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Slavery: The ISIS Rules

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Modern slavery takes many forms, but most slaves are forced to work in the shadows. Those who control modern slaves-whether men compelled to work on Thai fishing boats, domestic workers trapped in the homes of their Saudi employers, children ordered to beg in Senegal, bonded workers in India, or sex workers trafficked in the West-usually shun publicity because treating human beings as mere chattel can be criminally prosecuted and cause moral revulsion.

The self-proclaimed Islamic State, or ISIS, is a rare exception. Much as it openly flouts the global prohibition of summary execution, often with unspeakable cruelty, it has published an attempt to justify its subjugation of non-Muslim women and girls in sexual bondage. Its argument is not an academic exercise: Human Rights Watch has interviewed Yazidi women and girls who have escaped ISIS captivity. They describe a system of organized rape and sexual assault, sexual slavery, and forced marriage.

The excerpts from the ISIS pamphlet printed below-posted on a pro-ISIS Twitter account and generally considered authentic-use a question-and-answer format to set forth rules for having sex with captured and enslaved women and girls who are not Muslim.* What is striking is that, in the minds of its authors, this is not a lawless document. It sets forth an interpretation of sharia, or Islamic law, albeit an extreme one. Far from pure licentiousness, it is filled with legal constraints. Yet by treating captured non-Muslim women as subject to the sexual whims of those who control them, ISIS disregards nearly universal injunctions against slavery and rape.

The ISIS pamphlet does not mean that its members who enslave and rape women necessarily act with Islam in mind. Like any ruthless group, ISIS undoubtedly includes many who are attracted by the opportunity to subjugate and brutalize others regardless of the rationalization. Yet ISIS's effort to justify its conduct through sharia law highlights the importance of countering this legal claim, both by those qualified to speak for Islamic law and by those able to enforce the prohibitions of international human rights law.

Question 1: What is al-sabi?

Al-Sabi is a woman from among ahl al-harb [the people of war] who has been captured by Muslims.

Question 2: What makes al-sabi permissible?

What makes al-sabi permissible [i.e., what makes it permissible to take such a woman captive] is [her] unbelief. Unbelieving [women] who were captured and brought into the abode of Islam are permissible to us, after the imam distributes them [among us].

Question 3: Can all unbelieving women be taken captive?

There is no dispute among the scholars that it is permissible to capture unbelieving women [who are characterized by] original unbelief [kufr asli], such as the kitabiyat [women from among the People of the Book, i.e., Jews and Christians] and polytheists. However, [the scholars] are disputed over [the issue of] capturing apostate women. The consensus leans toward forbidding it, though some people of knowledge think it permissible. We [ISIS] lean toward accepting the consensus....

Question 4: Is it permissible to have intercourse with a female captive?

It is permissible to have sexual intercourse with the female captive. Allah the almighty said: "[Successful are the believers] who guard their chastity, except from their wives or (the captives and slaves) that their right hands possess, for then they are free from blame [Koran 23:5-6]."...

Question 5: Is it permissible to have intercourse with a female captive immediately after taking possession [of her]?

If she is a virgin, he [her master] can have intercourse with her immediately after taking possession of her. However, if she isn't, her uterus must be purified [first]....

Question 6: Is it permissible to sell a female captive?

It is permissible to buy, sell, or give as a gift female captives and slaves, for they are merely property, which can be disposed of as long as that doesn't cause [the Muslim ummah] any harm or damage.

Question 7: Is it permissible to separate a mother from her children through [the act of] buying and selling?

It is not permissible to separate a mother from her prepubescent children through buying, selling, or giving away [a captive or slave]. [But] it is permissible to separate them if the children are grown and mature.

Question 8: If two or more [men] buy a female captive together, does she then become [sexually] permissible to each of them?

It is forbidden to have intercourse with a female captive if [the master] does not own her exclusively. One who owns [a captive] in partnership [with others] may not have sexual intercourse with her until the other [owners] sell or give him [their share].

