

2016

There Is No Islam in ISIS' Islamic State

Branka Banic

Follow this and additional works at: https://scholarship.shu.edu/student_scholarship

 Part of the [Law Commons](#)

Recommended Citation

Banic, Branka, "There Is No Islam in ISIS' Islamic State" (2016). *Law School Student Scholarship*. 899.
https://scholarship.shu.edu/student_scholarship/899

I. INTRODUCTION

The scourge of Islamic religious radicalism has plagued many societies in recent years. The United States of America, and the rest of the world, have seen the advent of groups like the Islamic State of Iraq and Syria (“ISIS”) which traces its roots back to the American invasion of Iraq in 2003.¹ Groups like ISIS quote the Qur’an selectively to fulfill their own selfish personal and political agendas while disregarding the true teachings of Islam. Along with perverting the message of the Qur’an and the teachings of the Prophet Muhammad, ISIS has continued to violate Islamic law in the pursuit of their purported *jihad*.² In their mission to build an “Islamic State,” ISIS has abandoned Islam and mercilessly attacked Muslims and non-Muslims alike. This organization has advanced its agenda by adopting radical interpretations of the Qur’an—ISIS has taken the approach of predecessors like Hamas and al Qaeda, and utilized an important and effective concept of abrogation to justify nullifying verses in the Qur’an which forbid violence. “Perhaps the best example of this method is the propagation of the idea that Qur’an 9:5, better known as the Verse of the Sword,³ abrogates⁴ peaceful verses in the Qur’an and demands *jihad*⁵ by Muslims against non-believers. However, once the Verse of the Sword is placed in context, it is unreasonable to argue that the totality of the Qur’an’s verses advocating peace and self defense are completely nullified.

¹ Ian Fisher, *In Rise of ISIS, No Single Missed Key but Many Strands of Blame*, NEW YORK TIMES (November 19, 2015), http://www.nytimes.com/2015/11/19/world/middleeast/in-rise-of-isis-no-single-missed-key-but-many-strands-of-blame.html?_r=0.

² Jonah Bromwich, *Muslims Defend Islam From Being Hijacked by ISIS*, NEW YORK TIMES (November 19, 2015), <http://www.nytimes.com/2015/11/20/world/europe/muslims-defend-islam-from-being-hijacked-by-isis.html>.

³ Abdullah Yūsuf ‘Alī, *The Meaning of the Holy Qur’an*, 9:5 (enjoining Muslims to kill “pagans wherever ye find them, and seize them, beleaguer them, and lie in wait for them in every stratagem (of war)”).

⁴ Abrogation is described in *Sūrah* 2:106, demonstrating that when Allah further developed a concept beyond an initial revelation, he wanted to supersede the original verse with the one that is better or similar.

⁵ In this context, *jihad* is used as a “holy struggle,” though there are other definitions and usages. *Jihad* should also be distinguished from the Arabic word *qital*, which simply means “fighting.” It is also important to note that *qital* is not followed by the phrase, “*fi sabil Allah*” (in the path of God).

This paper argues that extremists like ISIS, though they claim to be acting in accordance with Islamic law to build an Islamic state, are in fact doing the opposite; conversion by sword is neither a reasonable expectation nor an Islamic expectation because Islam should be accepted by would be converts as the result of free will.⁶ Moreover, this paper proposes that the most effective weapon against ISIS is education—educating would be converts and native born Muslims on the teachings of Islam in regard to topics of *jihad* and conversion would save many lives. It is imperative that ISIS' mission be debunked through the lens of Islamic law and jurisprudence in order to shatter the illusion, falsely propagated by ISIS and various right-wing Western media outlets, that ISIS is acting in accordance with the Qur'an. Moreover, ISIS has to be attacked through modern channels such as social media, which has been an effective recruitment tool for would be recruits and can similarly function to debunk the religious justifications for ISIS' *jihad*.

The first part of this paper seeks to provide a historical overview of the early stages of the Prophet's teachings in regard to *jihad*. The reader should be mindful that the development of the concept of *jihad* developed over many years and reflects the needs and positions of power of the Muslim community in relation to the other peoples of the time. The second part of the paper focuses on an analysis of pertinent Islamic law. This section begins with an introduction and explanation of the concept of abrogation, a legal theory central to ISIS' legal justification of their *jihad*. This paper argues that abrogation cannot be utilized as a means to an end—if all earlier peaceful verses of the Qur'an are nullified by later verses, there can be no holistic reading of the Holy Qur'an, the word of God; and since there are various verses which both advocate and criticize

⁶ MAHMUD SHALTUT, "THE KORAN AND FIGHTING," as translated by Rudolph Peters from *al Qur'an wa-al-qital*, Cairo:Matba'at al-Nsar and Maktab Ittihad al-Sharq, 1948; and Cairo: Dar al-Kitab al-'Arabi, 1951, In Rudolph Peters, *Jihad in Classical and Modern Islam*, Princeton: Markus Weiner, 1996, pp. 69,70,79.

the use of force, it is necessary to read the Qur'an as a whole to truly understand the commands set forth by Allah. The paper will then shift to an analysis of specific examples of ISIS' hypocrisy—namely by focusing on the mindset of ISIS and its individual fighters and the treatment of civilians by ISIS. The argument here is that the Qur'an and the Prophet Muhammad placed a great deal of emphasis on intent of the fighter in battle in a *jihad*, especially with regard to war and martyrdom, and that ISIS is disobeying long established principles in this regard. Moreover, the treatment of civilians by ISIS, Muslim and non-Muslim alike also violates Islamic law.

This paper goes on to examine the present day ISIS recruits, namely those hailing from the West. The argument here is that many recruits from the West are individuals who do not understand Islam nor the Qur'an and who seek self-fulfillment through a cause greater than themselves, but fail to educate themselves on the complex tradition of Islamic law.

II. HISTORICAL OVERVIEW

The Prophet Muhammad, upon realizing that he was the Messenger of God, taught and preached nonviolently in Mecca for 13 years, despite the hostile environment.⁷ The Qur'an was revealed to the Prophet in two periods—which is roughly divided into the Meccan period, consisting of the first eight-five chapters dealing with belief, and the Medinan period, the twenty-nine later chapters predominantly comprised of legal rules and regulations for life in Medina.⁸ After 622, the Prophet and a small group of followers fled to Medina to escape the persecution

⁷ YOUSSEF H. ABOUL-ENEIN, *Islamic Rulings on Warfare*, at 6, STRATEGIC STUDIES INSTITUTE (October 2004), <http://www.strategicstudiesinstitute.army.mil/pdf/files/pub588.pdf>.

