is a difference of opinion among Muslims regarding that particular deed."⁷⁴

They state: "It is also forbidden to declare others non-Muslim (*takfir*) based on any matter in which there is a difference of opinion among Muslim scholars" — a very wide category.⁷⁵ Furthermore:

It is forbidden to declare an entire group of people non-Muslim. ... God says: *No laden soul will bear another's load* (Al-Zumar, 39:7). Finally, it is forbidden to declare people who do not doubt the disbelief of others, or refuse to declare them non-Muslim, as non-Muslim.⁷⁶

A prophetic hadith in *Sahih al-Bukhari* states:

Whoever swears by a religion other than Islam is as he says; whoever commits suicide with something will be punished with the same thing in the Fire; cursing a believer is like murdering him; and whoever accuses a believer of disbelief, then it is as if he had killed him.⁷⁷

The *takfir* phenomenon

A recent academic study on the historical use of *takfir* concludes:

Takfir was, and is, regarded by most Muslims as a dangerous instrument that not only threatens the very fabric of Muslim society, but can have grave consequences for the individuals accused ... it is therefore no wonder that throughout Islamic history responsible scholars, Sunnī and Shī'ī alike, have attempted to circumscribe its application and demanded incontrovertible proof. Based on a prophetic maxim, legal scholars had developed the rule in Islamic penal law that a conviction can only be obtained if the proof against the accused is unequivocal.⁷⁸

Many scholars belonging to the classical Islamic tradition have warned against unbridled *takfir*. For example, the thirteenth-century jurist al-Qurtubi (d. 656/1259) writes:

The issue of *takfir* is a dangerous one; many people have undertaken it and have fallen, whereas the outstanding scholars have refrained from it and remained blameless.⁷⁹

The prominent Hanafi scholar and chief *qadi* of Damascus Abu Ja'far al-Tahawi (d. 321/933), in his work *al-Aqida al-tahawiyya*, includes the following clauses:

- “We do not brand any of the people of the *qibla* an unbeliever because of a sin, so long as he does not consider [this sin] lawful”; and
- “We do not assign any of [the people of the *qibla*] to Paradise or to Hell, and we do not accuse any of them of unbelief, ascribing partners to God or hypocrisy as long as they have not openly manifested any of this. We leave their secrets to God.”⁸⁰

The leading Shafi'i scholar al-Ghazali (d. 505/1111) in his work *Faysal al-tafriqa bayn al-islam wa-l-zandaqa* argued that *takfir* must only be used with the utmost caution.⁸¹

The famous Hanbali theologian Ibn Taymiyya (d. 728/1328), like many other jurists, saw no contradiction between deeming certain acts or statements to be heresy or unbelief, and thereby condemning them, while simultaneously restraining himself from *takfir*. Ibn Taymiyya wrote: “Not everyone who falls into unbelief, becomes an unbeliever” (*laysa kull man waqa'a fi l-kufr šāra kāfiran*) or, in other words, falls into the legal category of unbeliever.⁸²

Takfir of those who reject the ISIS caliphate

ISIS has claimed that those who reject its caliphate are automatically apostates (*murtadd*), a position at odds with classical Islamic scholarship. Al-Ghazali points out:

Know, however, that error regarding the status of the Caliphate ... cannot serve as grounds for condemning people as unbelievers. Indeed Ibn al-Kaysan denied that there was any religious obligation to have a Caliphate at all; but this does not mean that he must be branded an unbeliever. Nor do we pay any attention to those who exaggerate the matter of Imamate and equate recognition of the Imam with faith in God and His Messenger. Nor do we pay any attention to those people who oppose these people and brand them unbelievers ... both of these positions are extreme.⁸³

As researchers Rashad Ali and Hannah Stuart point out, beliefs concerning the caliphate were considered subsidiary and not fundamental aspects of Islam. The prominent fourteenth-century Shafi'i jurist Jamal al-Din al-Asnawi (d. 772/1370) stated:

The obligation of appointing an Imam is one of the branches of jurisprudential rulings (*al-furu' al-fiqhiyya*), and without a doubt they are not from the fundamentals of religion (*usul al-din*).⁸⁴

Therefore, mainstream classical Sunni scholars, unlike ISIS and other contemporary jihadists, have not considered the rejection of a particular caliph as tantamount to disbelief or apostasy. They have accepted the historical realities of multiple political leadership and accepted the legitimacy of differences of opinion on this matter.

II. Jihad

ISIS's justification for jihad

Another key part of ISIS's ideology is its call for all Muslims to join the jihad. This call from ISIS and its fellow jihadists arises from a particular understanding of jihad as a permanent obligation—regardless of time or context—whenever “disbelief” is found. Disbelief is something that must be either completely eradicated or subjugated.⁸⁵ Reading some of the classical *fiqh* texts literally, they argue that the caliph is obliged to assemble armies to mount regular raids on non-Muslim territories (*dar al-kufr*) to achieve these objectives.⁸⁶

The traditional Islamic understanding of jihad

In the Open Letter to al-Baghdadi, the traditional Islamic view of jihad is set out. In Islam:

... jihad is a means to peace, safety and security, and not an end in itself ... jihad without legitimate cause, legitimate goals, legitimate purpose, legitimate methodology and legitimate intention is not jihad at all, but rather, warmongering and criminality.⁸⁷

For many traditional scholars, jihad is only permitted if Muslims have been attacked. It does not justify fighting against people who are not fighting them. Thus, when jihad was permitted God said:

Those who have been attacked are permitted to take up arms because they have been wronged—God has the power to help them—those who have been driven unjustly from their homes only for saying, “Our Lord is God.” If God did not repel some people by means of others, many monasteries, churches, synagogues, and mosques, where God’s name is much invoked, would have been destroyed. God is sure to help those who help His cause—God is strong and mighty. (Q. 22:39–40)

The Open Letter to al-Baghdadi also states:

The word “jihad” is an Islamic term that cannot be applied to armed conflict against any other Muslim; this much is a firmly established principle.⁸⁸

The emphasis on defensive jihad

As Ali and Stuart point out, both classical and contemporary Muslim understandings give a significantly narrower range of legitimate reasons for military *jihad* than jihadist groups.⁸⁹

First, jihad is only to be performed in order to achieve a definite aim, namely to restore peace. It is not an inherently good action to be carried out for its own sake (*hasan li-nafsihi*), like the five pillars of Islam, but is rather performed for other reasons (*hasan li-ghayrihi*). Thus, jihad is only to be performed under certain conditions, and must cease when these conditions change.

The conditions for jihad are almost universally agreed by Islamic scholars to obtain when Muslims experience *hiraba* (hostility), are under attack, face persecution, or are prevented from practising their religion. Moreover, jihad is considered to be a final resort, only to be undertaken when all other peaceful means have been exhausted. It is not sanctioned for the purposes of world domination or converting other believers to Islam.⁹⁰

The Hanafi jurist Abu Bakr al-Sarakhsi (d. 483/1090) put it as follows: “Fighting is only initiated because of *hiraba* as our *ulama* have stated, may God have mercy on them.” This implies that fighting non-Muslims is only permitted in order to “repel harm and evil from them.”⁹¹ In one of

the most authoritative books of Hanafi jurisprudence, *Radd al-muhtar ala al-durr al-mukhtar*, the nineteenth-century scholar Ibn Abidin (d. 1258/1842) also states: "What is intended [in the obligation of jihad] is the repelling of enmity."⁹² The twentieth-century scholar Wahba al-Zuhayli agrees: "The good of jihad is by means of repelling fighters ... if combat ceases, then jihad also ceases."⁹³

Thus, jihad is primarily a defensive practice that Muslims only have recourse to in specific circumstances. The famous early scholar Sufyan al-Thawri (d. 161/778) was of the view that "the duty of jihad becomes incumbent only in the case of enemy attack. For this reason fighting is a duty only for defensive purposes."⁹⁴ Ibn Nujaym (d. 970/1563), a sixteenth-century Hanafi jurist, formulated a defensive-oriented doctrine of jihad resembling that of al-Thawri.⁹⁵ Similarly, the Maliki jurist Ibn Abd al-Barr (d. 463/1070) considered the collective duty of jihad to operate only in the presence of fear (*khawf*) and not in conditions of peace and security (*amn*).⁹⁶

