

Redeeming Slavery: The 'Islamic State' and the Quest for Islamic Morality

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Abstract

Engaging texts produced by the so-called Islamic State and some of its Muslim opponents, particularly as they treat the enslavement and sexual use/abuse of female captives, this essay argues for a nuanced account of how actors invoke and claim tradition. The Islamic State's capture, sale, and rape of Yazidi women and girls have garnered media attention. It has also generated attempts by IS to justify their deeds as religiously legitimate—not just permissible but actively good—a triumphalist reflection of the Islamic State's authority, its enactment of a continuous Muslim legal tradition, and a proving ground for the moral improvement of its adherents. I assess the disparate ways IS presents enslavement in its English-language propaganda and its Arabic legal manuals and compare its appeals to authority and precedent with those of its Muslim opponents. Muslims confronted with IS's actions and proclamations engage in disaffirmation, distancing, and denial, ranging from the rejection of IS's claim to be Islamic to more sophisticated attempts to rebut its interpretation of sacred sources and historical precedent. Both IS and its Muslim opponents propose historically-grounded notions of legitimacy that affirm their actions as properly Islamic to a variety of audiences, Muslim and non-Muslim.

Introduction

In February 2015, journalist Graeme Wood caused a stir with “What ISIS Really Wants,” published in *The Atlantic*.¹ Wood’s article focuses on the Islamic State’s apocalyptic religious vision, since analyzed more fully by Will McCants.² Among other things, Wood asserts that the group is, as Bernard Haykel puts it, “smack in the middle of the medieval tradition,” which includes things that shock and repulse observers, Muslim and non-Muslim alike—including, it seems, savage violence and slavery.³ Its deployment of brutality, especially its capture, enslavement, sale, and rape of women from Iraq’s Yazidi minority, are among the issues mentioned when the question is asked: Is the Islamic State in fact Islamic?

Though Wood grants that most Muslims do not support IS, and acknowledges the role of interpretation in formulating its doctrines, the overall impression conveyed by the article is that Muslims who deny that IS fairly represents Islam are either apologists or simply do not *really* know anything about Islam. The article quickly attracted rebuttals.⁴ More than one commentator has pointed out that treating IS as a legitimate representative of the Islamic tradition, as seriously religious and dedicated to the texts “shared by all Sunni Muslims,” bolsters the group’s agenda.⁵

Wood was right that IS lays claim to the tradition, citing canonical texts, yet it also seems a stretch to insist, as Haykel contends, that “these guys have just as much legitimacy as anyone else.”⁶ Religious studies scholars are not tasked with judging which groups are “Islamic” or “un-Islamic.”⁷ Rather, the job is to analyze how various actors make claims to represent, understand, or further their tradition.⁸ One can do so while still making distinctions between various religious actors and situating religious claims in an historical and social framework.

In her classic 1986 essay “Tradition as a Modality of Change: Islamic Examples,” Marilyn Waldman argues that in Muslim societies, appeals to tradition do not serve to maintain the status quo but rather to promote change by appealing to the perceived authoritativeness of some past practice or precedent.⁹ More recently, Zareena Grewal defines tradition

as “a process of debate over what links past, present, and future in a continuity that is meaningful and authoritative.” Rather than “understanding ... tradition as a discrete body of ideas and practices [preserved] from the past [that] survive into the present and persist into the future,” she advocates closer scrutiny of “how tradition moves over time ... as a mediation process that is reflexive and selective.” In this process, “Custodians,” sometimes self-appointed, “decide which elements should be emphasized, highlighted, even added in order to ensure the tradition’s survival in the future.”¹⁰ Both IS and its detractors claim custodianship of the tradition. Without asserting that all are equally close to the norms generally espoused by the bulk of Muslim thinkers and believers over the centuries, scholars of religion must attend to the elements emphasized, highlighted, added, and—I would argue—subtracted in contemporary contestations of Islam. Slavery serves as a useful test case to assess arguments over tradition.

Violence, victimization, and media attention

This essay addresses religio-legal interpretation, but any discussion of violence and its justifications must address the real violence inflicted on real people in real places. Whose victimization merits attention has, deservedly, been a major theme discussed in the United States and elsewhere in the last year, as the media treats deaths at the hands of terrorists, so-called lone-wolf shooters, police officers, and military forces very differently. What forms do narratives of violence take? When is violence terror, an inevitable outgrowth of a violent tradition, and when is it mundane and individual? When is it nearly invisible? Whose suffering merits notice? Whose lives matter?

United States drones terrorize swathes of Arab and Asian lands but seek to fly under the radar of American public opinion. IS has deliberately courted media attention with its spectacular brutalities. Barely known before 2014, IS now dominates headlines disproportionate to the territory it controls and the body count it racks up.¹¹ As Jessica Stern and J. M. Berger write, “To simply highlight ISIS’s barbarity is inadequate to under-

cut its messaging goals; in many cases, it accomplishes them.” They highlight the way beheading creates fear: “In the Western world, in the twenty-first century, the idea of a beheading was something unreal, archaic, a vaguely understood and little-contemplated relic of a distant past.”¹² Slavery is not nearly so distant temporally from beheadings, but it also has the feel of something archaic, primitive, and horrible, especially when it merges violence and sex.

Mass media transforms some information into signal while other information remains simply noise.¹³ Women’s suffering in wartime is typically noise, not perceived as a form of terrorism—not even necessarily as news—but as a ‘women’s issue.’¹⁴ The deplorable capture, rape, and sale of Yazidi women, which came to the fore of the news cycle in summer 2014, like the previous spring’s kidnapping of hundreds of girls by Nigerian separatists Boko Haram, amplified the signal of Muslim fanaticism. No Orientalist trope is as powerful as that of the oppression of Muslim women or the oppression of women by Muslims.¹⁵ Sex and violence make an irresistible combination. Accounts of enslaved Yazidi women and girls presented in journalist Rukmini Callimachi’s *New York Times* article exploring IS’s “theology of rape” fit into a familiar narrative of Muslim barbarism.¹⁶ So too Callimachi’s exposé of the systematic, coercive use of contraception and abortion by Islamic State soldiers to make possible the ready transfer and continual sexual availability of their captives, which refers to the “medieval codes” on which IS draws to justify its practices.¹⁷