⁸ RICHARD BONNEY, *JIHAD – FROM QU'RAN TO BIN LADEN* 24 (2004).

they faced in Mecca.⁹ It is in Medina that the Muslim community began to shift from a policy of non-confrontation to taking violent action, initially in an effort to benefit economically.¹⁰ It is relevant to note that the Prophet Muhammad [during this time] functioned as more than a prophet, he also functioned as a political leader of a new community. It is impractical to imagine a leader who does not evolve with the times and challenges presented to his community.¹¹ As such, the Qur'an's later verses logically progress to incorporate the multitude of struggles faced by Muslims, not all of which could be resolved nonviolently, lest the community be destroyed. Understanding the duties of the Prophet as wide ranging, both spiritual and political, allows us to place the development of the Qur'an and the verses dealing with *jihad* in historical context.

Traditionally, the Qur'anic concept of *jihad* is viewed as developing in four stages.¹² Reuven Firestone describes the stages: stage one, "non-confrontation,"¹³ stage two "defensive fighting,"¹⁴ and the subsequent two stages include stage three "initiating attack within the ancient strictures"¹⁵ and last but not least, every would be jihadists favorite stage, stage four "the unconditional command to fight all non-believers."¹⁶ These four stages developed over a period of time in response to the shifting needs of the growing Muslim community. It is therefore imperative to think of *jihad*, condoned by Islamic law, with scrutiny and to recognize that *jihad* resulting in

⁹ DAVID WAINES, AN INTRODUCTION TO ISLAM 18 (2003).

¹⁰ WAINES, *supra* note 9, at 17.

¹¹ In contrast to Jesus, who functioned exclusively as a spiritual leader, Muhammad acted in several different capacities. It is interesting then to note the development of violent reprisal in Christianity without the additional duties of political leadership, such as the example of the Old Testament which features verses that explicitly advocate large scale violence. Joshua led the Israelites into the Promised Land where they laid siege to Jericho and "destroyed with the sword every living thing in it—men and women, young and old, cattle, sheep and donkeys." *Joshua* 6:21.

¹² BONNEY, *supra* note 8, at 25.

¹³ *Qur'an* 15:94-95.

¹⁴ *Qur'an* 22:39-40.

¹⁵ *Qur'an* 2:217.

¹⁶ *Qur'an* 2:216 ("Fighting is prescribed upon you, and ye dislike it. But it is possible that ye dislike a thing which is good for you, and that ye love something which is bad for you. But Allah knoweth, and ye know not." See also *Qur'an* 9:5, 29, 36; REUVEN FIRESTONE, *JIHAD: THE ORIGIN OF HOLY WAR IN ISLAM* (1999).

military action must be reconciled with the verses of the Qur'an as a whole. It is also imperative to distinguish between forms of *jihad*,¹⁷ personal jihads and what is known, and the most commonly understood meaning of the word in the context of ISIS and other extremist groups. As Dr. Amir Ali, goes further to suggest a more modern approach to the reading of the Qur'an and the understanding of *jihad*, and suggests that there are twelve senses of *jihad* in the Qur'an and the *hadith*.¹⁸ He argues that the twelve *jihads* include: recognizing the Creator and loving him most;¹⁹ resisting pressure of parents, peers, and society;²⁰ staying on the straight path steadfastly;²¹ striving for righteous deeds;²² having courage and steadfastness to convey the message of Islam;²³ defending Islam and the community;²⁴ helping allied people who may not be Muslim; removing treacherous people from power;²⁵ defense through preemptive strikes;²⁶ gaining freedom to inform, educate and convey the message of Islam in an open and free environment;²⁷ freeing people from tyranny;²⁸ and, after victory, removing tyranny and replacing it with justice and equity.²⁹ Dr. Ali in the aforementioned examples of “*jihad*” seems to encompass more of the traditional understanding of the word *jihad*— striving, striving in the way of Allah by pen, tongue, media, and if inevitable, with arms.³⁰ It is fundamental to the understanding of Islam

¹⁷ The Islamic Supreme Council of America, *Jihad: A Misunderstood Concept from Islam – What Jihad is, and is not* (submitting that *jihad* means “struggling or striving”), <http://islamicsupremecouncil.org/understanding-islam/legal-rulings/5-jihad-a-misunderstood-concept-from-islam.html?start=9>.

¹⁸ BONNEY, *supra* note 8, at 26

¹⁹ *Qur'an* 9:23-24.

²⁰ *Qur'an* 25:52.

²¹ *Qur'an* 22:78.

²² *Qur'an* 29:69.

²³ *Qur'an* 41:33.

²⁴ *Qur'an* 22:39-40.

²⁵ *Qur'an* 8:58.

²⁶ *Qur'an* 2:216.

²⁷ *Qur'an* 2:217.

²⁸ *Qur'an* 4:75.

²⁹ *Qur'an* 4:58; 5:8; 7:181; 16:90.

³⁰ BONNEY, *supra* note 8, at 27.

and modern day extremists to understand the wide scope of *jihad*—a word which carries a great deal of religious and practical connotations.

Nonetheless, “military jihad” is in fact authorized by the Qur’an:

To those against whom war is made, permission is given [to fight], because they are wronged—and verily, Allah is Most Powerful for their aid—[They are] those who have been expelled from their homes in defiance of right—[for no cause] except that they say, ‘Our Lord is Allah.’³¹

However, it is important to note in verses 22:39-40 that permission is given to fight to those “against whom war is made”—not “who take arms against the unbelievers.”³² This verse is in the passive voice and describes the first stage of *jihad*, defensive fighting.³³ Verse 40 goes on to elaborate on the wrong, stating that the persecution from the believers’ homes is for no other reason than the worship of Allah. This first authorization for the use of force may imply that all fighting other than fighting for religion is prohibited. These verses are telling as they permit violence when Muslims are persecuted based on their faith and driven from their homes, but they allow fighting *after* the persecution occurs. By analogy, there are sure to be other circumstances other than the literal driving out of people from their homes where violence is allowed—but the focus is on the motive of the fighter. If the motive stems from the desire to practice one’s faith and to preserve one’s belief in Allah, it seems that violence is justified. However, it is difficult to reconcile the actions of ISIS, whose many members often hail from countries where Islam is the predominant religion, with these verses of the Qur’an authorizing the use of force. Regardless, there is no authorization in Islamic *jihad*, in any of the four historical stages, for striving focused on individual or national power, glory, wealth, prestige, or other such selfish ambitions which pervert the deeply

³¹ *Qur’an* 22:39-40.

³² ABDULLAH YÜSUF ‘ALİ, *THE MEANING OF THE HOLY QUR’AN*, at 832 n.2816 (2011).