The thirteenth-century Hanbali jurist Ibn Qudama (d. 620/1223) also had a defensive conception of jihad, one that is "aimed at defending the Muslims from their enemies, or defending the frontiers, or their borders or lands including the communal and individual religious duties."⁹⁷ For the Maliki scholar al-Qurtubi, *hiraba* is also identified as the rationale for jihad, based on his reading of Q. 9:36: "Fight the polytheists collectively because they fight you collectively." In his *al-Jami' li-ahkam al-qur'an*, he comments on the verse as follows: "because we are being fought and the fact that they have gathered (their forces) against us, it is an obligation upon us to gather ours against them."⁹⁸

Some classical scholars expanded the legitimate reasons for engaging in jihad from responding to an enemy attack to include persecution of Muslims in general, including situations in which Muslims are prevented from practising their faith. As noted above, the Qur'an states:

If God did not repel some people by means of others, many monasteries, churches, synagogues, and mosques, where God's name is much invoked, would have been destroyed. (Q. 22:40)

According to the early jurist al-Tabari (d. 310/923), this verse meant that the protection of religious freedom is a legitimate reason for jihad because otherwise:

The monasteries of monks would be destroyed, the churches of Christians, the synagogues of the Jews, and the mosques of the Muslims; the places where God's name is mentioned would be destroyed [if we did not prevent it].⁹⁹

The early Hanafi scholar al-Jassas (d. 370/981) also identified the same two reasons for legitimate jihad: namely, as a defence against attack, and whenever Muslims are persecuted.¹⁰⁰ In his commentary on *al-Hidaya*, al-Marghinani's (d. 593/1197) classic manual of Hanafi law, another renowned Hanafi jurist, Ibn al-Humam (d. 861/1457), is also clear about the only two situations in which jihad is justified:

God states "Fight the polytheists collectively because they fight you collectively" (Q. 9:36); we can understand that fighting is commanded of us only as a response to and caused by the fact that we are attacked. Similarly, when God, May He be Exalted, says: "Fight them until there is no more persecution" (Q. 8:39) it means, no more persecution of the Muslims for their religion and being forced to leave it by being beaten or killed.¹⁰¹

Offensive jihad?

Some classical Islamic scholars refer to something called *jihad al-talab* ("offensive jihad"). This must be understood in the context of medieval politics, before nation-states and fixed national boundaries, when the principle of "might is right" prevailed.¹⁰² Medieval kings had to make a regular show of force in the form of raids or border skirmishes, or neighbouring kings would sense weakness and attack. Thus, Muslim jurists developed a doctrine that permitted the pre-emptive defence of territory. These jurists declared that the requirement of "offensive jihad" is fulfilled by the ruler fortifying the border with troops and, according to some scholars, leading raiding parties across the border once or twice a year to deter the enemy from attacking.¹⁰³

This assessment of the concept of "offensive jihad" is confirmed by both modern Muslim jurists and Western historians.¹⁰⁴ Thus, the twentieth-century jurist Muhammad Abu Zahra (d. 1974) argued that, in Islam, "the fact is that the foundation of [international] relations is perpetual peace: the Qur'an calls to peace generally."¹⁰⁵

The greater jihad

Muslim scholars agree that jihad in Islam does not only consist of warfare. The Open Letter to al-Baghdadi reminds us that there are two main kinds:

... the greater jihad, which is the jihad (struggle) against one's ego; and the lesser jihad, the jihad (struggle) against the enemy ... the greater jihad is the jihad against the ego and its weapon is remembrance of God and purification of the soul.¹⁰⁶

Australian imams have noted that jihad:

... can be understood in a number of ways: as a spiritual struggle to become a better person; [as] using one's wealth to improve the conditions of the needy and the community; and, in some cases, as war.¹⁰⁷

The twelfth-century Maliki jurist Ibn Rushd al-Jadd (d. 520/1126) divided jihad into four kinds: jihad of the heart, jihad of the tongue, jihad of the hand, and jihad of the sword. He wrote:

Jihad of the heart is jihad against the devil (*shaytan*), and the struggling of the self against forbidden desires. God, Mighty and Glorious, says: "For anyone who feared the meeting with his Lord and restrained himself from base desires, surely the Garden will be his home." (Q. 79:40–41)¹⁰⁸

He defined jihad of the tongue as "commanding good and forbidding evil," which includes the verse of the Qur'an in which God commands the Prophet to "strive against [*jāhid*] the disbelievers and the hypocrites" (Q. 9:73). Jihad of the hand is defined as appealing to the authorities to prevent evil from being done and making sure the law can be implemented. Military jihad is mentioned last.¹⁰⁹

The Hanbali scholar Ibn Qayyim al-Jawziyya (d. 751/1350) divided jihad into 14 subsections. These include jihad against the self, against *shaytan*, against the non-believers (by means of heart, tongue, wealth, and self), and finally against the hypocrites (also by these four means).

The Open Letter to al-Baghdadi notes:

Furthermore, all scholars agree that jihad is conditional upon the consent of one's parents. The proof for this is that a man came to the Prophet asking him to permit him to perform jihad, upon which the Prophet asked him: "Are your parents alive?" to which he replied:

“Yes.” And the Prophet told him: “Then perform jihad (struggle) through [serving] them.”¹¹⁰

Who can declare war?

Jihadist groups such as ISIS also violate well-established conditions of classical Islamic jurisprudence regarding the authority to declare jihad. Abdullah Azzam, a former al-Qaeda ideologue, considered jihad without a leader (*amir*) to be legitimate.¹¹¹ However, in classical Islamic jurisprudence, military jihad was considered a state function, and individuals did not have the authority to declare war.¹¹² This power was invested in legitimate political leaders only, such as the caliph or sultan. This was also the view of the thirteenth-century Shafi'i jurist al-Nawawi (d. 676/1277), the Hanbali jurist Ibn Qudama, and the Maliki jurist al-Qarafi (d. 684/1285).¹¹³ It is likely that the purpose of ISIS's declaration of a caliphate was to attempt to fulfil this requirement.

In the modern world, noted contemporary Muslim scholar Muhammad al-Akhti argues that the responsibility for declaring war now lies with individual modern Muslim states and their representatives.¹¹⁴ More examples of the same reasoning can be found among other Muslim scholars.¹¹⁵

Australian imams have pointed out that:

Even when the Muslim community, represented by its *ulama* and leadership, collectively takes a position that a certain conflict can be labelled as *Jihad*, engaging in such a *Jihad* will have to be in a way that does not compromise our obligation to abide by the laws of the country as citizens. Considering the limitations placed on the citizens by the laws in force in the country, the obligation to undertake *Jihad*, if there is one, can be fulfilled, for example, by providing financial or other humanitarian support to the victims of the conflict and in ways that are permitted by the laws in force in the country, and by doing whatever the community can to end such conflicts, in order to minimise the loss of life and harm to people and the destruction of property.¹¹⁶

III. ISIS's contravention of Islamic rules of engagement

The tactics used by ISIS and other groups, which often include suicide bombs, car bombs, and other indiscriminate methods, have claimed a large number of non-Muslim and Muslim civilian lives. In Iraq, Abu Mus'ab al-Zarqawi's fighters were responsible for car bombs and suicide bombings in mosques that killed thousands of innocent civilians. Over 800 were killed in northern Iraq in one day when three car bombs were detonated in a Yazidi village.¹¹⁷ Al-Zarqawi's group was notorious for their attacks on Shi'i shrines and on Shi'i civilians,¹¹⁸ including at non-religious events such as soccer matches.¹¹⁹ Although ISIS has presented itself to the outside world as the liberator of Syria, in reality they have committed numerous attacks against civilians. In 2015, ISIS deliberately targeted civilians in an attack in the northern Syrian city of Kobani, killing more than 200 non-combatants.¹²⁰ Finally, during the month of Ramadan 1437 (June–July 2016), ISIS also carried out a spate of suicide attacks in Turkey, Bangladesh, and Saudi Arabia, killing dozens of civilians, most of whom were Sunni Muslims.¹²¹ Of particular note was a suicide attack carried out in the holy city of Medina.¹²²