Question 9: If the female captive was impregnated by her owner, can he then sell her?

He can't sell her if she becomes the mother of a child....

Question 10: If a man dies, what is the law regarding the female captive he owned?

Female captives are distributed as part of his estate, just as all [other parts] of his estate [are distributed]. However, they may only provide services, not intercourse, if a father or [one of the] sons has already had intercourse with them, or if several [people] inherit them in partnership.

Question 11: May a man have intercourse with the female slave of his wife?

A man may not have intercourse with the female slave of his wife, because [the slave] is owned by someone else.

Question 12: May a man kiss the female slave of another, with the owner's permission?

A man may not kiss the female slave of another, for kissing [involves] pleasure, and pleasure is prohibited unless [the man] owns [the slave] exclusively.

Question 13: Is it permissible to have intercourse with a female slave who has not reached puberty?

It is permissible to have intercourse with the female slave who hasn't reached puberty if she is fit for intercourse; however if she is not fit for intercourse, then it is enough to enjoy her without intercourse.

Question 14: What private parts of the female slave's body must be concealed during prayer?

Her private body parts [that must be concealed] during prayer are the same as those [that must be concealed] outside [prayer], and they [include] everything besides the head, neck, hands, and feet.

Question 15: May a female slave meet foreign men without wearing a hijab?

A female slave is allowed to expose her head, neck, hands, and feet in front of foreign men if fitna [enticement] can be avoided. However, if fitna is present, or of there is fear that it will occur, then it [i.e., exposing these body parts becomes] forbidden.

Question 16: Can two sisters be taken together while taking slaves?

It is permissible to have two sisters, a female slave and her aunt [her father's sister], or a female slave and her aunt [from her mother's side]. But they cannot be together during intercourse, [and] whoever has intercourse with one of them cannot have intercourse with the other, due to the general [consensus] over the prohibition of this.

Question 17: What is al-'azl?

Al-'azl is refraining from ejaculating on a woman's pudendum [i.e., coitus interruptus].

Question 18: May a man use the al-'azl [technique] with his female slave?

A man is allowed [to use] al-'azl during intercourse with his female slave with or without her consent.

Question 19: Is it permissible to beat a female slave?

It is permissible to beat the female slave as a [form of] darb ta'deeb [disciplinary beating], [but] it is forbidden to [use] darb al-takseer [literally, breaking beating], [darb] al-tashaffi [beating for the purpose of achieving gratification], or [darb] al-ta'dheeb [torture beating]. Further, it is forbidden to hit the face.

Question 20: What is the ruling regarding a female slave who runs away from her master?

A male or female slave's running away [from their master] is among the gravest of sins....

Question 21: What is the earthly punishment of a female slave who runs away from her master?

She [i.e., the female slave who runs away from her master] has no punishment according to the sharia of Allah; however, she is [to be] reprimanded [in such a way that] deters others like her from escaping.

Question 22: Is it permissible to marry a Muslim [slave] or a kitabiyya [i.e., Jewish or Christian] female slave?

It is impermissible for a free [man] to marry Muslim or kitabiyat female slaves, except for those [men] who feared to [commit] a sin, that is, the sin of fornication....

Question 24: If a man marries a female slave who is owned by someone else, who is allowed to have intercourse with her?

A master is prohibited from having intercourse with his female slave who is married to someone else; instead, the master receives her service, [while] the husband [gets to] enjoy her [sexually].

Question 25: Are the huddoud [Koranic punishments] applied to female slaves?

If a female slave committed what necessitated the enforcement of a hadd [on her], a hadd [is then] enforced on her-however, the hadd is reduced by half within the hudud that accepts reduction by half....

Question 27: What is the reward for freeing a slave girl?

Allah the exalted said [in the Koran]: "And what can make you know what is [breaking through] the difficult pass [hell]? It is the freeing of a slave." And [the prophet Muhammad] said: "Whoever frees a believer Allah frees every organ of his body from hellfire."

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