³³ YÜSUF ‘ALİ, *supra* 32, at 832 n.2816.

meaningful conception of *jihad*.³⁴ As such, the actions of ISIS are in deep conflict with the historical meaning of *jihad*—in both the personal and military sense. The next section will evaluate the actions of ISIS by focusing on interpreting the Qur’an and by the examination of historical examples.

III. ANALYSIS

This section will analyze the legal concept of abrogation and how it is misused by ISIS to justify their war. Secondly, I will analyze the mindset required to wage a *jihad*—the focus here will be on the purity of thought and desire emphasized in the Qur’an and by the Prophet Muhammad. I will also address the requisite intent behind martyrdom³⁵ as both the Qur’an and the Prophet disparaged moral impostors.³⁶ Finally, this section will address ISIS’ actions toward civilians and the manner in which they are violative of the Qur’an and the commands of the Prophet.

Since there are numerous verses in the Qur’an which may seem contradictory, ISIS utilizes the concept of abrogation to nullify and minimize those verses which stand in conflict with their position advocating war and violence.

a. *Abrogation (Naskh)*

Abrogation is a legal principle that allows for laws to be amended or repealed.³⁷ Fundamental to the understanding of Islam and Islamic law is that the practitioners of the faith

³⁴ BONNEY, *supra* note 8, at 27.

³⁵ See *Infra* Part IIIb.

³⁶ 4 SAHIH AL-BOUKHARI 65-66 (Hadith No. 2898).

³⁷ *Abrogate*, BLACK’S LAW DICTIONARY (9th ed. 2009).

believe that the Qur'an was divinely revealed. Logic follows that the text of the holy book must be understood in its entirety, not reduced to selected verses to further one's goal.³⁸ Issues arise when extremists contend that abrogation serves to allow for an Islamic justification of their wars by nullifying earlier verses which command non-confrontation because it can be taken to an extreme to nullify a large portion of the Qur'an. However, since Muslims believe that the word of the Qur'an is literally the word of God, abrogation undercuts the holiness of the Qur'an and the Prophet. John Burton in his *The Sources of Islamic Law*, argues that while there are references to textual change in the Qur'an, the Qur'an itself does not expound the theory of abrogation (*naskh*).³⁹ Therefore, if *naskh* in relation to the Qur'an is "...the nullification of the original ruling, while the original wording is recorded," we face the dilemma that both texts are present in surviving version of the Qur'an.⁴⁰ As such, there is no verse in the Qur'an that is explicitly presented as having nullified an earlier verse. Surah 3, al-Imran, Verse 7 reads:

And those who are firmly grounded in knowledge say:

"We believe in the Book; the whole of it is from our Lord:"

and none will grasp the Message except men of understanding.

Mohammad Hashim Kamali noted that the "broad sweep of [abrogation] (*naskh*) was...taken so far as to invalidate a major portion of the Qur'an."⁴¹ Kamali's observation evidences how abrogation can be used to justify disregarding earlier verses of the Qur'an which advocate non-confrontation and defensive fighting as the permissible engagements in warfare.⁴²

³⁸BONNEY, *supra* note 8,(saying that it is the Muslim belief that the *Qur'an* is the literal word of God spoken to the Prophet, unlike the Bible, which Christians believe to be divinely inspired but mostly the work of humans).

³⁹ JOHN BURTON, *THE SOURCES OF ISLAMIC LAW* 5, 98 (1980).

⁴⁰ BURTON, *supra* note 39, at 5, 98.

⁴¹ BONNEY, *supra* note 8, at 24.

⁴² *Qur'an* 15:94-95; 22:39-40a.

Kamali correctly argues that the jurists of the second century of Islam “considered war as the norm, rather than the exception in relation to non-Muslims,”⁴³ which is consistent with the justifications for violence in the Qur’an which are focused on the defense of the faith since the second century of Islam required a practical need to focus on the defense of Islam.⁴⁴ As such, abrogation functioned to bolster the morale of the Muslim soldiers and to legitimize the missions upon which they embarked.⁴⁵ While abrogation may have served its function in the second century, where establishment and defense of religion often necessitated the use of force, this function is fundamentally undercut in the present day where religious freedom is the norm. The twenty-first century no longer features a prevailing atmosphere of religious intolerance; state sanctioned religious crusades are antiquated and retired by many to history books our generation is unlikely to read.⁴⁶

This is the case with regard to one of the *ayat* (verses) of the sword which reads, in relevant part:” and fight the polytheists all together as they fight you all together, and know that God is with those who keep their duty [to Him].”⁴⁷ David Bukay, who argues that abrogation functions to cancel out the conciliatory verses and those which advocate non-confrontation, stated “[c]oming at or near the very end of Muhammad’s life...[Surah 9] trumps earlier revelations; Because this chapter contains violent passages it abrogates previous peaceful content.”⁴⁸ However, such an interpretation is inconsistent with *muhkam* verses, those which are definite and not allegorical. Dr.

⁴³ MOHAMMAD KAMALI, PRINCIPLES OF ISLAMIC JURISPRUDENCE 165 (2005).

⁴⁴ KAMALI, *supra* note 43, at 165.

⁴⁵ KAMALI, *supra* note 43, at 165.

⁴⁶ This is not to say that there is no religious intolerance or persecution in the twenty-first century. There are certainly instances of persecution, sometimes state sanctioned, but such behavior is often viewed as barbaric and condemned by the international community.

⁴⁷ *Qur’an* 9:36; 9:5.

⁴⁸ DAVID BUKAY, PEACE OF JIHAD: ABROGATION IN ISLAM, at 3-11, Middle East Quarterly (Fall 2007), <http://www.meforum.org/1754/peace-or-jihad-abrogation-in-islam>.

Zakaria Bashier argues that these definite verse which instruct Muslims to be peaceful, tolerant, and non-aggressive and that the verse of the sword must be evaluated in context.⁴⁹ Bashier goes on to argue that the verse of the sword related to a particular time, place, and set of circumstances; and the notion that it completely supersedes an established policy of tolerance is “not borne out by the facts of history.”⁵⁰ This view is further supported by British scholar Louay Fatoohi who highlights that throughout history the Islamic world has never acted in line with this extreme view.⁵¹ Fatoohi also emphasizes that Muslims have co-existed well with other faith communities and many Muslims today do not accept this view of abrogation as it related to war and violence.⁵² Moreover, it is difficult to imagine a modern world where the majority of Muslims act in accordance with the demands of the verse of the sword—chaos would be upon practically every nation with Muslim citizens, including the United States.

b. *Intent*

In the present day, it is entirely too common to hear news reports on suicide attacks in cities all over the world—attacks killing both Muslims and non-Muslims alike⁵³. ISIS has taken credit for many recent attacks, including those which occurred on March 22, 2016 in Brussels.⁵⁴ Those individuals who commit these suicide attacks know that they will die, but they believe that they will die as martyrs, achieving an existence beyond death and unimaginable splendor for their acts.⁵⁵ However, the Prophet Muhammad was concerned with the intent of the individual who

⁴⁹ ZAKARIA BASHIER, *WAR AND PEACE IN THE LIFE OF THE PROPHET Muhammad* 284 (2006).

