

The Legacy of Jihad

Islamic Holy War and the Fate of Non-Muslims

Edited by Andrew G. Bostom, MD

Foreword by Ibn Warraq



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The book is dedicated to my mother, Rifka, and my beautiful children, Esther and Yonah. May Esther and Yonah and their children thrive in a world where the devastating institution of *jihad* has been acknowledged, renounced, dismantled, and relegated forever to the dustbin of history by Muslims themselves.

“The *Chachnama* is Arab or Muslim genre writing, a ‘pleasant story of conquest,’ the conquest of Sindh. But it is a bloody story, and the parts that get into the school books are fairy tales. . . . History as selective as this leads quickly to unreality. Before Mohammed, there is blackness, slavery, exploitation. After Mohammed, there is light: slavery and exploitation vanish. But did it? How can that be said or taught? What about all those slaves sent back from Sindh to the Caliph? What about the descendants of the African slaves who walk about Karachi? There is no adequate answer: so the faith begins to nullify or overlay the real world.”

—V. S. Naipaul, *Among the Believers—An Islamic Journey*, 1981

“The deep knowledge—and pray God we have not lost it—that there is a profound moral difference between the use of force for liberation and the use of force for conquest.”

—Ronald Reagan, Pointe de Hoc, Normandy, June 6, 1984,
the fortieth anniversary of D-Day

“Is the call for *jihad* against a particular people a religious right by those calling for it, or is it a human rights violation against the people on which *jihad* is declared and waged?”

—Dr. John Garang, United Nations, Geneva, March 22, 1999

A NOTE ON THE COVER ART

The cover illustration is titled “The Prophet, Ali, and the Companions at the massacre of the prisoners of the Jewish tribe of Beni Kuraizah [Banu Qurayzah]”; Author: Bazil (Muhammad Rafi); Published: nineteenth century; Kashmiri, 17 folio 108b. Reproduced by permission of The British Library.¹

A consensus Muslim account of the massacre of the Qurayzah has emerged as conveyed by classical Muslim scholars of hadith (putative utterances and acts of Muhammad, recorded by pious Muslim transmitters), biographers of Muhammad’s life (especially Ibn Ishaq), jurists, and historians.² This narrative is summarized as follows: Alleged to have aided the forces of Muhammad’s enemies in violation of a prior pact, the Qurayzah were subsequently isolated and besieged. Twice the Qurayzah made offers to surrender and depart from their stronghold, leaving behind their land and property. Initially they asked to take one camel load of possessions per person, but when Muhammad refused this request, the Qurayzah asked to be allowed to depart without any property, taking with them only their families. However, Muhammad insisted that the Qurayzah surrender unconditionally and subject themselves to his judgment. Compelled to surrender, the Qurayzah were led to Medina. The men, with their hands pinioned behind their backs, were put in a court, while the women and children were said to have been put into a separate court. A third (and final) appeal for leniency for the Qurayzah was made to Muhammad by their tribal allies the Aus. Muhammad again declined, and instead he appointed as arbiter Sa’d Mu’adh from the Aus, who soon rendered his concise verdict: The men were to be put to death, the women and children sold into slavery, the spoils to be divided among the Muslims.

Muhammad ratified the judgment stating that Sa’d’s decree was a decree of God pronounced from above the Seven Heavens. Thus some six hundred to nine hundred men from the Qurayzah were led on Muhammad’s order to the Market of Medina. Trenches were dug, and the men were beheaded; their decapitated corpses were buried in the trenches while Muhammad watched. Male youths who had not reached puberty were spared. Women and children were sold into slavery, a number of them being distributed as gifts among Muhammad’s companions. According to Muhammad’s biographer Ibn Ishaq, Muhammad chose one of the Qurayzah women (Rayhana) for himself. The Qurayzah’s property and other possessions (including weapons) were also divided up as additional “booty” among the Muslims. The following details have been chronicled consistently by Muslim

sources: The arbiter (Sa'd Mu'adh) was appointed by Muhammad himself; Muhammad observed in person the horrific executions; Muhammad claimed as a wife a woman (Rayhana) previously married to one of the slaughtered Qurayzah tribesmen; the substantial material benefits (i.e., property, receipts from the sale of the enslaved) that accrued to the Muslims as a result of the massacre; the extinction of the Qurayzah.