ISIS is also well known for executing hostages with extreme brutality and cruelty. The best-known cases in the West are those of the Western hostages who have been beheaded, but ISIS has executed many more Arab and Muslim captives. The authors of the Open Letter to al-Baghdadi refer to a number of cases:

... you have killed many prisoners including the 1700 captives at Camp Speicher in Tikrit in June, 2014; the 200 captives at the Sha'er gas field in July, 2014; the 700 captives of the Sha'etat tribe in Deir el-Zor (600 of whom were unarmed civilians); the 250 captives at the Tabqah air base in Al-Raqqah in August, 2014; Kurdish and Lebanese soldiers, and many untold others whom God knows. These are heinous war crimes.¹²³

Jihadist groups have a number of arguments to justify their tactics. First, based on Q. 2:194 ("so if anyone commits aggression against you, attack him as he attacked you, but be mindful of God"), they argue that it is legitimate to target civilians indiscriminately (including women and children) on the basis that the enemy is engaged in the same kind of activities.¹²⁴

For example, although Islamic law prohibits killing by burning,¹²⁵ ISIS justified their brutal burning alive of a Jordanian fighter pilot on the basis that their enemies had dropped bombs which had burned others alive.¹²⁶ Of course, this logic entails a moral race to the bottom, with each side trying to outdo each other in cruelty. The principles of Islamic law cannot be discarded in this way.

Jihadist groups also justify the killing of non-combatants based on the necessity doctrine in Islamic jurisprudence, which can sometimes make what is prohibited under normal conditions permissible.¹²⁷ They further claim support from Q. 9:36 (“Fight the polytheists collectively, because they fight against you collectively.”)¹²⁸

Suicide attacks are justified by them on the same basis, namely, reciprocity, collectivity, and the doctrine of necessity, as a counterargument to the Qur’anic injunction against suicide (Q. 4:29).¹²⁹

The Islamic rules of war

Yet the Islamic rules of war cannot be so easily cast aside. The doctrine of necessity can only operate when there is a dire need, such as dying of thirst in the desert. It cannot be used at the whim of those who find the commandments of God inconvenient. Again, the Open Letter to al-Baghdadi provides crucial information about the Islamic approach to war. The authors quote the Prophet Muhammad: “Wage war but do not be severe, do not be treacherous, do not mutilate or kill children”¹³⁰ On the day of the conquest of Mecca, he said: “Those retreating are not to be killed, nor are the injured to be harmed, and whoever shuts his door is safe.”¹³¹

Killing non-combatants

In a well-known hadith, narrated by both al-Bukhari and Muslim, a woman was found killed in a battle, and so the Prophet forbade the killing of women and children.¹³² The words of the first caliph, Abu Bakr, giving advice to his army are also often quoted:

You will find people who have devoted themselves to monasteries; leave them to their devotions. You will also find others whose heads are seats for devils (i.e. armed deacons), so strike their necks. However, do not kill the old and decrepit, women or children; do not destroy buildings; do not cut down trees or harm livestock without good cause;

do not burn or drown palms; do not be treacherous; do not mutilate; do not be cowardly; and do not loot. And truly God will support those who support Him and His Messengers while not seeing Him. Truly, God is Strong, Mighty.¹³³

The authors of the Open Letter note that when the Prophet was asked about an incident in which innocent bystanders were killed, he said: “They are from them.”¹³⁴ However, they also note that “this *Hadith* refers to the killing of innocents by accident and in no way indicates that the intentional killing of innocents—such as in bombings—is permitted.”¹³⁵

The leading thirteenth-century Shafi’i jurist al-Nawawi stated:

Muslim jurists are unanimous about the prohibition of killing of women and children when they do not fight.¹³⁶

In his seminal encyclopaedia on jihad, a text frequently quoted by jihadists, Ibn al-Nahhas al-Dimyati (d. 814/1411) provides clear edicts that forbid the killing of non-combatants.¹³⁷ Also, the fifteenth-century Maliki scholar al-Wansharisi (d. 914/1508) states that attacking non-combatant women is prohibited by the majority of classical jurists.¹³⁸

In the case of civilian human shields, the nineteenth-century Yemeni jurist al-Shawkani (d. 1255/1839) states:

The ahadith [on the prohibition of killing non-combatants] in this chapter clearly indicate it is not allowed to kill women and children, as was stated by Malik and Awza’i: it is not allowed in any circumstance whatsoever, even if the enemy used them as shields or surrounded themselves with them in forts or on a ship, it would not be permitted to fire upon them or set them on fire. Al-Shafi’i and the Kufans [Hanafi scholars] reconciled the traditions stating it was [only] allowed to fight them [the human shields] if they fought you. Ibn Habib from the Maliki scholars stated it was not allowed to target them even when they were fighting unless they were first to kill or trying to do so.¹³⁹

The killing of women and children is prohibited not only because they are considered non-combatants, but because of the inherent sanctity of human life in Islam.¹⁴⁰ For example, the fourteenth-century jurist al-Zayla’i (d. 743/1342–1343) writes: “We do not accept that the basis of moral inviolability is Islam, rather it is humanity.”¹⁴¹ Indeed, there is a complete consensus of Islamic scholars past and present (a rare occurrence) regarding the sanctity of the lives of women and children based on their humanity.¹⁴²

Killing captives

Regarding the killing of captives, the Open Letter to al-Baghdadi reminds us that the Prophet only ordered two captives killed, at the Battle of Badr, and these were:

... leaders of war and war criminals, and the execution of war criminals is permissible if the ruler orders it. As for the tens of thousands of captives that fell under the jurisdiction of the Prophet over a span of ten years and 29 battles, he did not execute a single regular soldier; rather, he entrusted that they be treated with kindness.¹⁴³

Suicide attacks

In their use of suicide attacks, the actions of jihadist groups such as ISIS are in clear breach of classical Islamic jurisprudence. Muhammad Munir notes that a suicide attack involves the breach of up to five Islamic rules of war, including committing suicide, killing civilians, mutilating their bodies, destroying civilian property, and violating the trust of enemy soldiers and civilians.¹⁴⁴

Australian imams have reiterated that suicide is prohibited by Islamic law, and this includes suicide attacks.¹⁴⁵ A *hadith qudsi* states:

A man was inflicted with wounds and he committed suicide, and so God said: "My slave has caused death on himself hurriedly, so I forbid Paradise for him."¹⁴⁶

A hadith narrated by al-Bukhari states:

Whoever purposely throws himself from a mountain and kills himself, will be in the Fire, falling down into it and abiding therein perpetually forever; and whoever drinks poison and kills himself with it, he will be carrying his poison in his hand and drinking it in the Fire wherein he will abide eternally forever; and whoever kills himself with an iron weapon, will be carrying that weapon in his hand and stabbing his abdomen with it in the Fire wherein he will abide eternally forever.¹⁴⁷

Contemporary Shafi'i jurist Sheikh Muhammad al-Akiti states:

If the attack involves a bomb placed on the body or placed so close to the bomber that when the bomber detonated it the bomber is certain [*yaqīn*] to die, then the More Correct Position [*Qawl Aṣaḥḥ*] according to us is that it does constitute suicide. This is because the bomber, being

also the *maqtūl* [the one killed], is unquestionably the same as the *qātil* [the immediate and active agent that kills] = *qātil nafsaḥ* [self-killing, i.e. suicide].¹⁴⁸

Al-Wansharisi also discusses the situation in which a Muslim soldier dies as a result of not defending himself when he is capable of doing so. The soldier is then considered the cause (*mutasabbib*) of his own death, which is forbidden in Islam.¹⁴⁹ Based on this and similar edicts regarding conduct on the battlefield, contemporary scholars such as al-Akiti have forbidden suicide attacks.¹⁵⁰

Bernard Freamon demonstrates that the current justifications for suicide bombing are based on a major reinterpretation of the Islamic law of jihad by a series of Shi'i jurists in the 1960s and 1970s.¹⁵¹ It is highly ironic, given the hatred of ISIS towards Shi'i Muslims, that they have misappropriated Shi'i legal reasoning on this topic.