⁵⁰ BASHIER, *supra* note 49, at 288.

⁵¹ LOUAY FATOOSHI, *JIHAD IN THE QUR'AN: THE TRUTH FROM THE SOURCE* (2009).

⁵² FATOOSHI, *supra* note 51.

⁵³ Karen Yourish et al., *Brussels Is Latest Target in Islamic State's Assault on West*, *NEW YORK TIMES* (March 25, 2016), <http://www.nytimes.com/interactive/2016/03/25/world/map-isis-attacks-around-the-world.html>.

⁵⁴ *Id.*

⁵⁵ T Bernard Freamon, *Martyrdom, Suicide, and the Islamic Law of War: A Short Legal History*, 27 *FORDHAM INTERNATIONAL LAW JOURNAL* 299, 325 (2003).

longs for martyrdom.⁵⁶ The Prophet Muhammad dictated that “a person whose intent is glory, booty (spoils), or females has no ties to God, and only God knows who strives for his sake” [“strives” refers here to the process of *jihad*].⁵⁷ As such, the current tradition of ISIS fighters committing these attacks, whose *raison d’etre* is martyrdom and its heavenly spoils, go against the teachings of the Prophet Muhammad.⁵⁸ The Prophet said: “A man may be seen to the people as if he were practicing the deeds of the people of Paradise while in fact he is from the people of the [Hell] Fire, another may seem to [be] of the [Hell] fire, while in fact he is from the people of the Paradise.”⁵⁹ It is evident from the simple reading of this *hadith* that from the very beginning, the Prophet sought to distinguish those who *claim* to do the deeds of Allah, loudly declaring to all who will listen, versus those who *truly* believe and act in accordance with the commands set forth by Allah. Moreover, once the actions of these would be martyrs are analyzed through a legal and historical lens, it seems that their deaths are merely suicide—an action that is strictly prohibited in Islam.⁶⁰

Martyrdom⁶¹ (*shahada*) is a reference to the Islamic doctrine which theorizes that a true believer who gives his life on the battlefield in a military *jihad*, “for the cause of God” and in

⁵⁶ AL-BUKHARI, Vol. 6, *hadith* number 430.

⁵⁷ This is not to say that martyrdom is against the Qur’an—martyrdom is exalted in the Qur’an, but it is extremely important to distinguish between struggling for Islam and the quest for martyrdom, which is a recruiting tool for ISIS.

⁵⁸ 4 SAHIH AL-BOUKHARI 65-66 (Hadith No. 2898).

⁵⁹ FRANZ ROSENTHAL, ON SUICIDE IN ISLAM, 66. J. Am. Oriental Society 239, 242 (1946) (explaining that the *hadith* cite the Prophet Muhammad as declaring that “whoever kills himself (with a steel instrument, or something else) will be punished in the same manner in the fire of Hell”).

⁶⁰ ETHAN KOHLBERG, MARTYRS AND MARTYRDOM IN CLASSICAL ISLAM, IN RELIGIONS AND CULTURES: FIRST INTERNATIONAL CONFERENCE OF MEDITERRANEUM 204 (2002) (“All his sins will be forgiven; he will be protected from the torments of the grave; a crown of glory will be placed on his head; he will be married to seventy-two hours and his intercession will be accepted for up to seventy of his relations. When the martyrs behold the delights awaiting them, they will ask to be brought back to life and killed again; but this is one request which even they will be denied...According to some traditions the spirits of the martyrs will ascend directly to Paradise, there to reside in the crows of green birds near God’s throne. During the Resurrection these spirits will be returned to the martyr’s earthly bodies and the martyrs will then be given their abode in Paradise (*dar al-shuhada*)”).

⁶¹ Freamon, *supra* note 55, at 307.

furtherance of a military objective of the *jihad* does not die, but rather, immediately enters paradise where he is rewarded for his religious sacrifice.⁶² Islamic law requires that the intent of those waging *jihad* must only be for the cause of God and for no other purpose.⁶³ It is also important to note that there are two primary types of martyrs that are recognized by Muslim jurists: the first is the martyr” both in this world and the next world,” and the second is “the battlefield martyr”⁶⁴ who dies in military *jihad*.⁶⁵ The lesser martyr qualification includes those, *inter alia*, who are killed for their beliefs; women who die in childbirth; and those who die from disease or accident.⁶⁶ Ignaz Goldziher contends that adding a second category of martyrs was intended to dissuade those who rushed to martyrdom by teaching Muslims that faith and internal *jihad* to better oneself could lead to the same rewards as those promised to the battlefield martyr.⁶⁷ The emphasis is once again placed on the intention of the believer—struggling to live in accordance with one’s faith and that internal struggle are worth more than self-aggrandizing behavior.

A historical example addressing the motivation behind martyrdom is the account of a battlefield incident wherein Bara’ ibn Malik sought martyrdom.⁶⁸ Bara’ ibn Malik was a brave warrior who desired martyrdom and sought after it in battle.⁶⁹ In a battle against Musailamah, a man who also claimed to be a prophet of God, Bara volunteered to be catapulted into Musailamah’s

⁶² Freamon, *supra* note 55, at 361.

⁶³ Kohlberg, *supra* note 60, at 282 (noting that the “battlefield” martyr appears to be first type of religious martyr recognized).

⁶⁴ Freamon, *supra* note 55, at 320.

⁶⁵ Freamon, *supra* note 55, at 320.

⁶⁶ IGNAZ GOLDZIHHER, 2 MUSLIM STUDIES, 352-53 n.67 (1971).

⁶⁷ Freamon, *supra* note 55, at 325 (discussing THE HISTORY OF AL-TABARI: THE CONQUEST OF ARABIA 105-34 (Fred M. Donner trans., 1993)).

⁶⁸ Freamon, *supra* note 55, at 325 (discussing THE HISTORY OF AL-TABARI: THE CONQUEST OF ARABIA 105-34 (Fred M. Donner trans., 1993)).