Such accounts, both true and terrible, do political work. As Irvin Schick pointed out nearly two decades ago, “political capital continues to be made of the sufferings, whether systematic or isolated, of non-European women.” Though he advocates “neither indifference, nor abject relativism,” he insists that one must “bear in mind the geopolitical matrix within which these images of victimized oriental women circulate.”¹⁸ Lila Abu-Lughod’s *Do Muslim Women Need Saving?* illuminates the white savior complex that frames much reporting on and humanitarian intervention in lands where Muslims live; she illustrates the ways in which

women's suffering has been coopted and repurposed to justify imperialist warfare.¹⁹

In some respects, the capture and rape of Yazidi women are ordinary actions. Sexual violence against women in wartime is epidemic. Muslim troops are by no means unique in violating women and girls. Rape has been used systematically as a weapon of war in Bosnia, Rwanda, and Colombia and, reaching back further into the twentieth century, in China by Japanese soldiers and in Bangladesh by Pakistani soldiers. Muslim women were systematically raped in Bosnia and Bangladesh, by non-Muslims in one case and Muslims in the other.²⁰ U.N. peacekeeping forces have been implicated in patterns of sexual assault.²¹ American soldiers have been guilty of the same around the globe, and within military ranks. Beyond occasional rogue soldiers who rape, U.S. military and intelligence services have routinely used sexualized torture and humiliation.²²

If sexual violence is all too common in conflict zones, leaving aside the deplorable forms it takes in what we might call ordinary life, why emphasize the criminal behavior of Muslim insurgencies? Why not treat the systematic capture and sale of Yazidi women and girls as a form of sex trafficking or wartime rape? By using the term slavery, does one confer legitimacy on IS claims to be following Islamic law? Is taking seriously IS propaganda—even attempts to refute it from within Islam—a concession that Muslim behavior can be explained through religious doctrine? My aim is not to grant IS propaganda status as a legitimate or full explanation of its actions or motives. Rather, it is to understand a series of attempts at tradition-making, taking slavery as a case study.

The Islamic State has attempted to justify the capture, enslavement, and sale of women and girls as religiously meritorious: not just acceptable but a positive good. Rather than grudgingly grant its permissibility, or merely matter-of-factly assume its legality as most premodern texts do, IS proclaims enslavement a triumphalist reflection of its own legitimacy. Muslims confronted with IS's actions and proclamations engage in a ritualized dance of disaffirmation, of distancing, of rejection and denial. The ways they do so range from the commonsensical, if naïve and reli-

giously problematic, rejection of IS' claim to be Islamic—in other words, *takfir* (the act of one Muslim asserting that another Muslim, on the basis of beliefs or actions, is actually not a Muslim but rather an infidel or *kāfir*)—to more sophisticated attempts to rebut its interpretation of sacred sources and historical precedent.²³ The quest for both IS and its Muslim opponents alike is to frame a notion of authority that legitimates their actions to a variety of audiences, Muslim and non-Muslim.

Interlude: Chattel slavery, sex slavery, and the Orientalist imagination

For most Americans, the term slavery evokes racialized chattel slavery as practiced on Southern plantations, in the field and the master's house. This is a limited and partial view of the range and scope of American slavery, which extended beyond the South, beyond the cotton field, into workshops and trade, and involved considerable sexual and other types of violence. Muslim practices of capture, enslavement, and slaveholding were even more diverse across the geographical and chronological breadth of Muslim civilization. Slavery in court-linked households in Mughal-ruled India and the Mamluk and Ottoman Empires differed from domestic and trade-based slavery in Sub-Saharan Africa.²⁴ Captivity with the usual aim of ransom by Barbary corsairs was different still.²⁵

For quite some time, the idea prevailed (including in writings by sympathetic non-Muslims) that Islamic slavery was mild while American slavery was harsh.²⁶ In fact, some forms and practices of slavery among Muslims or by Muslims could be equally harsh. Laws might be closely followed or not.²⁷ Practices could be harsher than rules or not. Legal discussions having to do with slavery might be grounded in concrete circumstances of enslavement or not. One may generalize, however, to note that the purchase of female slaves for sex as well as domestic service was an enduring aspect of slave markets.²⁸ The form of slavery IS is interested in reviving, the enslavement and sexual use of females captured from enemies, has the most purchase on the Western imagination, envisioning women imprisoned and used for sex: a somewhat more brutal instantiation of the harem. If one accepts that IS' tactics are chosen in

part for the reaction they aim to provoke, media reaction to enslavement would seem to justify it. Additionally, the availability of sex, whether with captive women or through marriages arranged by a marriage bureau, serves as an incentive for recruiting fighters.²⁹

Tradition and moderation: The “Open Letter to Al-Baghdadi”

A handful of documents by IS and its detractors published in late 2014 and early 2015 present competing conceptions of authority, precedent, and history: two manuals and two articles from the Islamic State and a coauthored “Open Letter” to the leader, fighters, and followers of IS by a diverse group of self-identified scholars and religious figures, condemning IS’ actions, including enslavement, as incompatible with Islam.³⁰ These writings present contradictory perspectives on the permissibility and desirability of slavery in the contemporary world, and reveal a great deal about how diverse actors deploy history and understand the concepts of the permissible and the forbidden.