Abu Yusuf (d. 798), the prominent Hanafi jurist who advised the Abbasid caliph Harun al-Rashid (d. 809), made the following observations about the Qurayzah massacre in his writings on jihad:

Whenever the Muslims besiege an enemy stronghold, establish a treaty with the besieged who agree to surrender on certain conditions that will be decided by a delegate, and this man decides that their soldiers are to be executed and their women and children taken prisoner, this decision is lawful. This was the decision of *Sa'ad b. Mu'adh in connection with the Banu Qurayzah* . . . it is up to the imam to decide what treatment is to be meted out to them and he will choose that which is preferable for religion and for Islam. If he esteems that the execution of the fighting men and the enslavement of their women and children is better for Islam and its followers, then he will act thus, *emulating the example of Sa'ad b. Mu'adh*.³

As reported by M. J. Kister, al-Mawardi (d. 1072), another eminent Muslim jurist from Baghdad, characterized the slaughter of the Qurayzah as a religious duty incumbent on Muhammad. Kister quotes al-Mawardi as follows: “[I]t was not permitted (for Muhammad) to forgive (in a case of) God’s injunction incumbent upon them; he could only forgive (transgressions) in matters concerning his own person.”⁴ The notion that this slaughter was sanctioned by God as revealed to Muhammad was, according to Kister, reflective of “the current (as of 1986) Sunni view about the slaughter of the Banu Qurayzah.”⁵

W. H. T. Gairdner, also relying exclusively upon Muslim sources characterizing the slaughter of the Qurayza, highlights the pivotal role that Muhammad himself played in orchestrating the overall events:

The umpire who gave the fatal decision (Sa'ad) was extravagantly praised by Muhammad. Yet his action was wholly and admittedly due to his lust for personal vengeance on a tribe which had occasioned him a painful wound. In the agony of its treatment he cried out—“O God, let not my soul go forth ere thou has cooled my eye from the Bani Quraiza.” This was the arbiter to whose word the fate of that tribe was given over. His sentiments were well-known to Muhammad, who appointed him. It is perfectly clear from that that their slaughter had been decreed. What makes it clearer still is the assertion of another biographer that Muhammad had refused to treat with the Bani Quraiza at all until they had “come down to receive the judgment of the Apostle of God.” Accordingly “they came down”; in other words put themselves in his power. And only then was the arbitration of Sa'ad proposed and accepted—but not accepted until

it had been forced on him by Muhammad; for Sa'ad first declined and tried to make Muhammad take the responsibility, but was told "*qad amarak Allahu takhuma fihim*" "Allah has commanded you to give sentence in their case." From every point of view therefore the evidence is simply crushing that Muhammad was the ultimate author of this massacre.⁶

In the immediate aftermath of the massacre, the Muslims benefited substantially from the Qurayzah's assets, which they seized as booty. The land and property acquired helped the Muslims gain their economic independence. The military strength of the Muslim community of Medina grew because of the weapons obtained, and the fact that captured women and children taken as slaves were sold for horses and more weapons, facilitating enlargement of the Muslim armed forces for further conquests. Conversely, the Jewish tribe of the Qurayzah ceased to exist.

Finally, the Farsi text that borders the original illustration (above and below, but not reproduced on the cover art due to space constraints), apropos of its Persian Shiite context, focuses on the exploits of Ali:

Ali, who is the successor of God on the earth, and known to fight with a double-edged sword, ordered the warriors to cut off the heads of the nonbelievers. Zobair assisted him in finishing this job. Ali also ordered the distribution of the captives and their property [i.e., the "booty"] among the Muslims, in accord with Sa'ad (b. Mu'adh)'s [see above] decision regarding the fate of the defeated the Jews [i.e., the Qurayzah]. After the battle [and executions], Ali ordered everyone [of the Muslims] to return home. Sa'ad (b. Mu'adh) who had been very anxious during the battle, was now happy and praised God upon completion of his task. Then [later] they [i.e., the Muslims] celebrated and enjoyed beautiful women.⁷

NOTES

1. Charles Rieu, *Catalogue of the Persian Manuscripts in the British Museum, London, British Museum, 1966*. Supplement to the *Catalogue of the Persian Manuscripts in the British Museum* (London: British Museum Publications for the British Library, 1977), p. 211.

2. Summarized, here: M. J. Kister, "The Massacre of the Banū Qurayza: A Re-examination of a Tradition" *Jerusalem Studies in Arabic and Islam* 8 (1986): 61–96.

3. Abu Yusuf Ya'qub, *Le Livre de l'impôt foncier*, trans. Edmond Fagnan (Paris: Paul Geuthner, 1921); English trans. in Bat Ye'or, *The Dhimmi—Jews and Christians under Islam* (Cranbury, NJ: Fairleigh Dickinson University Press, 1985), pp. 172–73.