Forced conversion

There have been several reports of ISIS fighters forcing non-Muslims to convert at gunpoint. This completely contravenes the traditional ethic of "no compulsion in religion" (Q. 2:256). This is the view of the vast majority of classical scholars, including the Shafi'i theologian Fakhr al-Din al-Razi (d. 606/1209), who states in his commentary on the verse:

Forcing someone to embrace a religion invalidates the meaning of being tried and tested. Consider and reflect over the Word of God: "Whoever wishes let him believe, and whoever wishes let him reject faith." (Q. 18:29) What this shows is that the following verse reads "indeed the truth stands clear from falsehood" (Q. 2:256), meaning that the proofs are manifest and the evidences are plain and clear, so there is no way left except compulsion and force, which is not permitted.¹⁵²

In a similar vein, Ibn Taymiyya considered this verse (Q. 2:256) to indicate the absolute illegitimacy of forced conversion. He said:

For the majority of the Salaf [the early community of believers] this verse (Q. 2:256) is neither abrogated nor restricted. It is a definitive statement that is general in its meaning, that we do not compel anyone to embrace a religion. And in fact fighting is only against those who initiate war against us, and even if they do not accept Islam, their property and lives are safe, and if these people are not combatants we

do not fight them. No-one can narrate that the Prophet ever forced anyone to embrace Islam ...there is no benefit to Islam in any such conversion¹⁵³

Ibn Taymiyya's view is that Muslims are not allowed to wage jihad on non-Muslims simply on the basis of their disbelief. This is explained by his student Ibn Qayyim al-Jawziyya:

If the unbeliever were to be killed unless he becomes a Muslim, such an action would constitute the greatest compulsion in religion.¹⁵⁴

The contemporary Syrian scholar Wahba al-Zuhayli echoes this view:

... fighting non-believers is not in itself the goal of fighting jihad ... Warfare is only [used] when it is absolutely necessary to defend the community from oppression and belligerence.¹⁵⁵

and:

[Jihad is not] a means to gain sovereignty over the Earth, nor to establish a political authority nor to extend [Muslim] dominion.¹⁵⁶

The authors of the Open Letter to al-Baghdadi state:

It is known that the verse: "*There is no compulsion in religion*" (Q. 2:256) was revealed after the Conquest of Mecca, hence, no one can claim that it was abrogated.¹⁵⁷

Finally, Australian imams have pointed out:

Muslims, whether they are in a conflict zone or anywhere else, may not force anyone to convert to Islam; conversion by force is illegitimate under Islamic norms. Muslims have an obligation to protect the rights of non-Muslims living in their midst, including the protection of persons, property, and places of worship.¹⁵⁸

When we look at Islamic history, the idea that forced conversions were a part of spreading Islam is soundly refuted by the evidence. Noted historian Ira Lapidus writes:

... the Arab-Muslims did not, contrary to reputation, attempt to convert people to Islam. Muhammad had set the precedent of permitting Jews and Christians in Arabia to keep their religions, if they paid tribute; the Caliphate extended the same privileges to Middle Eastern Jews, Christians, and Zoroastrians, whom they considered "People of the Book," the adherents of earlier written revelations¹⁵⁹

Similarly, Marshall Hodgson (d. 1968), the widely acclaimed historian of Islam, writes on the issue of the early spread of Islam as follows:

There was no attempt at converting the peoples of the imperial territories, who practically all adhered to some form of confessional religion already. ... even Christian Arabs were still allowed to participate actively in the conquests. In the chiefly non-Arab agricultural lands, the object was not conversion but rule.¹⁶⁰

Payment of tribute by non-Muslims

Another ISIS tactic has been to force non-Muslims, such as Christians, to pay a tribute (*jizya*) in areas they control, on pain of death. As noted by the authors of the Open Letter to al-Baghdadi:

Regarding Arab Christians, you gave them three choices: *jizyah* (poll tax), the sword, or conversion to Islam. You painted their homes red, destroyed their churches, and in some cases, looted their homes and property. You killed some of them and caused many others to flee their homes with nothing but their lives and the clothes on their backs.¹⁶¹

The authors of the Open Letter point out that the early Islamic rules regarding *jizya* do not apply to these individuals, since they had been legal residents of these regions for centuries:

These Christians are not combatants against Islam or transgressors against it, indeed they are friends, neighbours and co-citizens. From the legal perspective of *Shari'ah* they all fall under ancient agreements that are around 1400 years old, and the rulings of jihad do not apply to them. Some of their ancestors fought alongside the Prophet's army against the Byzantines; and thus have been citizens of the State of Medina since that time. Others are under agreements that were guaranteed to them by Omar ibn Al-Khattab, Khalid ibn Al-Walid, the Umayyads, the Abbasids, the Ottomans and their respective states. In short, they are not strangers to these lands, but rather, of the native peoples of these lands from pre-Islamic times; they are not enemies but friends. For the past 1400 years they have defended their countries against the Crusaders, colonialists, Israel and other wars, how, then, can you treat them as enemies? God says in the Qur'an: "God does not forbid you in regard to those who did not wage war against you on account of religion and did not expel you from your homes, that you should treat them kindly and deal with them justly. Assuredly God loves the just." (Q. 60:8).¹⁶²

Furthermore, regarding *jizya* itself, they state that the correct position is that only those who have attacked Muslims should have to pay it, since the Qur'an describes it as making them "subdued" (Q. 9:29).¹⁶³ For all others, the *jizya* functions as a replacement for the Muslim obligatory tax of *zakat*, and in fact is lower than the rate of *zakat*.¹⁶⁴ As was the practice of the Caliph Umar b. al-Khattab, the proceeds from such taxes may also be distributed to needy Christian citizens of a Muslim state.¹⁶⁵

Professor Mohammad Hashim Kamali, writing on the issue of *dhimma* (protected status for non-Muslims in a Muslim state) argues that the contract of *dhimma* as formalised by Muslim jurists was "neither uniform nor well defined":

Early Muslim rulers have at times entered dhimmah agreements which eliminated the jizyah altogether — as in the agreement entered during the time of the second caliph `Umar with the Turkish tribe of Jarajimah which welcomed the Muslim forces and declared its dislike of the Romans, but stipulated that its members be allowed to remain Christian; this was agreed. ... The tribe also agreed to help the Muslims in the event of any military engagement with the Romans. The Muslim party agreed in return to protect the tribe and also relieved its members from payment of jizyah.¹⁶⁶

Kamali describes a similar situation in Cyprus:

A similar example of a variant dhimmah arrangement was the peace agreement that the Muslims signed with the people of Cyprus, who did not offer resistance. In return the Muslim party agreed not to levy the jizyah on them.¹⁶⁷

The Copts of Egypt were also exempt:

Another example of this was the agreement that `Amr b. al-As, Caliph `Umar's governor, signed with the Copts of Egypt when his forces besieged and eventually conquered Egypt. There was no mention of jizyah in the treaty that was subsequently signed.¹⁶⁸

In short, there is nothing to suggest that the medieval notions of *dhimma* or the *jizya* tax are required today.

Destruction of places of worship

ISIS has also attracted notoriety for destroying non-Muslim places of worship, including a number of ancient and historic churches that had remained unmolested for 1400 years of Muslim rule.