The contours of the Islamic State’s two main approaches to justifying slavery can be better understood through a brief exploration of one outside attempt to rebut its legitimacy and views. The “Open Letter to Al-Baghdadi” was presented at a press conference and published online in September 2014, after the media’s attention in summer 2014 to the enslavement of Yazidi women and girls. The Council on American-Islamic Relations took the lead on its release, in conjunction with the Fiqh Council of North America.³¹ The letter foregrounds the issue of legitimate authority. Its 126 (male) signatories are global, including scholars and religious figures from Uzbekistan, the Sudan, Iceland, and the United States. Its modes of presentation and argumentation are slick and geared toward media accessibility, though the mainstream media did not pay much attention to it.³² Its English-only executive summary begins: “It is forbidden in Islam to issue fatwas without all the necessary learning requirements”; moreover, “It is forbidden in Islam to ignore the reality of contemporary times when deriving legal rulings.”³³ Although “It is permissible in Islam [for scholars] to differ on any matter, except those

fundamentals of religion that all Muslims must know,” the list focuses on the forbidden. Of the twenty-four points of the “executive summary,” more than three quarters (nineteen) declare something to be forbidden in Islam.³⁴

Among the acts and beliefs it declares forbidden is contemporary enslavement. The summary declares: “The re-introduction of slavery is forbidden in Islam. It was abolished by universal consensus.” The body of the letter, which runs to twenty-three pages, goes on to make a more detailed two-paragraph argument as to why slavery is forbidden today.³⁵ It posits a trajectory of social progress that encompasses all of humanity, while insisting that Muslims may legitimately claim its basic principles as part of their essential belief structure: “No scholar of Islam disputes that one of Islam’s aims is to abolish slavery.” This claim is both absurd and ahistorical, or perhaps absurd because it is so blatantly ahistorical.³⁶ Certainly, one may posit within Muslim tradition “an emancipatory ethic”—a consistent preference for freeing slaves and a reluctance to enslave (so a foundling, for instance, could not be taken as a slave).³⁷ Muslim theologians have been uncomfortable with slavery, just as some were uncomfortable with killing animals. But emancipation is an ameliorative practice, and does not presume abolition; indeed, it accepts that enslavement and slaveholding will continue and thus require regulation. Still, the letter’s claim merits further exploration. It views slavery’s abolition as not only a Muslim victory but one of humanity writ large: “For over a century, Muslims, and indeed the entire world, have been united in the prohibition and criminalization of slavery, which was a milestone in human history when it was finally achieved.”³⁸

Despite this reference to all of humanity, the letter’s main focus is Islam. It argues that there was “a century of Muslim consensus on the prohibition of slavery” which IS has now violated by taking “women as concubines.”³⁹ They have also broken covenants since “all the Muslim countries in the world are signatories of anti-slavery conventions.” They cite Q Isrā’ 17:34 to insist that Muslims must uphold their covenants; therefore, Muslims must not reintroduce slavery. The section concludes by insisting that “You [al-Baghdādī] bear the responsibility of this great

crime and all the reactions which this may lead to against all Muslims.” The “Open Letter” appeals not to truth or falsehood but to a desire to preserve Muslim life, well-being, and reputation from the depredations of unspecified actors.

Islamic State propaganda: Dabiq

One may read the fourth issue of *Dabiq*, IS’ online English-language propaganda magazine, which was published the following month, as a response to this “Open Letter.” An article entitled “The Revival of Slavery Before the Hour” treats the “abandonment of slavery” as part of the “abandonment of Sharī’ah law” and “the rise of tāghūt law” which also involved “the desertion of jihād.”⁴⁰ Imagining Muslim history through a reductive, distorted lens, IS deems the “revival” of this authentic early practice as a sign of its own efficacy and legitimacy. It frames enslavement as part of a campaign against Western enemies as well as against neutered Muslims who have abandoned the practice of slaveholding. Muslims’ fall from glory coincided with the abandonment of slavery; the revival of slavery has practical, symbolic, and apocalyptic significance. It will, according to *Dabiq*, save Muslims from sexual sin: “the desertion of slavery” has resulted in an increase in sexual misconduct “because the shar’ī alternative to marriage is not available.” Additionally, “prohibited khalwah [or] (seclusion)” leads to illicit sex “between the man and the maid, whereas if she were his concubine, the marriage would be legal. This again is from the consequences of abandoning jihād and chasing after the dunyā.”⁴¹

Beyond the practical rationale for reviving slavery, it signifies IS’ resumption of jihad, and its success in that realm. It touts “this large-scale enslavement of mushrik families [as] probably the first since the abandonment of this Sharī’ah law”—though it acknowledges the “much smaller” example of “the enslavement of Christian women and children in the Philippines and Nigeria by the mujāhidīn there.”⁴² It prevents sexual sin (the major concern of an article in a later issue, “Slave-Girls or Prostitutes?”, published under a female pseudonym⁴³), affirms IS’

power and prowess, and carries apocalyptic weight. A convoluted interpretation of a prophecy about the End Times attributed to Muḥammad mentions slavery and seems thus to require the existence of slavery as both foreshadowing and helping bring about the Last Judgment (“the Hour”). The *Dabiq* article declares it “interesting to note that slavery has been mentioned as one of the signs of the Hour as well as one of the causes behind al-Malhamah al-Kubrā,”⁴⁴ the great battle between believers and “Rome”—now understood as Westerners, including Americans—that presages the End Times.⁴⁵

IS embraces the familiar revivalist model of a pristine early period followed by decline. It presents its version of Islamic morality as indisputable, describing Muslims who disagree as “weak-minded and weak hearted.” While the “Open Letter” describes slavery as “something the Shariah worked tirelessly to undo,” *Dabiq* describes “enslaving the families of the kuffār and taking their women as concubines” as “a firmly established aspect of the Sharī’ah that if one were to deny or mock, he would be denying or mocking the verses of the Qur’ān and the narrations of the Prophet (sallallāhu ‘alayhi wa sallam), and thereby apostatizing from Islam.” ‘Umm Sumayyah al-Muhajirah,’ author of the aforementioned *Dabiq* article “Slave-Girls or Prostitutes?,” scorns Muslim “quasi men” who live among non-Muslims, accept human rights norms, and consider “taking a slave-girl as a concubine” to be rape.⁴⁶

In her study of American Muslim knowledge seekers, Grewal notes that “the reformist narrative of rupture depicts tradition in the recent past as a moral departure or degeneration from its own beginnings; they define their authority in the present as a recurrence, but not a continuation, of the raw potential of Islam’s foundation.”⁴⁷ Both *Dabiq* and the “Open Letter” acknowledge discontinuity in the practice of slavery. In the case of *Dabiq*, their revival of slavery attempts to actualize that “raw potential.” The “Open Letter,” by contrast, posits a moral trajectory in which the essential seed of abolition planted has now borne fruit: the present stands as culmination of a continuous tradition, in which it is the “raw potential” for abolition that has finally been actualized.