⁶⁹ Freamon, *supra* note 55, at 325 (discussing THE HISTORY OF AL-TABARI: THE CONQUEST OF Arabia 105-34 (Fred M. Donner trans., 1993)).

fort in order to open the gates.⁷⁰ The Muslims suffered enormous losses because they were unable to penetrate the fort and Bara saw this as his opportunity to achieve martyrdom.⁷¹ He successfully penetrated the fort, but though he was severely wounded, Bara was not killed.⁷² A commentator's account suggested that he was denied the martyrdom he sought so fervently because he sought aggrandizement rather than the justice of God's cause.⁷³ Bara was nursed back to health and lamented his survival, complaining to Abu Bakr that he did not achieve the martyrdom he sought.⁷⁴ This historical example evidences that there was early concern for battlefield actions—there has always been a distinction between heroism for one's own aggrandizement, true martyrdom, and suicide.⁷⁵ Though Bara was not seeking suicide, he did not seek to die merely to no longer exist, his actions are lamentable because they were not motivated by the purity of advancement of the cause for God, but rather by the self-aggrandizement he sought.⁷⁶ While it may be possible that in advancing the cause of God one's death is required, the distinction is that Bara exclusively sought death as a means to an end in order to achieve martyrdom—his intent was not pure and that trumps the result of his actions. As such, the death of a twenty-first century *jihadist* may be an incidental result of his advancement of God's cause, but when death is the end goal, the intent is not pure and martyrdom cannot be achieved.

⁷⁰ Freamon, *supra* note 55, at 325 (discussing THE HISTORY OF AL-TABARI: THE CONQUEST OF ARABIA 105-34 (Fred M. Donner trans., 1993)).

⁷¹ Freamon, *supra* note 55, at 325 (discussing THE HISTORY OF AL-TABARI: THE CONQUEST OF ARABIA 105-34 (Fred M. Donner trans., 1993)).

⁷² KHALID MUHAMMAD KHALID, MEN AND WOMEN AROUND THE MESSENGER 387-92 (2002).

⁷³ KHALID, *supra* note 72.

⁷⁴ The Prophet is reported to have declared: "None amongst you should make a request for death, and do not call for it before it comes, for when any of you dies, he ceases [to do good] deeds and the life of the believer is not prolonged but for goodness." Sahih Muslim 1411 (Abdul Hamid Siddiqi trans., 1971).

⁷⁵ KHALID, *supra* note 72.

⁷⁶ Riaz Hassan, *What Motivates the Suicide Bombers?*, YALEGLOBAL ONLINE (September 3, 2009), <http://yaleglobal.yale.edu/content/what-motivates-suicide-bombers-0>.

Riaz Hassan, writing for YaleGlobal, has analyzed suicide attacks spanning over two decades and found that it is often politics, rather than religious zeal, that has led terrorists in the twenty-first century to commit suicide attacks.⁷⁷ He wrote, “[s]uicide bombings have high symbolic value because the willingness of the perpetrators to die signal high resolve and dedication to their cause.”⁷⁸ Similarly, Robert Pape, a political scientist at the University of Chicago, has said that “religious fervor is not a motive onto itself.”⁷⁹ Pape goes on to state that religious fervor is often used as a recruiting tool by which individuals can overcome their fear of death and the fear of killing others.⁸⁰ Through his research, Pape has learned that:

What 95 percent of all suicide attacks have in common, since 1980, is not religion, but a specific strategic motivation to respond to a military intervention, often specifically a military occupation, of territory that the terrorists view as their homeland or prize greatly. From Lebanon and the West Bank in the 80s and 90s, to Iraq and Afghanistan, and up through the Paris suicide attacks we’ve just experienced in the last days, military intervention—and specifically when the military intervention is occupying territory—that’s what prompts suicide terrorism more than anything else.⁸¹

ISIS’ outward expressions of religious fervor serve its very secular goal of controlling valuable territory and resources. Religion is used as a tool to attract would be *ihadists*, who like most people, have an instinct to preserve their lives. By resigning themselves to death, the bombers believe that they will achieve martyrdom, but they are not dying for God’s cause, rather, they die for the political ambition of their leaders.⁸² When Lydia Wilson interviewed captured ISIS fighters in Iraq, she found them to be “[w]oeefully ignorant about Islam and hav[ing] difficulty answering

⁷⁷ Hassan, *supra* note 76.

⁷⁸ Joshua Holland, *Here’s What a Man Who Studied Every Suicide Attack in the World Says About ISIS’ Motives*, THE NATION (December 2, 2015), <http://www.thenation.com/article/heres-what-a-man-who-studied-every-suicide-attack-in-the-world-says-about-isiss-motives/>.

⁷⁹Holland, *supra* note 78.

⁸⁰ Holland, *supra* note 78.

⁸¹ It is interesting to note that many of ISIS’ leaders are former high-ranking members of Iraq’s *secular* military.

⁸² Lydia Wilson, *What I Discovered From Interviewing Imprisoned ISIS Fighters*, THE NATION (October 21, 2015), <http://www.thenation.com/article/what-i-discovered-from-interviewing-isis-prisoners/>.

questions about Sharia law, militant jihad, and the caliphate.”⁸³ Considering the strict prohibition against suicide in Islam and the complex implications of martyrdom, it seems that those who blow themselves up cannot have the pure intent required to achieve martyrdom—they cannot die for God’s cause if they do not understand what God ordained, required, and prohibited.

c. *Beheadings and Attacks on Civilians*

Verse 2:190 reads: “[F]ight in the cause of Allah those who fight you. But do not transgress limits; for Allah loveth not transgressors.”⁸⁴ ISIS relies on verse 47:4 to justify beheading its captives.⁸⁵ The verse reads in part: “Therefore, when ye meet The Unbelievers (in fight), Smite at their necks.” Rashid Khalidi, a professor of modern Arab studies at Columbia University, disputes this justification for beheadings by noting that the very next line of the verse reads: “At length, when ye have Thoroughly subdued them, Bind a bond, firmly (on them): thereafter (Is the time for) either Generosity or ransom.”⁸⁶

James Foley, an American journalist, was one of the individuals whose decapitation first sparked an awareness of ISIS. Foley, along with other Westerners was held and abused in captivity until he converted to Islam.⁸⁷ Even after his conversion, which many viewed as genuine, James Foley was beheaded by his captors.⁸⁸ As previously mentioned, Verse 47:4, which ISIS utilizes to justify beheading their captives, explicitly states that once a combatant is thoroughly subdued, they

⁸³ *Qur’an* 2:190.

⁸⁴ Hari Sreenivasan, *Islamic State Group Uses Only Half of a Quran Verse to Justify Beheadings – See What’s in the Other Half*, PBSNEWSHOUR (October 9, 2014), <http://www.pbs.org/newshour/rundown/isis-uses-half-quran-verse-justify-beheadings-see-whats-half/>.

⁸⁵ Sreenivasan, *supra* note 84.

⁸⁶ Rukmini Callimachi, *The Horror Before the Beheading*, NEW YORK TIMES (October 25, 2014), <http://www.nytimes.com/2014/10/26/world/middleeast/horror-before-the-beheadings-what-isis-hostages-endured-in-syria.html>.