Classical Islamic scholarship does not permit the destruction of non-Muslim places of worship. For example, it is narrated that an Umayyad ruler, al-Walid b. Abd al-Malik (d. 96/715), claimed property that belonged to a church in Damascus and turned it into a mosque. When Umar b. Abd al-Aziz (d. 101/720) became caliph, he was told about this. Umar was an exemplar of piety and justice, and he immediately acknowledged his predecessor's error. He instructed that the portion of the mosque appropriated from the church be destroyed and returned to the Christians.¹⁶⁹

The Qur'an states:

If God did not repel some people by means of others, many monasteries, churches, synagogues, and mosques, where God's name is much invoked, would have been destroyed. (Q. 22:40)

The famous Imam al-Hasan al-Basri (d. 110/728) commented on this verse: "God uses the believers as a means of preventing the destruction of the places of worship belonging to the non-Muslim citizens."¹⁷⁰

With respect to the status of the places of worship of non-Muslims, the prominent student of Ibn Taymiyya, Ibn Qayyim al-Jawziyya, says:

God uses the believers to defend their places of worship ... Moreover, it is obligatory for him [the believer] to defend their objects of worship, even though he detests them.¹⁷¹

IV. Slavery

Another ISIS tactic which has attracted deserved criticism has been its attempt to reintroduce the medieval practice of slavery: it has enslaved men, women, and children from the Yazidi and Christian minorities in Iraq and, in the case of women, sold them into sexual servitude.¹⁷² ISIS has justified its revival of slavery on the grounds that slaves existed during the time of the Prophet, and that the Prophet and many Companions owned slaves.¹⁷³

The Open Letter to al-Baghdadi does not accept this argument:

No scholar of Islam disputes that one of Islam's aims is to abolish slavery. ... The Prophet Muhammad's Sunnah is that he freed all male and female slaves who were in his possession or whom had been given to him.¹⁷⁴

Australian imams have also noted that:

Although slavery existed well before Islam and for a long time in Muslim societies, the guidance provided in the Holy Qur'an and in the Sunnah of the Prophet Muhammad (PBUH) strongly suggests that the objective of both was to eliminate slavery and move away from this institution systematically and gradually. Slavery should be abolished and there is unanimous agreement among Muslim jurists and scholars today on the abolition of slavery, and this position carries the authority of the ummah. Reintroduction of slavery is not permissible and a Muslim should not engage in the practice of slavery.¹⁷⁵

The Qur'an praises the freeing of slaves several times, and likens it to feeding orphans and the needy. Indeed, it is described as the higher of the two roads one can take in life:

What will explain to you what the steep path is? It is to free a slave, to feed, at a time of hunger, an orphaned relative, or a poor person in distress. (Q. 90:12–16)

The authors of the Open Letter to al-Baghdadi write that:

... for over a century, Muslims, and indeed the entire world, have been united in the prohibition and criminalization of slavery ... [yet] after a century of Muslim consensus on the prohibition of slavery, you have violated this; you have taken women as concubines and thus revived strife and sedition (*fitnah*), and corruption and lewdness on the earth. You have resuscitated something that the *Shari'ah* has worked tirelessly to undo and has been considered forbidden by consensus for over a century. Indeed all the Muslim countries in the world are signatories of anti-slavery conventions. God says: "... And fulfil the covenant. Indeed the covenant will be enquired into." (*Al-Isra'*, 17: 34) You bear the responsibility of this great crime and all the reactions which this may lead to against all Muslims.¹⁷⁶

American Muslim professor of law Bernard K. Freamon agrees that, by continually emphasising the desirability of freeing slaves, the Qur'an sets in motion a moral trajectory towards complete emancipation. For instance, Q. 2:177 instructs Muslims in righteousness (*al-birr*), and includes the freeing of slaves as an example. Freeing of slaves is also prescribed as the expiation (*kaffara*) for a number of sins, including killing a fellow believer by mistake (Q. 4:92), or breaking an oath (Q. 5:89 and 58:3). The Prophet also instructed Muslims to free a slave as expiation for intentionally breaking the fast of Ramadan.¹⁷⁷ Freamon also notes that Q. 4:25 sets out a clear demarcation between slavery and marriage, with marriage in effect becoming "an important emancipatory vehicle for women living in concubinal circumstances."¹⁷⁸ Finally, Q. 24:33 stipulates:

If any of your slaves wish to pay for their freedom, make a contract with them accordingly, if you know they have good in them, and give them some of the wealth God has given you.

The Sunna of the Prophet also demonstrates a strongly emancipatory ethic on the question of slavery. The Prophet always treated slaves with the utmost care and concern, and indeed many slaves were among the first adherents of Islam. We see similar examples in the lives of his Companions, such as the Caliph Umar b. al-Khattab, who instituted slavery reforms and sought to minimise the enslavement of war captives.¹⁷⁹

Other jihadists' opposition to ISIS

It should be noted here that ISIS's shocking tactics have drawn criticism from other jihadists. The best-known examples are the letters of Ayman al-Zawahiri to al-Zarqawi in 2005.¹⁸⁰ Al-Zarqawi's former mentor Abu Muhammad al-Maqdisi has also criticised ISIS, denying its claim to be a caliphate.¹⁸¹ As terrorism analyst Cole Bunzel puts it:

Pro-al-Qaeda jihadi scholars also object to the Islamic State's inclination toward extreme and arbitrary violence, including gruesome beheadings, and its perceived excess in the practice of *takfir*, or declaring other Muslims to be unbelievers.¹⁸²

V. Using spying and surveillance techniques to spread fear

We have already mentioned ISIS's use of surveillance and monitoring techniques to intimidate and control the population in areas under its rule. As discussed, these techniques are the very same as those used by Saddam Hussein's Baathist army and secret police to control Iraqi civilians during the dictator's reign. The incorporation of former Baathists into positions of senior command in ISIS led, unsurprisingly, to the adoption of their notoriously cruel methods. Not only is this sadly ironic, because ISIS claimed to be liberating Syrians and Iraqis from oppression and tyranny, but it also contravenes Islamic principles.

The classical Islamic legal tradition does not permit spying upon one's fellow Muslims. God states in the Qur'an:

And do not spy on one another (*wa-lā tajassasū*) or speak ill of people behind their backs. (Q. 49:12)

and:

And those who undeservedly insult believing men and women will bear the guilt of slander and flagrant sin. (Q. 33:58)

In a hadith narrated by Abu Hurayra, the Prophet said:

Beware of suspicion, for it is the worst of false tales. Do not look for one another's faults, do not spy (*wa-lā tajassasū*), do not hate each other, and do not cut off your relations with one another. O God's slaves, be brothers!¹⁸³

The Prophet also said:

If you look for the faults of your fellow Muslims, you will corrupt them, or run the strong risk of doing so.¹⁸⁴

In another narration, the Companion Abdullah b. Mas'ud, who was the *qadi* (judge) in Kufa, said:

Indeed, we have been prohibited from spying on one another (*al-tajassus*). If something is overt, [only then] can we take someone to task.¹⁸⁵

Malicious gossip and spying is also called *namima*.¹⁸⁶ The Shafi'i jurist Ibn Hajar al-Haytami (d. 974/1567) described it in various ways, including

“transmitting the words of some people to others in order to work corruption between them,” and “uncovering secrets and disclosing that which it is not appropriate to disclose.”¹⁸⁷ There are also many other well-known, authoritative texts prohibiting backbiting and slander. The main point is clear: the techniques of surveillance, blackmail, and intimidation, which originated in Saddam Hussein’s Baathist state, and are now used by ISIS to control its population, are not acceptable in an Islamic society.

VI. The caliphate

It is a point of principle for ISIS and other jihadist groups that a single caliph should be the political leader for all Muslims.¹⁸⁸ Those Muslims who disagree are considered apostates.¹⁸⁹ Statements by official spokesmen have made it clear that ISIS is the only Islamic State and no dissent will be tolerated.¹⁹⁰ ISIS have declared that making *hijra* (migration) to its territory is an individual obligation for all Muslims worldwide,¹⁹¹ with al-Baghdadi himself calling on Muslim scholars, judges, people with military, administrative, and academic capabilities, as well as Muslim doctors and engineers in all fields, to join ISIS. Central to their worldview is the idea that existing nation-states are illegitimate, and that true Islamic rule consists of a single caliph ruling over all Muslims.