Islamic State jurisprudence: The Research and Fatwa Department

In contrast to *Dabiq's* articles, which acknowledge disagreement between contemporary Muslims over the permissibility of slavery and which emphasize the contemporary resurrection of an abandoned practice, Arabic legal publications by the Islamic State acknowledge no discontinuity in the practice of enslavement and slave concubinage, nor disagreement about their basic permissibility. Whereas *Dabiq's* propaganda emphasizes revival and chastises weak Muslim opponents, IS' Research and Fatwa Department echoes the "Open Letter" in its publications by pretending a seamless continuity with the religious-scholarly tradition of the past, even as its texts make clear just how distant and unfamiliar that past is.

One of these Arabic documents was released online in late 2014. A five-page pamphlet entitled "Questions and Answers on Captives and Slaves" lists as its publisher "the Islamic State Research and Fatwa Department."⁴⁸ A longer manual entitled "The Captive (*sabi*): Rulings and Questions" was published earlier in 2014.⁴⁹ It situates practical rules within a more fleshed-out legal and theological frame. Both texts, in different ways, provide straightforward guidance for ugly practices; presume their audience's unfamiliarity with basic elements of jurisprudence governing enslavement; and juxtapose advocacy of the enslavement of unbelievers and acceptance of the rape of children with theological reflection on the potential injustice of slavery, the merit to be gained by recognizing the humanity of enslaved people, and the deep moral weight of ownership. Here, Stern and Berger's remark on IS' "strange but potent new blend of utopianism and appalling carnage" is apt.⁵⁰

"Questions and Answers" contains thirty-two catechistic questions. It affirms the permissibility of men "having sex with slaves who have not reached puberty," specifying, as classical texts do when they discuss sex with minors, that the slaves must be "fit for sex"; otherwise they may be enjoyed without intercourse.⁵¹ They may be beaten to correct a fault. They can be bought, sold, and given. They are property.

The very basic nature of some of the questions answered suggests the deep unfamiliarity of the institution of slavery to its target audience. It asks, “What is a ‘*sabī*?’” It asks, “If a female slave is married, does her husband or her master have the right to have sex with her?” Although the pretense of the Q&A is that this is an institution for which texts and scholarship provide all the answers, the inclusion of such basic material makes clear that its audience has no idea about things that were taken for granted in the premodern legal tradition. This presumably reflects both the unfamiliarity of slavery to several generations of Middle Easterners *and* the fact that the audience for the pamphlet is comprised of laypeople with no legal training. Premodern legal texts generally proceed casuistically, stating a complicated case and then addressing the various issues that arise from such permutations. Basic rules are typically presumed rather than stated directly. Here, however, the practical and not jurisprudential import of the queries and responses is clear.

“The Captive,” too, begins by dissecting the terms *sabī* and *sabāyā*. It then segues into a lengthy set of anecdotes about the Prophet Muḥammad and some of his Companions. These serve not merely to illustrate particular precedents but to paint a portrait of a society in which enslavement of captives and the sexual use of female slaves was part of the status quo. The examples it includes, taken from *ḥadīth* compilations and other early texts, record specific instances of behavior in order to weigh in on whether, for instance, one might practice withdrawal with a female captive in order to attempt to prevent pregnancy. In this new context, the anecdotes portray enslavement as a central practice of the pious forbears (*salaf*) who constitute the movement’s central exemplars.

Although the manual takes pains to show that Muḥammad and other Companions owned slaves, including those taken in battle, slaveholding nonetheless poses potent problems. If all are slaves of God, how can some people own others? This theological conundrum is answered with an appeal to God’s actions: it is God who has “placed your brothers under your hands.” Potential unease is further assuaged by owners’ obligations of good treatment: they are to feed and clothe these enslaved

“brothers” from what they themselves feed and clothe themselves, and not to impose work on them that they cannot bear.⁵²

Despite the assumption that its audience will be unaware of the legal treatment of matters involving slaves, the short pamphlet and longer manual present themselves as part of a continuous scholarly tradition, evoked through the use of terms such as “consensus” (*ijmāʿ*) and “disagreement” (*ikhtilāf*). Their doctrines are generally consonant with the classical tradition. Yet their mode of presenting these rules inadvertently attests to their strangeness in this vastly changed context. When the pamphlet insists, “There is no disagreement among the ‘ulama about the permissibility of [taking] disbelieving concubines,” it affirms a classical doctrine. At the same time, its pointed focus on something that would once have been too obvious to bother mentioning points to the need to relegitimize basic elements of a defunct worldview. The pamphlet also invokes scholarly consensus in a later entry, about whether a slave manumitted as expiation of a sin other than inadvertent killing must be a Muslim. The pamphlet alludes to specific substantive disagreements between scholars as part of its discussion, sometimes identifying its views as the “majority” or “stronger” position. The longer manual does more with these differences, signaling dispute on a number of questions between adherents of different schools before siding with one or the other group, often through an opinion of the fourteenth-century scholar Ibn Qayyim al-Jawziyyah. By contrast, the “Open Letter” insists on the permissibility of scholarly disagreement but gives few examples; it prefers the generalized grand declaration of absolutes.

Assumptions operative in some of the pamphlet’s questions and answers are telling. Unbelief is the criterion for legitimately taking captives, but some queries presume that slaves will convert and practice Muslim rituals. For instance, it explains what female slaves must cover in prayer. More broadly, some material imagines the integration of female slaves into households, families, and community. One query asks whether a female slave has a right to a portion of her master’s time, as each wife in a polygynous marriage would. The answer—though she does not have

a right to a share, her owner must enable her to keep chaste, so he must have sex with her himself, marry her off, or sell her to another owner who can provide for her—is of a piece with the longer manual’s concern for the appropriate feeding and clothing of slaves. These documents disconcertingly juxtapose the stark and sometimes brutal claims of owners over slaves’ bodies with pious concern for the enslaved people’s human needs for food, clothing, and sex.