⁸⁷ Callimachi, *supra* note 86.

⁸⁸ Yūsuf ‘Alī, *supra* note 32, at 1315 n.4820.

are to be released or ransomed. Abdullah Yusuf Ali, in his commentary on this verse, notes that when an enemy is fairly beaten, which he describes in the context of *jihad* as being unlikely to seek persecution of Truth, they must be released or ransomed.⁸⁹ The beheading of Foley is therefore violative of this verse for three reasons: (1) Foley was not a combatant captured fighting against ISIS; (2) he was totally subdued and made no attempts to fight his captors or denigrate Islam; (3) and in line with Ali's commentary, Foley had accepted Islam as his own faith—there was no reason for Foley to persecute the faith. There does not exist a single justification in verse 47:4 for the beheading of James Foley. Decapitating Foley after his conversion to Islam is indicative of ISIS' blatant disregard for the teachings of the Qur'an, and it is a further insult to their claim of waging *jihad* against unbelievers.

Ibn Kathir, a fourteenth century scholar of the Qur'an, cites examples of transgressions explicitly named in the Qur'an: "mutilat[ion] [of] the dead, theft (from the captured goods), killing women, children and old people who do not participate in warfare, killing priests and residents of houses of worship, burning down trees and killing animals with no real benefit."⁹⁰ Ibn Kathir argues that the Prophet himself prohibited these deeds.⁹¹ Though the Qur'an does not specifically define the difference between combatants and non-combatants, the verses dealing with combat permit the waging of war only against those who are also waging war. This prohibition against attacks on civilians is in line with the Qur'anic revelation that decisions regarding life and death are the exclusive domain of Allah, and Allah has proclaimed that life is a "sacred gift" which

⁸⁹ Tafsir Ibn Kathir, Volume 1, p. 528.

⁹⁰ Kathir, *supra* note 89.

⁹¹ *Qur'an* 5:32 ("if anyone slew a person—unless it be for murder or for spreading Mischief in the land—It would be as if he slew the whole people: And if anyone saved a life, it would be as if he saved the life of the whole people").

must not be taken without “just cause.”⁹² Surah 4:40 reads: “Knowest thou not, That to Allah (alone), Belongeth the dominion, Of the heavens and the earth? He punisheth whom He pleaseth, And He forgiveth whom He pleaseth: And Allah hath power over all things.”⁹³ Considering the emphasis on not only mercy but also on the notion that Allah is the decider of life and death, the attacks waged on civilians by ISIS seem to completely disregard the verses on mercy, just treatment, and restraint. ISIS’ relentless ambition to destroy the Yazidi people of Iraq is violative of the aforementioned verses and seems to fit the international legal definition of genocide.⁹⁴ ISIS has waged a cruel and brutal war against the Yazidis, a people whom ISIS regards as devil worshippers.⁹⁵ A report by the United Nations Office of the High Commissioner for Human Rights details the atrocities committed by ISIS against the Yazidis.⁹⁶ The report details the “brutal and targeted” killing of young boys, the rape of girls as young as six, the abduction of women as spoils of war, and the taking of young boys to fight alongside ISIS.⁹⁷ The commentator Abdullah Yusuf

⁹² YŪSUF ‘ALĪ, *supra* note 32, at 259 n.743 (explaining that punishment really does not belong to mortals, but indeed to Allah alone. However, for the sake of civil society and to protect innocents from crime, certain principles are laid down on which humans can build criminal law. Ali also comments that it is imperative to remember that Allah not only punishes but forgives, and that it is forgiveness that is the attribute which is more prominently placed before us).

⁹³ Genocide is defined in Article 2 of the CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE (1948) as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part ; imposing measures intended to prevent births within the group; [and] forcibly transferring children of the group to another group."

⁹⁴ BBC NEWS, *IS Yazidi attacks may be genocide, says UN*, (March 19, 2015), <http://www.bbc.com/news/world-middle-east-31962755>.

⁹⁵ UN NEWS CENTRE, *ISIL may have committed genocide, war crimes in Iraq, says UN human rights report*, (March 19, 2015), <http://www.un.org/apps/news/story.asp?NewsID=50369#.VwrGwzYlc4o>.

⁹⁶ UN NEWS CENTRE, *supra* note 95.

⁹⁷ *Qur'an* 5:8 (“O ye who believe! Stand out firmly, For Allah, as witnesses to fair dealing, and let not the hatred of others to you make you swerve, to wrong and depart from Justice. Be just: that is next to piety: and fear Allah. For Allah is well acquainted with all that ye do”).

Ali argues that the aforementioned crimes do not have a justification in Islam.⁹⁸ Surah 5:7 reads: “And call in remembrance The favour of Allah Unto you, and his Covenant, Which he ratified With you, when ye said: “We hear and we obey”: And fear Allah, for Allah Knoweth well The secrets of your hearts.” Abdullah Yusuf Ali explains that the Covenant with Allah is a spiritual obligation; “Allah has given man reason, judgment, the higher facilities of the soul, and even the position of Allah’s vicegerent on earth and man is bound to serve Allah faithfully and obey his will.”⁹⁹ Moreover, Ali explains that this obedience begins with simply enough with the cleanliness in bodily functions, but that it progresses and goes on to cleanliness of mind and thought, and “culminates in purity of motives in the inmost recess of his heart and soul.”¹⁰⁰ With such high expectations of his followers, it is impossible to reconcile the actions of ISIS who act out of a sadistic cruelty.

The Qur’an 2:256 commands that “there should be no compulsion in religion.”¹⁰¹ Abdullah Yusuf Ali notes as a supplement to verse 2:256 that “Compulsion is incompatible with religion: because (1) religion depends upon faith and will, and these would be meaningless if induced by force; (2) Truth and Error have been so clearly shown up the mercy of Allah that there should be no doubt in the minds of any persons of good will as to the fundamentals of faith; (3) Allah’s protection is continuous, and His Plan is always to lead us from the depths of darkness into the clearest light.”¹⁰² Throughout their campaign to establish an Islamic State, ISIS has attacked

⁹⁸ YŪSUF ‘ALĪ, *supra* note 32, at 248 n.705.

⁹⁹ YŪSUF ‘ALĪ, *supra* note 32, at 248 n.705.

¹⁰⁰ YŪSUF ‘ALĪ, *supra* note 32, at 106 n.300.

¹⁰¹ YŪSUF ‘ALĪ, *supra* note 32, at 106 n.300.

¹⁰² Eliza Griswold, *Is This the End of Christianity in the Middle East?*, NEW YORK TIMES (July 22, 2015), <http://www.nytimes.com/2015/07/26/magazine/is-this-the-end-of-christianity-in-the-middle-east.html>.