The caliphate in Islam

Many traditional scholars do agree that establishing a united caliphate is highly desirable, even an obligation upon the community. However, as noted by the authors of the Open Letter to al-Baghdadi, a new caliphate requires consensus from the entire Muslim community and not just those in one part of the world.¹⁹² The second Caliph, Umar b. al-Khattab, warned against hasty declarations of power, saying:

Whosoever pledges allegiance to a man without due consultation with Muslims has fooled himself; and neither he nor the man to whom he pledged allegiance should be followed for he has risked both their lives.¹⁹³

The Open Letter's authors further point out that:

... announcing a caliphate without consensus is sedition (*fitna*) because it renders the majority of Muslims who do not approve it outside of the caliphate. It will also lead to many rival caliphates emerging, thereby sowing sedition and discord (*fitnah*) among Muslims.¹⁹⁴

They continue, addressing al-Baghdadi directly: "The beginnings of this discord reared its head when the Sunni imams of Mosul did not pledge allegiance to you and you killed them."¹⁹⁵

Finally, they point out the logical error made in al-Baghdadi's speech, in which he claimed to be the caliph. In that speech al-Baghdadi claimed to have been "given authority" over the Muslims, but as the authors of the Open Letter point out:

... this begs the question: who gave you authority over the *ummah*? Was it your group? If this is the case, then a group of no more than several thousand has appointed itself the ruler of over a billion and a half Muslims. This attitude is based upon a corrupt circular logic that says: "Only we are Muslims, and we decide who the caliph is, we have chosen one and so whoever does not accept our caliph is not a Muslim." In this case, a caliph is nothing more than the leader of a certain group that declares more than 99% of Muslims non-Muslim. On the other hand, if you recognize the billion and a half people who consider themselves Muslims, how can you not consult (*shura*) them regarding your so-called caliphate? Thus, you face one of two conclusions: either you concur that they are Muslims and they did not appoint you caliph over them—in which case you are not the caliph—or, the other conclusion is that you do not accept them as Muslims, in which case Muslims are a small group not in need of a caliph, so why use the word "caliph" at all? In truth, the caliphate must emerge from a consensus of Muslim countries, organizations of Islamic scholars and Muslims across the globe.¹⁹⁶

Australian imams have pointed out that:

... Muslim scholars and jurists in the past have discussed what a legitimate caliphate or caliph will be like and have developed certain conditions to be met if a caliphate is going to be legitimate. Such conditions for its legitimacy have not been met by the so-called caliphate in Syria and Iraq, and therefore claims of this caliphate carry no authority.¹⁹⁷

As noted earlier, many prominent contemporary Islamic scholars, including Sheikh Yusuf al-Qaradawi, have also rejected ISIS's claim to be a caliphate.¹⁹⁸

Muslim scholars have also disagreed on whether a single leadership is indeed necessary. Some hadith do stress the importance of a single leader, such as: "Whoever leaves obedience to the Imam and separates from the community and then dies, dies the death of pagan ignorance."¹⁹⁹ However, these are most often understood to mean that Muslims are to avoid divisions when they are already united under a single leadership—not necessarily that they should do away with existing multiple states and leaderships. For example, the eighteenth-century Yemeni jurist Muhammad al-San'ani (d. 1182/1768), believed that in this hadith:

... the implication ... is that the Caliph [imam] referred to is that of a particular region because the people have never gathered together behind a single Caliph in all the lands of Islam since the time of the Abbasid State. Rather, the people of every region were independent with someone presiding over their affairs.²⁰⁰

Australian imams have also pointed out that "except for a brief period in Islamic history, there has not been a single unitary state governing the affairs of Muslims."²⁰¹

A number of classical scholars accept a plurality of states. For example, the prominent Maliki scholar al-Qurtubi held that "if the lands are distant and far from each other, such as Khurasan [modern Afghanistan] and Andalusia, then it is permitted [to appoint more than one leader]."²⁰² Imam al-Nawawi quotes the Maliki scholar Ali al-Mazari (d. 536/1141) and the Shafi'i Imam al-Haramayn al-Juwayni (d. 478/1085) as authorities who accepted the permissibility of multiple political leaders. Al-Nawawi argues further that there is a difference of opinion on this issue and that it falls "outside the definitive matters (*al-qawati*)."²⁰³ Al-Juwayni himself, in his work of political theory, *Ghiyath al-umam*, writes:

I do not deny the permissibility of appointing [two leaders] according to need (*haja*) and enforcing both of their executive decisions as a religious duty. But this is only permitted when there is no Imam with overall authority. ... If they agree to appoint an Imam over them, it is a right for the two leaders to submit to the decisions of this Imam in a manner he deems appropriate.²⁰⁴

Thus, having a caliphate under single leadership is not regarded in classical scholarship as a central tenet of Islamic faith. Indeed, there is abundant evidence that Muslim scholars accepted the plurality of Muslim rule during the medieval period.

Dar al-harb/dar al-kufr versus dar al-islam and the issue of emigration

The concepts of *dar al-harb* (“the abode of war”), *dar al-kufr* (“the abode of unbelief”), and *dar al-islam* (“the abode of Islam”) have great significance in the thought of jihadist organisations such as ISIS. The terms are used frequently in ISIS publications.²⁰⁵ Abu Muhammad al-Maqdisi, the former mentor of al-Zarqawi, argues that *dar al-kufr* is synonymous with *dar al-harb*—meaning any non-Muslim majority country is a legitimate target for attack. Further, he argues that no country in the world can be defined as *dar al-islam* today, and therefore it is legitimate to attack any of them.²⁰⁶ Indeed, ISIS has affirmed that emigration (*hijra*) to the Islamic State is a literal requirement for all Muslims, and urges them to rush to the caliphate.²⁰⁷

The Islamic view of modern nationality

The view of twentieth-century Islamic scholars is that modern nation-states are a reality which cannot be ignored other than by taking away the legitimate rights of millions of people. The Open Letter to al-Baghdadi points out that for Muslims to emigrate to the lands held by ISIS now is to:

... take the rights and resources of these countries and distribute them among people who are strangers to those lands ... This is exactly what Israel did when it invited Jewish settlers abroad to immigrate to Palestine, evict the Palestinians and usurp their ancestral rights and lands. Where is the justice in this?²⁰⁸

As they point out, the Prophet did not condemn loving one’s own country—quite the opposite, in fact. In the Qur’an, God compares leaving one’s homeland to killing oneself: “If We had ordered, ‘Lay down your lives’ or ‘Leave your homes,’ they would not have done so, except for a few.” (Q. 4:66)²⁰⁹

An authentic hadith describes how, when returning from travel, the Prophet hastened the pace of his mount upon seeing the walls of Medina.²¹⁰ The great hadith scholar Ibn Hajar al-Asqalani (d. 852/1449) said: “This hadith is proof of the virtue of Medina, and of the legal validity of loving one’s country and longing for it.”²¹¹

Finally, the authors of the Open Letter to al-Baghdadi remind us that the Prophet said: “There is no emigration after the Conquest [of Mecca], but jihad and [its] intention [remain]. And when you are called to war, march forward.”²¹²

The reality of the *dar al-islam* in the view of the jurists

Although jihadist groups such as ISIS consider the division of the world into *dar al-islam* and *dar al-harb* to be grounded in classical Islamic law, they do not follow the nuances of classical Islamic jurisprudence on this issue. In Islamic law, “when the symbols of Islam are established in a land, then that land should be considered *dar al-islam*.”²¹³ The Iraqi judge and jurist Abu’l-Hasan al-Mawardi (d. 450/1058), in his work on the ordinances of government, puts it this way:

The public acts of worship (*sha’a’ir*) of Islam such as group prayers in mosques and calls for prayers are the criteria by which the Prophet, peace be upon him, differentiated between the Land of Islam and the Land of Disbelief.²¹⁴

Imam al-Nawawi cites this definition approvingly, saying:

If a Muslim is able to declare his Islam openly and living therein [in a land dominated by non-Muslims], it is better for him to do so ... because by this it becomes *dar al-islam* ...²¹⁵

Al-Nawawi adds that even if only one individual is seen praying in a particular place, this suffices as evidence of Islam’s existence.²¹⁶

Thus, contemporary Syrian jurist Wahba al-Zuhayli argues that the description of *dar al-islam* means any land where Muslims can freely practise Islam, including its public aspects such as building mosques, wearing Muslim dress, and performing Islamic marriages, and applies to “most of the places of the world today.”²¹⁷

Finally, as al-Zuhayli points out, the *dar al-islam/dar al-harb* distinction is not based in the Qur’an or Sunna,²¹⁸ but was merely an attempt by medieval

jurists to describe the reality of medieval international relations.²¹⁹ Thus, it is ironic that ISIS, which claims to have a Salafi orientation, should elevate what is essentially a pragmatic creation of Muslim jurists to the status of scripture.