These recognitions of the common humanity of slave owners and enslaved people are largely absent from the partial translation of the pamphlet published by the Middle East Media Research Institute (MEMRI).⁵³ Though MEMRI has been criticized for presenting a biased picture of contemporary Muslim and Middle Eastern perspectives by, for instance, cherry-picking unrepresentative texts, its translations are generally accurate. MEMRI’s version of “Questions and Answers” includes twenty-five of the original thirty-two entries. A closely attentive reader may notice that the numbers jump from 22 to 24 and 25 to 27, but entries 28–32, the final entries, are omitted without any indication that they have been removed other than the brief prefatory note that the translation is of “excerpts from the pamphlet.”

MEMRI’s introductory blurb combines dispassionate recitation of facts with a selective highlighting of salient details:

The Research and Fatwa Department of the Islamic State (ISIS) has released a pamphlet on the topic of female captives and slaves. The pamphlet, which is dated Muharram 1436 (October/November 2014) and was printed by ISIS’s publishing house, Al-Himma Library, is titled *Su’al wa-Jawab fi al-Sabi wa-Riqab* (“Questions and Answers on Taking Captives and Slaves”). It was presumably released in response to the uproar caused by the many reports this summer that ISIS had taken Yazidi girls and women as sex slaves. Written in the form of questions and answers, it clarifies the position of Islamic law (as ISIS interprets it) on various relevant issues, and states,

among other things, that it is permissible to have sexual intercourse with non-Muslim slaves, including young girls, and that it is also permitted to beat them and trade in them.⁵⁴

Like the *New York Times* articles on the rape of Yazidi captives, the MEMRI translation focuses the readers' attention on two points: "it is permissible to have sexual intercourse with non-Muslim slaves, including young girls, and ... it is permitted to beat them and trade in them." The slavery discussed here is sexualized, embodied, and female. These notes of sex, violence, and money were echoed in mainstream media accounts with titles like "Sex Slavery Manual." Unsurprisingly, given its focus on violence toward slaves, MEMRI omits the query about the slave's sexual satisfaction and ends on a partial translation of the query about the reward for freeing a female slave. This attention to manumission, which is explained as protecting believers from the torments of Hell, seems at odds with the other content included but aids in portraying Muslims as violent by emphasizing their preoccupation with "hellfire." The translation leaves out the immediately preceding query, a terse question about whether a female slave can buy herself from her owner. (Answer: "Yes, it is permissible and this transaction is called 'al-mukataba.'") More saliently, MEMRI's version leaves off the final five entries, which discuss freeing slaves in order to expiate misdeeds or fulfill oaths. Through this omission, MEMRI retains the focus on having sex with, beating, or selling women and girls, and bypasses the pious preoccupation with gaining reward through the act of freeing a believing slave. This concern with religious merit in treating slaves well and freeing them where appropriate in no way mitigates, and may even highlight, the horror of IS' basic positions on capture and enslavement. The MEMRI translation's omission of the discussion of manumission, however, leaves readers further from understanding how IS makes its appeals to tradition.

Conclusion: Tradition-making

It is irresponsible to ignore political, economic, and military factors that have contributed to creating and nurturing both the ideology and the actions of IS and other violent extremist groups. Yet to suggest that religion is merely a veneer is also unsatisfactory. Attempting to situate IS and its practices on a spectrum from most to least Islamic is likewise futile. What is necessary is nuanced attention to processes of tradition-making. The Islamic/un-Islamic dichotomy assumes a static definition of Islam. Often, this definition assumes a tradition that simply emerges from a body of texts. Practices consonant with the texts—or that are interpreted as being so—are therefore Islamic. (The actual practices and politics of interpretation remain obscure.) Muslims who say otherwise, as the overwhelming majority do when confronted with IS or the idea of contemporary slavery, are insufficiently educated or fooling themselves.

If one acknowledges the obvious—Muslim tradition is contested—questions remain about how best to conceptualize divergences. I have argued that one must attend to notions of history as well as authority. IS and the scholar-signatories of the letter to Baghdādī agree that early Muslims held slaves. They deem different aspects of their practice exemplary—in *Dabiq*, taking, owning, and reproducing through slaves; in the “Open Letter,” freeing them. The letter quotes Qur’ānic passages on the freeing of slaves (Q Balad 90:12–14 and Mujādilah 58:3) and declares “The Prophet Muhammad’s *Sunnah* is that he freed all male and female slaves who were in his possession or whom [sic] had been given to him.”⁵⁵ Yet it is not as simple as IS = retrograde = focus on enslavement; non-extremist scholars = respect for the present context = focus on manumission. Both the taking of slaves and the freeing of them come to the fore in “Questions and Answers,” which quotes the Qur’ān and gives examples regarding the freeing of slaves in cases of specific transgressions.

Different ideas of history inform these documents. Both *Dabiq* and the “Open Letter” acknowledge that the practice of slavery has histor-

ically been discontinuous. They disagree about the meaning of its resurgence. IS congratulates itself on “The Revival of Slavery Before the Hour” —a sign that Muslims are taking up an abandoned, righteous practice. The “Open Letter,” by contrast, deems forbidden the “reintroduction of slavery” after it was abolished by consensus. Interestingly, these texts combine different notions of history with similarly timeless notions of shari’ah. Followers of idolatrous laws abandoned shari’ah and hence abandoned slavery, according to IS. For the letter’s signatories, the shari’ah sought the abolition of slavery from the start; it merely took a while for it to fully materialize, but when it did, it was final. It goes without saying that for both, shari’ah determines legitimacy. Rules may change, and the letter insists that one must take contemporary circumstances into account, but its signatories take it as axiomatic that if a practice is to be forbidden today, the seeds of that prohibition must have been sown already in its earliest moments. In contrast to both of these documents, the Q&A pamphlet and “The Captive” presume a timeless, seamless notion of history in which the taking, selling, and owning of slaves is simply part of the status quo.⁵⁶ In this way, it more effectively erases the contested nature of this practice, even as it inadvertently attests to how unfamiliar slaveholding is for its audience.