4. Kister, "The Massacre of the Banū Qurayza," p. 69.

5. *Ibid.*, p. 70.

6. W. H. T. Gairdner, "Muhammad without Camouflage," *Muslim World* 9 (1919): 36.

7. Translated by Fatemeh Masjedi.

FOREWORD

Ibn Warraq

Dr. Bostom has gathered together an impressive range of primary and secondary source documents relating to the theory and practice of jihad, and to a certain extent the conditions of *dhimmis*, non-Muslims living as oppressed tributaries in Islamic countries. The theory of the treatment of non-Muslims was in part derived and developed by theologians and Qur'anic commentators from Sura IX.29:

Fight against such of those who have been given the Scripture as believe not in Allah nor the Last Day, and forbid not that which Allah hath forbidden by His messenger, and follow not the religion of truth, until they pay the tribute readily, being brought low.

Dr. Bostom is the first scholar to have had translated from the Arabic the works of such commentators on Sura IX.29 as al-Baydawi, al-Suyuti, al-Zamakhshari, and al-Tabari. Other primary sources translated for the first time into English include documents on jihad such as the one written by al-Ghazali, the celebrated Islamic mystic or Sufi, laying to rest the myth that Sufis always interpreted jihad as an inner moral struggle against one's lower instincts. Muslim jurists and philosophers include Shiites al-Hilli and al-Amili (the latter translated from Persian), and representatives of all four schools of Sunni jurisprudence, Averroes (Maliki), Ibn Taymiyya (Hanbali), Shaybani (Hanafi), al-Mawardi (Shafi'i), Ibn Qudama (Hanbali), and Ibn Khaldun (Maliki).

Similarly, Dr. Bostom is the first scholar to have overseen the translations of important, and, in some cases, neglected or forgotten, secondary sources from French works on jihad by Edmond Fagnan, Roger Arnaldez, Charles Emmanuel Dufourcq, Clement Huart, Dimitar Angelov, and Maria Mathilde Alexandrescu-Dersca Bulgaru.

Thus Dr. Bostom's collection is truly wide ranging, combining Shiite and Sunni, classical and modern, Qur'anic commentators and Islamic jurists and philosophers. There are regional examples of jihad campaigns as well as analyses of jihad slavery by some of the most learned modern scholars of the holy war. Dr. Bostom has even taken care to find and reproduce beautifully color-coded maps, with an accompanying chronology, depicting the initial five centuries of jihad conquests, and further primary documents detailing the havoc wrought by Muslims in the name of jihad across three continents, over the period of a millennium.

Scholars and nonspecialists alike should be grateful to Dr. Bostom for making these documents available for further research. I wrote “should be grateful”—but will everyone be pleased to have this comprehensive anthology that gainsays the myth of Islamic tolerance in an irrefutable way? And why did it take a nonspecialist such as Dr. Bostom, a scholar from another discipline—clinical epidemiology and randomized clinical trials in medicine—to discover, and have translated and published for the first time in English, this primary and secondary source material? Where were the Orientalists,¹ Islamologists, and professors of Near Eastern studies?

There are a number of scholars writing and living in the West whose works are widely read, respected, and influential but who, for various reasons, wish to play down the history of the *dhimmis*, including the Armenian genocide, and the periodic but persistent massacres of not only Jews and Christians, but the oft-neglected Hindus, Zoroastrians, and Buddhists, living under Islam. Some are concerned for the security of Israel and are grateful to Turkey for their treaties with Israel; hence these scholars do their best to deny or at least minimize the Armenian massacres. Since any discussion of *dhimmis* often ends in a discussion of the Armenian genocide, the negationist scholars are hostile to any works highlighting the plight of Jews and Christians under Islam in general. Others are simply Turkophiles, having made Turkey their field of speciality, and have friends and colleagues and even girlfriends or wives from Turkey. Others again are grateful to Turkey for its support during the cold war.