VII. Peace treaties and coexistence with non-Muslims

ISIS's rejection of contracts with non-Muslims

One of the most fundamental tenets of jihadist ideology states that Muslims cannot negotiate peace treaties with the enemy.²²⁰ For example, in his influential book, *Defence of the Muslim Lands*, Abdullah Azzam asserts:

It is not permitted to include a condition in the treaty that relinquishes even a hand span of Muslim land to the *Kuffar* (disbelievers). Because the land of Islam belongs to no one, therefore none can make negotiations over it. Such a condition nullifies the treaty because the land belongs to Allah and to Islam. It is not permitted for anyone to misuse anything in a domain not his own. Or to barter ... that [which] does not belong to him.²²¹

This is consistent with ISIS's views on jihad, *dar al-kufr* and the caliphate, and is promoted in a number of their publications. Any form of cooperation with the enemy is considered apostasy. In ISIS's online magazine *Dabiq*, Western imams who have worked with Western governments are harshly criticised and declared apostates.²²² Al-Baghdadi is quoted as criticising those who show a "willingness to compromise and hope for permanent peace with the crusaders." He declares:

Whoever thinks that it is within his capacity to conciliate with the Jews, Christians, and other *kuffār*, ... such that he coexists with them and they coexist with him ... he has belied the explicit statement of his Lord (Mighty and Glorious), who says, ... "And they will continue to fight you until they turn you back from your religion if they are able" [Q. 2:217] ... So this is the condition of the *kuffār* in dealing with the Muslims until the establishment of the Hour.²²³

The traditional Islamic view

In contrast to the practice of jihadist groups like ISIS, in the Qur'an, the hadith, and the classical Islamic tradition one finds considerable evidence for the importance of abiding by contracts, whoever they are contracted with. For example, the Qur'an states:

Honour your pledges: you will be questioned about your pledges.
[Q. 17:34]

and:

God commands you [people] to return things entrusted to you to their rightful owners, and, if you judge between people, to do so with justice. (Q. 4:58)

Contemporary Malaysian jurist Muhammad Hashim Kamali cites several prophetic hadiths to the same effect, including the following:

The signs of a hypocrite are three: When he speaks he lies, when he makes a promise he breaks it, and when he is given a trust he breaches it.

and:

Four traits, if found in an individual, then he will be a complete hypocrite (*munāfiq*), and if an individual possesses one of these four, he will have one portion of *nifāq*: When he is given a trust he breaches it, when he speaks he lies, when he makes an agreement (*ahd*) he is guilty of treachery and disloyalty (*ghadar*), and when he disputes he is foul-mouthed.²²⁴

Classical Islamic law considers it unlawful for Muslims to engage in hostile acts against the land in which they live, be it a Muslim majority or minority state. Indeed, for as long as their security was vouchsafed by law, there existed a covenant, a kind of social contract, between the people and the land they lived in. It is on the basis of this covenant that the classical Islamic tradition considered breaking the laws of their place of residence to be forbidden.²²⁵ This view was held, for example, by the seminal Hanafi scholar al-Shaybani (d. 189/805), author of the *Siyar* on international law, as well as the Hanbali jurists Ibn Qudama and al-Buhuti (d. 1051/1641). Indeed, Imam al-Shafi'i (d. 204/820) and Imam Abu Hanifa (d. 150/767) were also proponents of the *aman* (covenant of security), which is widely

accepted by their respective schools of jurisprudence. The Shafi'i jurist al-Shirazi (d. 476/1083) writes in his legal work *al-Muhadhdhab*:

If a Muslim enters enemy lands with *aman* and steals or borrows money and returns to the *dar al-islam* and the owners ... demand it back, he is obliged to return the wealth because safe passage necessitates the guarantee of people's wealth.²²⁶

The Shafi'i jurist Ibn Hajar al-Haytami considered such protection to be mutual, and thus non-Muslims living under Muslim rule must also be protected. He writes:

So we would have to defend any non-Muslim with a treaty of protection (*dhimma*) as a necessary part of such a contract (*muqtada al-aqd*), as we would even in enemy territory if there is a Muslim living therein ...²²⁷

Al-Haytami also wrote that when Muslims live freely in a non-Muslim majority land and enjoy religious freedom, they are under an obligation to defend it should it come under attack.²²⁸

A number of contemporary Muslim scholars have extrapolated from these classical jurisprudential positions, applying them to Muslims living in non-Muslim-majority countries today. Senior modern scholar Abdullah b. Bayyah insists that because Muslim citizens of European nations benefit from religious freedom, they are under obligation to honour the social contract of those nations, including abiding by state laws. He also cites the Qur'anic verse, "O you who believe! Fulfil your agreements," (Q. 5:1) to justify this view.²²⁹ This also applies to residents, as they have entered and reside under the terms of a covenant.²³⁰

This is not just a theoretical construct: jihadists themselves have also expressed concerns about violating the *aman*. For example, Osama bin Laden criticised the attempted Times Square bombing in 2010 because Faisal Shahzad broke his oath of US citizenship.²³¹ Former Egyptian Islamic Jihad ideologue Dr Fadl also criticised the 9/11 attacks on the grounds that the perpetrators violated the terms of their visa.²³²

CONCLUSION

The jihadist entity ISIS has emerged rapidly in recent years. It has astutely employed social media and other internet platforms to make its name by publicising shocking acts of violence and sensational claims of an Islamic “caliphate.” There can be no doubt that by co-opting the Islamic tradition to justify its own existence and methods, ISIS poses a serious threat to traditional Muslim beliefs and values.

However, what this document has shown is that ISIS inherited its paradigm of cruelty and intimidation from the Baathist regime in Iraq, a fact it attempts to disguise with shoddy scholarship and spurious references to Islamic law. In reality, its interpretation of Islamic law falls well outside the accepted bounds of diversity within the Islamic tradition. Not only that, but its misreading of Islamic texts is used in the most transparent way to justify tyranny, murder, extortion, wanton violence, and the abuse of women and children. Its claim to be carrying all of this out in the name of Islam is causing the most profound damage to Islam itself and to the lives, wellbeing, and religion of millions of Muslims all over the world.