Asking new questions of these documents can help present a fuller picture of what is at stake. One might ask, for instance, about gendered authority. Beyond the presumptions about gender, sexuality, and ownership in the rules about enslavement and slaveholding adapted from classical Muslim jurisprudence, there are questions about gendered authority in contemporary situations. In the IS legal documents, in the “Open Letter” as originally released, and indeed in Wood’s article in *The Atlantic*, women are absent as authorities: the scholars, whether religious authorities or Western secular academics, are all male. Girls and women appear instead as objects of enslavement or of rescue. Women’s agency only appears in two minor forms. One is the *Dabiq* article ascribed to a woman emigrant (‘Umm Sumayyah al-Muhajirah’), which, among other claims, criticizes Muslim men who reject enslavement. The other ack-

nowledgment of women's agency comes from the brief references in *Dabiq* articles and IS legal texts to the possibilities that enslaved women might convert, as well as the legal texts' acknowledgment that they might run away, commit punishable offenses, or buy themselves from their masters.

Both IS and its opponents draw on Muslim history, scripture, and interpretive texts and communities as they claim legitimacy for their version of Muslim tradition. Slavery as contested presents a useful lens through which to view this tradition-in-the-making. Debates over slavery are global, happening online even as real bodies suffer tragically in real places. Redeeming slaves is one issue, but it pales beside the larger concern of IS and its opponents with redeeming Islam. It remains to be seen what form that redemption will take.

Notes

All digital content cited in this article was last accessed via the URLs provided in the notes below on October 29, 2020.

1. Graeme Wood, "What ISIS Really Wants," *The Atlantic*, March 2015.
2. William McCants, *The ISIS Apocalypse: The History, Strategy, and Domsday Vision of the Islamic State* (New York: St. Martin's Press, 2015).
3. Wood, "What ISIS Really Wants."
4. One example: Jack Jenkins, "What The Atlantic Gets Dangerously Wrong About ISIS and Islam," *ThinkProgress.org*, February 18, 2015 (<https://archive.thinkprogress.org/what-the-atlantic-gets-dangerously-wrong-about-isis-and-islam-820a18946e97/>).
5. The quoted phrase is from Bernard Haykel in Wood, "What ISIS Really Wants." Jack Jenkins provides a fuller and substantially more nuanced version of Haykel's comments in "What The Atlantic Left Out about ISIS According to Their Own Expert," *ThinkProgress.org*, February 20, 2015 (<https://archive.thinkprogress.org/what-the-atlantic-left-out-about-isis-according-to-their-own-expert-afd98cf1c134/>).
6. Wood, "What ISIS Really Wants."
7. As for assessing their religiosity, when a released captive reportedly affirmed that his IS captors did not even have a copy of the Qurʾān (as though this were dispositive of the question of religiosity), the media pounced (e.g., "ISIS Captors 'Didn't Have a Quran,' Says Ex-Hostage," *Al Arabiya English*, February 4, 2015 [<https://english.alarabiya.net/en/News/middle-east/2015/02/04/ISIS-captors-didn-t-have-a-Quran-says-former-hostage.html>]). It turns out, however, that the captive was misquoted in the original CNN article, which later corrected his remarks: it was the captives who were not provided with a copy of the Qurʾān; Mick Krever, "ISIS Captors Cared Little About Religion, Says Former Hostage," *CNN.com*, February 4, 2015 (https://www.cnn.com/2015/02/03/intl_world/amanpour-didier-francois/index.html).
8. Zareena Grewal pithily diagnoses "the problem with the revivalist movement: everyone is an expert, and the most asinine arguments share

the shelf with real scholarship, and not everyone knows the difference.” Zareena Grewal, *Islam is a Foreign Country* (New York: New York University Press, 2013), 186.

9. Marilyn Waldman, “Tradition as a Modality of Change: Islamic Examples,” *History of Religions* 25 (1986): 318–340.

10. Grewal, *Islam is a Foreign Country*, 200.

11. Rafia Zakaria, “ISIS Wants You to Share This: How the Well-Meaning Public Became a Handmaiden for Terror,” *The Nation*, January 12–19, 2015.

12. Jessica Stern and J.M. Berger, *ISIS: The State of Terror* (New York: Harper Collins, 2015), 251, 2.

13. For one exploration: Arundhati Roy, *War Talk* (Boston: South End Press, 2003).

14. Aki Peritz and Tara Maller, “The Islamic State of Sexual Violence,” *Foreign Policy*, September 16, 2014 (<https://foreignpolicy.com/2014/09/16/the-islamic-state-of-sexual-violence/>).

15. The “Sydney siege” hostage-taker had a documented history of sexualized harassment and violence. He was taken seriously as a threat only when he was treated as a Muslim terrorist. Michelle Innis, “Sydney Hostage Siege Ends with Gunman and 2 Captives Dead as Police Storm Café,” *New York Times*, December 15, 2014.

16. Rukmini Callimachi, “ISIS Enshrines a Theology of Rape,” *New York Times*, August 13, 2015. The *New York Times* later presented information on similar sexual offenses committed by U.S. allies—Afghan men using boys for sex—which American military personnel were told to tolerate. That exposé never suggested religious doctrine as an explanation or justification for the men’s actions. Joseph Goldstein, “U.S. Soldiers Told to Ignore Sexual Abuse of Boys by Afghan Allies,” *New York Times*, September 20, 2015.

17. Rukmini Callimachi, “To Maintain Supply of Sex Slaves, ISIS Pushes Birth Control,” *New York Times*, March 12, 2016.

18. Irvin C. Schick, *The Erotic Margin: Sexuality and Spatiality in Alterist Discourse* (London: Verso Books, 1999), 157.

19. Lila Abu-Lughod, *Do Muslim Women Need Saving?* (Cambridge, MA: Harvard University Press, 2013). Rochelle Terman offers a thoughtful critique of Abu-Lughod, with particular emphasis on honor crimes, in “Islamophobia, Feminism, and the Politics of Critique,” *Theory, Culture & Society* 33 (2016): 77–102.

20. One could also cite the rape and murder of Muslim women during the Gujurat “pogrom” of 2002; see Roy, *War Talk*, 105.

21. For one example: Owen Bowcott, “UN Accused of ‘Gross Failure’ over Alleged Sexual Abuse by French Troops,” *The Guardian*, December 17, 2015 (<https://www.theguardian.com/world/2015/dec/17/un-gross-failure-sexual-abuse-french-troops-central-african-republic>).