In an important essay, “The Pro-Islamic Jews,” Bernard Lewis recounts how the romantic cult of Spain reaching its peak in Victor Hugo’s *Hernani* influenced Jews who now nourished the illusion that they “had flourished in Muslim Spain, had been driven from Christian Spain, and had found refuge in Muslim Turkey.”² But as Lewis points out, “The golden age of equal rights [in Spain] was a myth, and belief in it was a result, more than a cause, of Jewish sympathy for Islam. The myth was invented by Jews in nineteenth-century Europe as a reproach to Christians.”³ Something of the myth of the Golden Age of Spain persists to this day, and is perpetuated by politicians desperate to maintain social stability. Political leaders and the media in general in Europe are worried about the increasing number of Muslims in their respective countries, and are aware of the difficulties of assimilation. Under such circumstances the media will invite only those scholars who believe in the myth of Islamic tolerance. But European politicians, in their collective hatred and fear of the United States, have formed a strategic alliance with Arab states as a buffer to perceived threats from the only superpower, the Great Satan itself. In such a climate, an objective look at jihad and *dhimmis* is discouraged, and even scholars who should know better are swept along on the tide of anti-Americanism.

But long before the transformation of Europe into Eurabia,⁴ many intellectuals had continued to treat Islam as a taboo subject for many reasons, including:

- Political correctness leading to Islamic correctness;
- The fear of playing into the hands of racists or reactionaries to the detriment of the West's Muslim minorities;
- Commercial or economic motives;
- Feelings of postcolonial guilt (wherein the entire planet's problems are attributed to the West's wicked ways and intentions);
- Plain physical fear; and
- The intellectual terrorism of writers such as Edward Said.

There are also tactical, political, and social reasons for playing down the role of jihad and *dhimmitude* in India, where communalism is a real danger, where religious passions run very high and can lead to riots leaving hundreds dead in their wake. For the sake of social harmony, it makes sense not to keep on harping on the past crimes of Islam.

As Lewis wrote,

[We] may, indeed, we must study the history of Atlantic slavery and expose this great shame in the history of the Western world and the Americas north and south, in all its horror. This is a task which falls upon us as Westerners and in which others may and should and do join us. In contrast, however, even to mention—let alone discuss or explore—the existence of slavery in non-Western societies is denounced as evidence of racism and of imperialistic designs. The same applies to other delicate topics as polygamy, autocracy, and the like. The range of taboos is very wide.⁵

I should like to remind Bernard Lewis, his students, and his admirers of his own words,

There was a time when scholars and other writers in communist eastern Europe relied on writers and publishers in the free West to speak the truth about their history, their culture, and their predicament. Today it is those who told the truth, not those who concealed or denied it, who are respected and welcomed in these countries. Historians in free countries have a moral and professional obligation not to shirk the difficult issues and subjects that some people would place under a sort of taboo; not to submit to voluntary censorship, but to deal with these matters fairly, honestly, without apologetics, without polemic, and, of course, competently. Those who enjoy freedom have a moral obligation to use that freedom for those who do not possess it. We live in a time when great efforts have been made, and continue to be made, to falsify the record of the past and to make history a tool of propaganda; when governments, religious movements, political parties, and sectional groups of every kind are busy rewriting history as they would wish it to have been, as they would like their followers to believe that it was. All this is very dangerous indeed, to ourselves and to others, however we may define otherness—dangerous to our common humanity. Because, make no

mistake, those who are unwilling to confront the past will be unable to understand the present and unfit to face the future.⁶

Finally, there are those who tell me that even though Dr. Bostom and many others may be right in exposing history hitherto repressed or simply denied, this was not the right historical moment to express it, in this hour of a conservative US administration whose members do not hide their Christian allegiances, at this time of a war on terror when we are trying to convince Muslims around the world that we are not at war with *them*, but with those who have a perverted interpretation of the great religion of Islam.

Sir Isaiah Berlin once described an ideologue as somebody who is prepared to suppress what he suspects to be true. Berlin then concluded that from that disposition to suppress the truth has flowed much of the evil of this and other centuries. The first duty of the intellectual is to tell the truth. By suppressing the truth, however honorable the motive, we are only engendering an even greater evil.

We are all beholden to Dr. Bostom for helping us to see more clearly and more honestly past events that have such an important bearing on present travails. In the words of Albert Schweitzer, “Truth has no special time of its own. Its hour is now, always, and indeed then most truly when it seems most unsuitable to actual circumstances.”⁷

NOTES

1. I take Orientalist to mean “one versed in oriental languages and literature,” as the *New Oxford Dictionary* defines it. It only became a term of abuse after the publication of Edward Said’s distressingly inaccurate but influential work, *Orientalism*.

2. Bernard Lewis, “The Pro-Islamic Jews,” in *Islam in History* (Chicago: Open Court, 1993), p. 148.

3. *Ibid.*, p. 148

4. Bat Ye’or, *Eurabia—The Euro-Arab Axis* (Cranbury, NJ: Fairleigh Dickinson University Press, 2005), p. 384.

5. B. Lewis, “Other People’s History,” in *Islam and the West* (New York: Oxford University Press, 1993), p. 123.

6. *Ibid.*, p. 130.