Muslims and non-Muslims alike, but focused on forcibly converting both Christians and Yazidis. When ISIS overtook the Iraqi city of Mosul, they painted an “n” on the doors of the Christian residents to signify that they were *Nasrane*, a slur for Christians.¹⁰³ In the city of Qaraqosh, less than 20 miles away, ISIS offered residents a choice, “[t]hey could either convert or pay the *jizya*, the head tax levied against all “People of the Book”: Christians, Zoroastrians and Jews. If they refused, they would be killed, raped or enslaved, their wealth taken as spoils of war.¹⁰⁴” Some of those who refused to convert were publicly whipped.¹⁰⁵ The Qur’an, however, does not allow Muslims to fight to impose their faith by force.¹⁰⁶ The misleading translation of *jihad* as “holy war,” taken in the context of ISIS’ attacks in the name of Islam, creates the grave misconception that the purpose of *jihad* is to force Islam upon another. Some argue that because there is historical precedent for such forcible conversions that this is justified by Islamic law, but

[f]ighting for the sake of fighting or mere expansion of land or imposition of beliefs if forbidden by the principles of Islam, and whenever fighting becomes legitimate for self-defence, it is restricted to those who are fighting on the other side. The use of weapons that lead to mass destruction and indiscriminate killing, and thus hurt non-combatants, cannot be allowed according to Islamic moral and legal principles.¹⁰⁷

While the Qur’an allows Muslims to wage war against aggression¹⁰⁸, and even the acceptance of oppression, it does not allow for the barbaric crimes ISIS had perpetrated against innocent civilians and journalists who posed no threat to the extremist group.

¹⁰³ Griswold, *supra* note 102.

¹⁰⁴ Griswold, *supra* note 102.

¹⁰⁵ *Qur’an* 2:256.

¹⁰⁶ BONNEY, *supra* note 8, at 31.

¹⁰⁷ *Qur’an* 2:193; 8:39.

¹⁰⁸ DABIQ, *The Return of Khilafah*, Issue 1, page 9 (quoting Shaykh Muḥammad al-‘Adnani, who stated “[T]he time has come for these generations that were drowning in oceans of disgrace, being nursed on the milk of

IV. PROPOSED SOLUTIONS

Education is the most effective tool against extremists like ISIS. There are two groups of citizens to approach—ordinary citizens and politicians. Educating ordinary citizens and politicians alike on the Qur’an and Islamic law would assist in delegitimizing ISIS. Fear mongering by individuals like Donald Trump serves to benefit ISIS, a group that maintains that Muslims in the West are unwelcome and suppressed.¹⁰⁹ Moreover, while combat missions in ISIS controlled territories accomplish the short term goal of eradicating fighters, they are in turn used as further justification for a war against infidels and a recruitment tool for disenfranchised victims of war.¹¹⁰ Combatting ISIS through the utilization of modern tools such as social media will be effective in deterring new recruits, many of whom are not knowledgeable about Islam.¹¹¹

Fareed Zakaria, in his article¹¹² *Today’s New Terrorists Were Radical Before They Were Religious* for The Guardian, described the phenomenon of “religious extremists” as “... today’s

humiliation, and being ruled by the vilest of all people, after their long slumber in the darkness of neglect—the time has come for them to rise.”

¹⁰⁹Pape has written that the sending of U.S. military troops into Iraq created a potent breeding ground for anti-American terrorists and sought to benefit Osama Bin Laden’s mission.

¹¹⁰ Alan Travis, *M15 report challenges view on terrorism in Britain*, THE GUARDIAN (August 20, 2008) (noting that “far from being religious zealots, a large number of those involved in terrorism do not practise their faith regularly. Many lack religious literacy and could . . . be regarded as religious novices”) (further noting, the report concluded that “a well-established religious identity actually protects against violent radicalization”), <http://www.theguardian.com/uk/2008/aug/20/uksecurity.terrorism1>.

¹¹¹ Fareed Zakaria, *Today’s new terrorists were radical before they were religious*, THE WASHINGTON POST (March 31, 2015), https://www.washingtonpost.com/opinions/todays-new-terrorists-were-radical-before-they-were-religious/2016/03/31/9cb8e916-f762-11e5-9804-537defcc3cf6_story.html?postshare=6411459810366322&tid=ss_fb.

¹¹²*Qur’an* 5:90 (“O ye who believe! Intoxicants and gambling, (Dedication of) stones, And (divination by) arrows, Are an abominations—Of Satan’s handiwork; Eschew such (abomination), That ye may prosper.” *Qur’an* 5:91 “Satan’s plan is (but) To excite enmity and hatred Between you, with intoxicants And gambling, and hinder you From the remembrance Of Allah, and from prayer: Will ye not then abstain?”).

terrorists are not religious extremists who became radicals but rather radicals who became religious extremists. The difference is crucial.” Allowing Western media to continue to propagate the idea that it is Islam that fuels terrorist attacks, and not individual ambition and ignorance, continues to isolate ordinary Muslims. Zakaria notes that the two brothers who committed the Brussels bombings, Ibrahim and Khalid el-Bakraoui, were not particularly religious and chose early in their lives to turn to crime. Similarly, Abdelhamid Abaaoud who functioned as the ringleader of the Paris attacks, used alcohol and drugs—ignoring the Qur’an’s prohibition against intoxicants.¹¹³ Mehdi Hasan, in the *New Statesmen*¹¹⁴ writes how Sarwar and Mohammed Ahmed, would-be jihadists from Birmingham who set out to fight in Syria for ISIS, purchased *Islam for Dummies* and *The Koran for Dummies* from Amazon—far from being devout Muslims, neither of these men should be made out as the representative of Islam. Writing about the Charlie Hebdo attacks, Juan Cole notes that “[t]he problem for a terrorist group like Al Qaeda is that its recruitment pool is Muslims, but most Muslims are not interested in terrorism. Most Muslims are not even interested in politics, much less political Islam.”¹¹⁵ Therefore, if violent Islamic fundamentalists “can get non-Muslim French to be beastly to ethnic Muslims on the grounds that they are Muslims, it can start creating a common political identity around grievance against discrimination.”¹¹⁶ Cole describes this as “mental colonization.”¹¹⁷ Pape agrees with Cole’s analysis and states that ISIS wants an environment hostile to Muslims in France—

¹¹³ Mehdi Hasan, *What the jihadists who bought “Islam for Dummies” on Amazon tell us about radicalization*, *NEWSTATSMAN* (August 21, 2014), <http://www.newstatesman.com/religion/2014/08/what-jihadists-who-bought-islam-dummies-amazon-tell-us-about-radicalisation>.