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66. Ababakar et al., “Open Letter,” 10.
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181. Bunzel, *From Paper State to Caliphate*, 27.
182. Bunzel, *From Paper State to Caliphate*, 11.
183. *Ṣaḥīḥ al-Bukhārī, Kitāb al-farā'id, Bāb ta'līm al-farā'id*, no. 6724. This hadith has many narrations. The lengthiest is preserved in Imām al-Nawawī's *Riyāḍ al-ṣāliḥīn*: "Beware of suspicion, for it is the worst of false tales. Do not look for one another's faults. Do not spy another, and do not compete selfishly with one another. Do not be jealous of one another, do not detest each other, and do not nurse enmity against one another. Be slaves of Allah, brothers to one another, as He commanded. A Muslim is the brother of a Muslim. He does not oppress him, humiliate him, or scorn him. Piety is here! Piety is here!" He pointed to his chest. "It is enough evil for a Muslim to look down upon his Muslim brother. All things of a Muslim are inviolable for his brother in Faith: his blood, his wealth and his honour. Verily, Allah does not look to your bodies nor to your faces but He looks to your hearts and your deeds." Yahya b. Sharaf al-Nawawī, *Riyāḍ al-ṣāliḥīn min kalām sayyid al-mursalīn*, Māhir Yāsīn al-Faḥl (ed.) (Damascus: Dār Ibn Kathīr, 2007), *Kitāb al-umūr al-manhiyy 'anhā, Bāb al-nahy 'an al-tajassus wa-l-tasammu' li-kalām man yakrah istimā'ah*, 441.
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196. Ababakar et al., “Open Letter,” 15.
197. National Imams Consultative Forum, *An Australian Muslim Perspective*, points 31–32.
198. See DW.com, “Al-Qaraḍāwī: Khilāfat ‘Dā’ish’ lā tastawfī al-shurūṭ al-maṭlūba,” 26 August, 2014, <http://www.dw.com/ar/%D8%A7%D9%84%D9%82%D8%B1%D8%B6%D8%A7%D9%88%D9%8A-%D8%AE%D9%84%D8%A7%D9%81%D8%A9-%D8%AF%D8%A7%D8%B9%D8%B4-%D9%84%D8%A7-%D8%AA%D8%B3%D8%AA%D9%88%D9%81%D9%8A-%D8%A7%D9%84%D8%B4%D8%B1%D9%88%D8%B7-%D8%A7%D9%84%D9%85%D8%B7%D9%84%D9%88%D8%A8%D8%A9/a-17879916>.
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201. National Imams Consultative Forum, *An Australian Muslim Perspective*, point 30.
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203. Yaḥyā b. Sharaf al-Nawawī, *Sharḥ ṣaḥīḥ Muslim* (Beirut: Dār al-Ma’rifā, 2001), 6:444, cited in Ali and Stuart, *A Guide to Refuting Jihadism*, 43–44.
204. Imām al-Haramayn al-Juwaynī, *Ghiyāth al-umam fi iltiyāth al-zulam*, (Beirut: Mu’assasat al-Rayyān, 1997), 168–69, cited in Ali and Stuart, *A Guide to Refuting Jihadism*, 44.
205. See *Dabiq*, “Foreword,” no. 2, Ramadan 1435/June–July 2014, 3, <http://media.clarionproject.org/files/09-2014/isis-isis-islamic-state-magazine-Issue-2-the-flood.pdf>; “Introduction: Hijrah from Hypocrisy to Sincerity,” no. 3, Shawwal 1435/July–August 2014, 25, <http://media.clarionproject.org/files/09-2014/isis-isis-islamic-state-magazine-Issue-3-the-call-to-hijrah.pdf>; “The Extinction of the Grayzone,” 61; “The Good Example of Abū Basīr al-Ifriqī,” no. 7, Rabi’ul Akhir 1436/January–February 2015, 70, <http://media.clarionproject.org/files/islamic-state/islamic-state-dabiq-magazine-issue-7-from-hypocrisy-to-apostasy.pdf>; “Amongst the Believers Are Men: Abū Shurayh As-Silānī,” no. 12, Safar 1437/November–December 2015, 57 <http://www.clarionproject.org/docs/islamic-state-isis-isis-dabiq-magazine-issue-12-just-terror.pdf>; and Umm Sumayyah al-Muhājirah, “They Are Not Lawful Spouses for One Another,” *Dabiq*, no. 10, Ramadan 1436/June–July 2015, 47, <http://www.clarionproject.org/docs/Issue%2010%20-%20The%20Laws%20of%20Allah%20or%20the%20Laws%20of%20Men.pdf>.
206. Abū Muḥammad al-Maqdisī, *This is Our Aqidah*, 2nd ed. (n.p.: At-Tibyān Publications, 1418/1997), 62, 65–66, <https://archive.org/details/ThisIsOuraqidah-AbiMuhammadAl-maqdisi>.
207. See generally *Dabiq*, no. 3 (*A Call to Hijrah*), Shawwal 1435/July–August 2014, <http://media.clarionproject.org/files/09-2014/isis-isis-islamic-state-magazine-Issue-3-the-call-to-hijrah.pdf>.
208. Ababakar et al., “Open Letter,” 15.
209. Ababakar et al., “Open Letter,” 15. The authors also cite Fakhr al-Dīn al-Rāzī’s commentary on Q. 8:75, in which al-Rāzī states: “Leaving one’s land is equal to slaying oneself.”

210. *Saḥīḥ al-Bukhārī, Kitāb faḍā'il al-Madīna*, no. 1886, cited in Ababakar et al., "Open Letter," 15–16.
211. Ibn Ḥajar al-'Asqalānī, *Fath al-bārī*, 3:621, cited in Ababakar et al., "Open Letter," 16.
212. *Saḥīḥ al-Bukhārī, Kitāb al-jihād, Bāb faḍl al-jihād wa-l-siyar*, no. 2783, cited in Ababakar et al., "Open Letter," 16.
213. Al-Zuḥaylī, *Āthār al-ḥarb*, 173, cited in Ali and Stuart, *A Guide to Refuting Jihadism*, 23.
214. Abū l-Ḥasan al-Māwardī, *al-Aḥkām al-sulṭāniyya wa-l-wilāyat al-dīniyya* (Beirut: Dār al-Kutub al-Ilmiyya, 1985), 1:275, cited in Ali and Stuart, *A Guide to Refuting Jihadism*, 20.
215. Yaḥyā b. Sharaf al-Nawawī, *Rawḍat al-ṭālibīn wa-'umdat al-muftīn* (Beirut: Dār Ibn Ḥazm, 2002), 1819, cited in Ali and Stuart, *A Guide to Refuting Jihadism*, 21.
216. Al-Nawawī, *Rawḍat al-ṭālibīn*, 1819, cited in Ali and Stuart, *A Guide to Refuting Jihadism*, 21.
217. Al-Zuḥaylī, *Āthār al-ḥarb*, 173, cited in Ali and Stuart, *A Guide to Refuting Jihadism*, 23.
218. Wahba al-Zuḥaylī, "Islam and International Law," *International Review of the Red Cross* 87, no. 858 (2005): 278.
219. Ali and Stuart, *A Guide to Refuting Jihadism*, 23.
220. Ali and Stuart, *A Guide to Refuting Jihadism*, 31.
221. Azzam, *Defence of the Muslim Lands*, chap. 4.
222. *Dabiq*, "Kill the Imāms of Kufr in the West," no. 14, Rajab 1437/April–May 2016, 8–17, <https://www.clarionproject.org/docs/Dabiq-Issue-14.pdf>.
223. *Dabiq*, "And Allah is the Best of Plotters," no. 9, Sha'ban 1436/May–June 2015, 52, <http://media.clarionproject.org/files/islamic-state/isis-isil-islamic-state-magazine-issue%2B9-they-plot-and-allah-plots-sex-slavery.pdf>. The same uncompromising rejection of any peace with the enemies of ISIS is conveyed in the article "Islam is the Religion of the Sword Not Pacifism"; *Dabiq*, no. 7, Rabi' al-Akhir 1436/January–February 2015, 20–22, <http://media.clarionproject.org/files/islamic-state/islamic-state-dabiq-magazine-issue-7-from-hypocrisy-to-apostasy.pdf>.
224. *Ṣaḥīḥ al-Bukhārī, Kitāb al-īmān, Bāb 'alāmat al-munāfiq*, nos. 33 and 34, cited in Kamali, "Dhimmi and Musta'min," 311.
225. Ali and Stuart, *A Guide to Refuting Jihadism*, 87.
226. Ali and Stuart, *A Guide to Refuting Jihadism*, 88.
227. Ibn Ḥajar al-Haytamī, *Fath al-jawād bi-sharḥ al-irshād* (Cairo: Muṣṭafā al-Bābī al-Ḥalabī, 1971), 3:346, cited in Ali and Stuart, *A Guide to Refuting Jihadism*, 88–89.
228. Ali and Stuart, *A Guide to Refuting Jihadism*, 88.
229. Ali and Stuart, *A Guide to Refuting Jihadism*, 90.
230. Ali and Stuart, *A Guide to Refuting Jihadism*, 90.
231. Ali and Stuart, *A Guide to Refuting Jihadism*, 89–90.
232. Ali and Stuart, *A Guide to Refuting Jihadism*, 90.

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APPENDIX

In addition to the titles listed under “Bibliography”, this appendix lists some useful resources to supplement the information found within the main document. Where possible, the document is given with a hyperlink so that readers can download it directly.

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