7. Norman Cousins, ed., *The Words of Albert Schweitzer* (New York: Newmarket Press, 1996), p. 19.

PART 1

1

JIHAD CONQUESTS AND THE IMPOSITION OF *DHIMMITUDE*—A SURVEY

Andrew G. Bostom

The late philosopher and theologian Jacques Ellul emphasized in his foreword to *Les Chrétiens d'Orient entre Jihad et Dhimmitude. VII^e–XX^e siècle* (1991), how contemporary historiography whitewashed the basic realities of jihad war:

In a major encyclopedia, one reads phrases such as: “Islam expanded in the eighth or ninth centuries . . .”; “This or that country passed into Muslim hands. . . .” But care is taken not to say *how* Islam expanded, *how* countries “passed into [Muslim] hands.” . . . Indeed, it would seem as if events happened by themselves, through a miraculous or amicable operation. . . . Regarding this expansion, little is said about *jihad*. And yet it all happened through war!

. . . the *jihad* is an institution, and not an event, that is to say it is a part of the normal functioning of the Muslim world. . . . The conquered populations change status (they become *dhimmis*), and the *shari'a* tends to be put into effect integrally, overthrowing the former law of the country. The conquered territories do not simply change “owners.”¹

Writing more than six decades ago, Arthur Jeffery described the continuum from jihad to what has become known as *dhimmitude*—the sociopolitical status of those indigenous non-Muslim peoples vanquished by jihad campaigns:

[Muhammad] did at least propose that all Arabia should be the land of Allah and planned vigorous measures to insure that within its borders the religion of Allah should be supreme. Communities of the People of the Book [Book = Bible; thus referring primarily to Jews and Christians] might remain within the land, but they

must be in subjection . . . deriving their rights from the supreme Muslim community, *not* from any recognized rights of their own. As the Arabs did not accept this without struggle, it had to be forced on them, and that meant war. But war in the cause of Allah is Holy War, and so even in the Prophet's lifetime we have the question of Jihad.²

Richard Bell, in his authoritative 1937 translation and exegesis of the Qur'an, demonstrates that Sura 9 "*is a chapter of war proclamations*,"³ and verses 9.29 to 9.35, specifically, "form in effect a proclamation of war against Jews and Christians, and probably belong to the year IX [9 years after the Hijra] when an expedition was designed for the North which would involve war with Christians and possibly also with Jews."⁴

Jeffery belittled as "the sheerest sophistry" attempts

made in some circles in modern days to explain away all the Prophet's warlike expeditions as defensive wars or to interpret the doctrine of Jihad as merely a bloodless striving in missionary zeal for the spread of Islam. . . . The early Arabic sources quite plainly and frankly describe the expeditions as military expeditions, and it would never have occurred to anyone at that day to interpret them as anything else. . . . To the folk of his day there would thus be nothing strange in Muhammad, as the head of the community of those who served Allah, taking the sword to extend the kingdom of Allah, and taking measures to insure the subjection of all who lived within the borders of what he made the kingdom of Allah.⁵

The writings of Chiragh Ali Syed illustrate this apologetic modern sophistry, according to Jeffery, wherein "an . . . elaborate defense of Holy War . . . by a series of extraordinary interpretations and combinations of texts, he (Ali Syed) resolves Jihad into little more than a summons to vigorous missionary activity."⁶

Thirty years later, Maxime Rodinson warned more broadly that "[t]he anti-colonial left, whether Christian or not, often goes so far as to sanctify Islam and the contemporary ideologies of the Muslim world. . . . Understanding has given away to apologetics pure and simple."⁷

The prescient critiques of Jeffery and Rodinson anticipated the state of contemporary scholarship on jihad. Two salient examples of this current apologetic trend will suffice.

Writing in 2002, Khaled Abou El Fadl, a professor of law at UCLA, maintained categorically that "Islamic tradition does not have a notion of holy war. Jihad simply means to strive hard or struggle in pursuit of a just cause. . . . Holy war (*al-harb al-muqaddasah*) is not an expression used by the Qur'anic text or Muslim theologians. In Islamic theology war is never holy; it is either justified or not."⁸

El Fadl's recent contention cannot be supported on either theological-juridical or historical grounds, and in fact contradicts the conclusion of an earlier