¹¹⁴ Juan Cole, *What’s the Real Reason Al Qaeda Attacked ‘Charlie Hebdo’?*, *THE NATION* (January 8, 2015), <http://www.thenation.com/article/whats-real-reason-al-qaeda-attacked-charlie-hebdo/>.

¹¹⁵ Cole, *supra* note 114.

¹¹⁶ Cole, *supra* note 114.

¹¹⁷ Holland, *supra* note 78.

this environment will help them recruit individuals who will go on to commit suicide attacks that may eventually cause France to withdraw from military action in the Middle East.¹¹⁸

Lydia Wilson describes her experiences interviewing captured soldiers of ISIS and notes that many of those she was to interview, knew little of Islam.¹¹⁹ She cites Erin Saltman, a senior counter-extremism researcher at the Institute for Strategic Dialogue, who has found that there is *less* emphasis on knowledge of Islam by ISIS in the recruitment phase.¹²⁰ Saltman stated that while Islam does play a part in the recruitment, it is not the strict Islam that is promoted by the ISIS; instead, “[r]ecruitment [of ISIS] plays upon desires of adventure, activism, romance, power, belonging, along with spiritual fulfillment.”¹²¹ Many of the fighters interviewed cite the American invasion of Iraq as a turning point in their lives, a shift from a difficult life under Saddam to a life where they did not have an adolescence.¹²² ISIS promises to restore their dignity and lures many men into perilous situations by using Islam to justify the inevitable loss of their lives and the taking of innocents’ lives.

Therefore, it is essential that Western media and politicians stop demonizing Islam and Muslims. The targeting of Muslim communities in the West, due to the actions of radicalized individuals, creates an atmosphere of isolation and resentment, a perfect combination for individuals who are looking for a reason to rebel. Oliver Roy notes that when ISIS staged the shootings in Paris which killed 130 individuals, they did not send Syrians or other people from the

¹¹⁸Wilson, *supra* note 82.

¹¹⁹ Wilson, *supra* note 82.

¹²⁰ Wilson, *supra* note 82.

¹²¹ Wilson, *supra* note 82.

¹²² Olivier Roy, *France’s Oedipal Islamist Complex*, FOREIGNPOLICY (January 7, 2016), <http://foreignpolicy.com/2016/01/07/frances-oedipal-islamist-complex-charlie-hebdo-islamic-state-isis/>.

war torn Middle East.¹²³ Rather, they were able to utilize the ignorant and too willing individuals who lived and functioned in French society. Roy argues that,

“The fanatical individualism of these youth goes back to their isolation from Muslim communities. Few among them regularly attend a mosque. The religious leaders they eventually choose to follow are often self-proclaimed imams. Their radicalization arises around the fantasy of heroism, violence, and death, not of sharia or utopia. In Syria, they only fight war; none integrate or interest themselves in civil society. And if they take sexual slaves or recruit young women on the Internet to become the wives of future martyrs, it’s because they are in no way socially integrated in the Muslim societies that they claim to defend. They are more nihilist than utopist. Even if some of them have spent time with Tablighi Jamaat (a movement that preaches fundamentalist Islam), none of them have joined the Union of Islamic Organizations in France, and none have participated in a political movement or undertaken efforts to support Palestine. None took up community service: delivering meals for the end of Ramadan, preaching in mosques, or going door to door. None have undertaken serious religious study. And none have taken an interest in theology, not even in the nature of jihad or of the Islamic State.”

Just as ISIS utilizes preferred verses from the Qur’an to justify their mission in establishing an “Islamic State,” so do many of these jihadists selectively choose what aspects of Islam deserve adherence. While many wholeheartedly dedicate their ambitions and bodies to *jihad*, they ignore the command of the Qur’an to abstain from intoxicants and perform *zakat*.¹²⁴

ISIS should be combatted through the social media they so often use to recruit individuals and spread their perverted version of Islam. President Obama has said that ISIS deliberately targets vulnerable Muslims through social media, “[t]he high-quality videos, the online magazines, the use of social media, terrorist Twitter accounts—it’s all designed to target today’s young people in

¹²³ *Zakat* means “obligatory charity.” See *Qur’an* 21:73 (“And We made them leaders, guiding (men) by our command, and we sent them inspiration to do good deeds, to establish regular prayers, and to *practice regular charity*; and they constantly served us (and us only)”). (emphasis added).

¹²⁴ Yasmin Merchant, *How ISIS Recruits Through Social Media*, FORDHAM POLITICAL REVIEW, <http://fordhampoliticalreview.org/how-isis-recruits-through-social-media/> (last visited April 20, 2016).

cyberspace.”¹²⁵ CIA director John Brennan said that the technology of today “help groups like similar to ISIS coordinate operations, attract new recruits, disseminate propaganda and inspire sympathizers around the globe... a lone extremist can go online and learn how to carry out an attack without ever leaving home.”¹²⁶ Creating an online presence that counters the ideology propagated by ISIS can serve to deter the recruitment of vulnerable Muslims, particularly those in the West. Combatting the “Islamic justifications” put forth by ISIS and making their fallacies a part of the conversation online can demystify the group. By combatting the misguided idea that ISIS is representative of Islam and the idea that Muslims are not welcome in the West, we can more effectively combat this modern day menace.

V. CONCLUSION

This article does not intend to do as ISIS does and pick verses supportive of its arguments while ignoring the rest of the Qur’an. Instead it is necessary to understand that the Qur’an is a holy book that developed over a period of time—its development functions to reflect the social position of the Muslim people throughout the life of the Prophet Muhammad. As such, the Qur’an includes verses forbidding the use of force and other verses which allow for the use of force. To take any single verse in isolation, without referencing the rest of the Qur’an and the context in which the verse developed, is disingenuous. Moreover, the holy book is the direct word of God and as such, no single word in the Qur’an is to be disregarded or ignored. If the Qur’an is not read in its entirety groups like ISIS may convince Muslims and would be converts that Islam truly is a religion which

¹²⁵ Merchant, *supra* note 124.

advocates the murder of civilians, that demands a war be waged upon all non-believers, and that cruelty is sanctioned. This, however, is inaccurate and contrary to the moral and religious code of Islam. Having examined the historical development of the Muslim community, it is evident that the Qur'an evolved as the needs of the community evolved. Though he initially preached non-violence, the Prophet Muhammad understood that as the times changed, so did the approach of the Muslim community. In order to survive, the community had to adapt to their surroundings and the Prophet Muhammad had to fulfill his role as both a religious and political leader.

It is imperative that Muslims and non-Muslims alike be educated on the meaning of the Qur'an and the legal mandates stemming from Islamic jurisprudence in regard to *jihad*. Combatting ISIS through education can assist in deterring the recruitment of new members and it can undoubtedly save lives.