22. The report is available as the U.S. Senate Select Committee on Intelligence “Committee Study of the Central Intelligence Agency’s Detention and Interrogation Program together with Foreword by Chairman Feinstein and Additional and Minority Views,” S. Rpt. 113-228, December 9, 2014 (<http://www.intelligence.senate.gov/publications>). As I was completing revisions to this article, a further discussion of sexualized humiliation appeared: Spencer Ackerman, “CIA Photographed Detainees Naked before Sending them to be Tortured,” *The Guardian*, March 28, 2016 (https://www.theguardian.com/us-news/2016/mar/28/cia-photographed-naked-detainees?CMP=twt_gu).

23. On various approaches to *takfir*: Erik Pell, a convert to Islam, considers IS members to be apostates; see Nicholas Schmidle, “Lost in Syria,” *New Yorker*, February 16, 2015. In a blog post, amina wadud rejects the temptation to practice *takfir* but signals her perception that IS does not meet even basic criteria for Islam, and so refuses to use the term “Islamic” in discussing them; “Muslim Separatists and The Idea of an ‘Islamic’ State,” *Feminism and Religion*, September 5, 2014 (<https://feminismandreligion.com/2014/09/05/muslim-separatists-and-the-idea-of-an-islamic-state-by-amina-wadud/>). On Sunni reticence about the practice of *takfir*, consult Sherman A. Jackson, *On the Boundaries of Theological Tolerance in Islam: Abū Ḥāmid al-Ghazālī’s Fayṣal al-Tafriqa* (Oxford: Oxford University Press, 2002), especially Jackson’s introduction to al-

Ghazālī's text.

24. Indrani Chatterjee, *Gender, Slavery and Law in Colonial India* (Oxford: Oxford University Press, 2002); Humphrey J. Fisher, *Slavery in the History of Muslim Black Africa* (New York: New York University Press, 2001).

25. Nabil Matar, *Britain and Barbary, 1589-1689* (Gainesville, FL: University Press of Florida, 2005). Distinguishing between captivity and slavery in North African sources (114–115), Matar argues that though “greed and economic need” were motivations, so too was “retaliation for the violence committed against them by Europeans—government sponsored acts of empire as well as disparate attacks of pirates and privateers” (113). The racialization of captivity and slavery, with whites/Europeans subject to the former and black Africans to the latter, deserves further attention.

26. Ehud Toledano, *Slavery and Abolition in the Ottoman Middle East* (Seattle: University of Washington Press, 1997), 122–129, 138–139; Bernard Lewis, *Race and Slavery in the Middle East* (Oxford: Oxford University Press, 1992), vi. Recently, in reaction to the slaving activities of the Islamic State, Abdullah bin Hamid Ali expressed a variation of this view, “Islam & the Abolition of Slavery,” *Lamppost Education Initiative*, August 19, 2012 (<https://lamppostedu.org/wp-content/uploads/2018/06/Emancipation-of-Slaves.pdf>).

27. Fisher, *Slavery*, 27. He discusses Muslims' enslavement of other Muslims.

28. To give just one example of the importance of female slaves, consider the relative demand for and prices of various slaves discussed in Fisher, *Slavery*, 325–331. Note that all female slaves except married ones were legally subject to their masters' sexual use, even those not specifically bought for concubinage. Cf. Kecia Ali, *Marriage and Slavery in Early Islam* (Cambridge, MA: Harvard University Press 2010), especially Chapters 1 and 5.

29. One might also investigate more fully the connections between enslavement as an organized, well-regulated horror and the presence of a functioning marriage bureau operative in IS territory.

30. The full text of the letter, which was published in English and Arabic, is available as a joint release from the Council on American-Islamic Relations (CAIR) and Fiqh Council of North America as the “Open Letter to Dr. Ibrahim Awwad al-Badri, alias ‘Abu Bakr al-Baghdadi’, and to the Fighters and Followers of the Self-Declared ‘Islamic State’,” September 19, 2014 (www.lettertobaghdadi.com).

31. CAIR, “Groups, Individuals Asked to Endorse Open Letter Refuting ISIS’s Ideology,” September 30, 2014 (https://www.cair.com/action_alerts/groups-individuals-asked-to-endorse-open-letter-refuting-isis-ideology/). The Fiqh Council of North America participated in the DC press conference. See Zulfiqar Ali Shah, “Muslim Leaders Refute ISIS Ideology,” September 24, 2014 (<http://fiqh-council.org/muslim-leaders-refute-isis-ideology/>; updated June 3, 2016). Anti-Muslim polemicist Robert Spencer notes that though these organizations “really do oppose the Islamic State,” the letter is “a deceptive piece designed to fool gullible non-Muslim Westerners into thinking that the case for ‘moderate Islam’ has been made, but which will not change a single jihadi’s mind.” Robert Spencer, “Muslim Scholars ‘Refute’ Islamic State’s Islamic Case—While Endorsing Jihad, Sharia, Caliphate,” *Frontpage*, September 24, 2014 (<https://archives.frontpagemag.com/fpm/muslim-scholars-refute-islamic-states-islamic-case-robert-spencer/>). Spencer here conflates the issue of opposition to IS and its doctrines with the issue of how effective such opposition will be in changing the minds of jihadists.

32. A keyword search for “Open Letter to Baghdadi” at nytimes.com, washingtonpost.com, bostonglobe.com, wsj.com, guardian.co.uk, nbcnews.com, abcnews.go.com, and cbsnews.com on February 15, 2015, when Wood’s *Atlantic* article appeared, returned no results. A search of bbc.co.uk returned results, none of which mentioned the letter.

33. This executive summary (“Open Letter to Al-Baghdadi,” 1–2 of the PDF version in English available at www.lettertobaghdadi.com), absent from the Arabic version of the letter, attests to the presumption of an English-reading audience. The list of signatories on the version released on September 19, 2014 has been supplemented by online signers. As of February 15, 2015, when Wood’s *Atlantic* article was published, forty-

nine additional people had signed, including a handful of women.

34. A few others declare acts permissible, and one declares it “obligatory to consider Yazidis as People of the Scripture.” It vacillates on jihad, declaring it neither obligatory or permissible nor forbidden but “not permissible” except under three conditions, explained as in a summary as “the right cause, the right purpose and ... the right rules of conduct.”

35. As Wood notes, it is different to say that slavery is forbidden, full stop, than to object to its reintroduction into the contemporary world. The previous existence of slavery and God’s apparent tolerance for it raises significant and subtle theological problems encompassing questions of divine will, human suffering, and theodicy. In addition to an extensive literature on justice and suffering in the classical tradition, recent theological reflections include Sherman A. Jackson, *Islam and the Problem of Black Suffering* (Oxford: Oxford University Press, 2009); Laury Silvers, “In the Book We Have Left Out Nothing”: The Ethical Problem of the Existence of Verse 4:34 in the Qur’an,” *Comparative Islamic Studies* 2 (2006): 171–180; Kecia Ali, *Sexual Ethics and Islam: Feminist Reflections on Qur’an, Hadith, and Jurisprudence* (London: Oneworld, 2016), especially Chapter 3.

36. “Premodern Muslims were typical rather than unique in having both patriarchal marriage and slaveholding. The two coexisted throughout the ancient Near East and Mediterranean as well as in pre-Islamic Arabia” (Ali, *Marriage and Slavery in Early Islam*, 11). On the interrelated concepts of marriage and dominion, consult also 164–186.

37. I owe the phrase “emancipatory ethic” to an anonymous reviewer.

38. That this claim is factually incorrect—Saudi Arabia abolished slavery fifty years ago; Mauritania repeatedly declares abolition, as it has not fully taken—does not make it any less interesting. On abolition, consult William Gervase Clarence-Smith, *Islam and the Abolition of Slavery* (Oxford and New York: Oxford University Press, 2006). Ehud Toledano’s detailed, critical review of this work illustrates the diverse and divergent modes of enslavement and slaveholding throughout Muslim-majority

and/or Muslim-ruled societies. Ehud Toledano, “Enslavement and Abolition in Muslim Societies,” *Journal of African History* 48 (2007): 481–485.

39. The Arabic text of the letter uses the term *sabāyā* for “concubines” here.

40. “The Revival of Slavery before the Hour,” *Dabiq* 4 (Dhū’l-Ḥijjah 1435 [September-October 2014]): 14–17.

41. The full quotation: “a number of contemporary scholars have mentioned that the desertion of slavery had led to an increase in *fāhishah* (adultery, fornication, etc.), because the *shar’ī* alternative to marriage is not available, so a man who cannot afford marriage to a free woman finds himself surrounded by temptation towards sin. In addition, many Muslim families who have hired maids to work at their homes, face the *fitnah* of prohibited *khalwah* (seclusion) and resultant *zinā* occurring between the man and the maid, whereas if she were his concubine, this relationship would be legal. This again is from the consequences of abandoning *jihād* and chasing after the *dunyā*” (“Revival of Slavery,” 17). The use of transliterated Arabic and Anglicized Arabic terms in *Dabiq* deserves further investigation.

42. “Revival of Slavery,” 15.

43. Umm Sumayyah al-Muhajirah, “Slave-Girls or Prostitutes?” *Dabiq* 9 (Sha‘bān 1436 [May-June 2015]): 44–49.

44. “Revival of Slavery,” 15.

45. For more on the prophecies surrounding the End Times, consult McCants, *The ISIS Apocalypse*, especially appendices 1–3, 161–178.

46. Umm Sumayyah, “Slave-Girls or Prostitutes?” appears in the “From Our Sisters” section.

47. Grewal, *Islam is a Foreign Country*, 213.

48. Anon., *Su‘āl wa-jawāb fī’l-sabī wa’l-riqāb* (Al-Dawlah al-Islāmiyyah: Dīwān al-Buḥūth wa’l-Iftā’, 1436 [2014]).

49. Anon., *Al-Sabī: Aḥkām wa-masā’il* (Al-Dawlah al-Islāmiyyah: Dīwān al-Buḥūth wa’l-Iftā’, 1435 [2013–2014]).

50. Stern and Berger, *ISIS: The State of Terror*, 3. This utopian dimension has become far more prominent in IS propaganda than it once was, while brutality has diminished. Quilliam researcher Charlie Winter finds

it the dominant theme in IS propaganda produced during a thirty-day period from mid-July to mid-August 2015, with more than half of the counted propaganda items adhering to its themes. War comes second with about 60% as many mentions of utopia. These are followed by victimhood and then small amounts of attention paid to themes of mercy, brutality, and belonging. These proportions represent significant shifts from earlier dynamics. Charlie Winter, “Documenting the Virtual ‘Caliphate’,” foreword by Haras Rafiq, *Quilliam Foundation*, October 2015 (<http://www.quilliamfoundation.org/wp/wp-content/uploads/publications/free/documenting-the-virtual-caliphate.pdf>), 17; analysis of the utopia theme in propaganda appears at pp. 30–37.

51. On sex with minors, consult Ali, *Marriage and Slavery in Early Islam*, 75–77 and *Sexual Ethics and Islam*, 182, and sources cited therein.

52. *Al-Sabī*, 9.

53. For a discussion of MEMRI and its ideological, organizational, and financial links to anti-Muslim organizations, see Christopher Bail, *Terrified: How Fringe Anti-Muslim Organizations Became Mainstream* (Princeton: Princeton University Press, 2015), 81–83. In his book, Bail attends to how certain ideas about who Muslims are and what they do have become prevalent. He finds that between 2001 and 2008, in a vicious and difficult-to-reverse cycle, anti-Muslim ideas and organizations moved sharply from the margin to the center of American discourses. In the year since his book was published, anti-Muslim rhetoric has become a staple of Republican presidential candidates’ campaigns. Juan Cole has also discussed the organization: “Repressive MEMRI,” *Antiwar*, November 24, 2004 (<https://original.antiwar.com/juan-cole/2004/11/24/repressive-memri-2/>).

54. MEMRI, “Islamic State (ISIS) Releases Pamphlet On Female Slaves,” December 4, 2014 (<https://www.memri.org/jttm/islamic-state-isis-releases-pamphlet-female-slaves>).

55. “Open Letter,” 18 (section 12).

56. For a similar process in Saudi fatwas, consult Ali, *Sexual Ethics and Islam*, Chapter 3.