

Islam in Conflict with the Constitution – Holding Muslim Public Officials Accountable to the 13th Amendment

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PipeLineNews.org - This is the final article in a series that resulted from my May 8, 2019 article that addressed the idea of looking into the religious beliefs of Muslim public officials.^[1] The first article in this subsequent series examined some important concepts and then focused on Islam and the freedom of speech and religion guaranteed by the 1st Amendment to the U.S. Constitution.^[2] The second article focused on Islam and the 8th Amendment, which prohibits cruel and unusual punishment.^[3]

This final article looks at Islam and the 13th Amendment. The 13th Amendment prohibits slavery; this is part of the Constitution that Muslim public officials publicly swear to support, defend, and bear allegiance to, while their religion supports slavery.

We must start holding Muslim public officials accountable for those contradictions between their religion and the Constitution they swear to uphold. As with the previous articles this one provides you the information you need to understand those contradictions along with some suggested action items, and then there are some concluding thoughts.

Whom Your Right Hands Possess

This is a special category of slaves under Islam. A non-Muslim woman captured by Muslims during battle falls under the category of those "whom your right hands possess." She then becomes a slave to her Muslim captor and it becomes "legal" for him to have intercourse with her. This is authorized by Koran 4:24, which begins by talking about how Muslim men are forbidden from marrying (and having sex with) women who are already married, but then makes an important exception:

Also (forbidden are) women already married, except those (slaves) whom your right hands possess. Thus has Allah ordained for you...

The authoritative 14th Century Muslim scholar Ibn Kathir explained the meaning of this verse:

The Ayah [verse] means, you are prohibited from marrying women who are already married, (except those whom your right hands possess) except those whom you acquire through war, for you are allowed such women after making sure they are not pregnant. Imam Ahmad recorded that Abu Sa'id Al-Khudri said, "We captured some women from the area of Awtas who were already married, and we disliked having sexual relations with them because they already had husbands. So, we asked the Prophet about this matter, and this Ayah was revealed...Consequently we had sexual relations with these women.[4]

So instead of Muhammad prohibiting his Muslim warriors from raping the women they had captured in the area of Awtas, Koran 4:24 was "revealed" to him giving his Muslim warriors Allah's authorization to not only have slaves from among the captured non-Muslim women, but to also actually go ahead and rape them!

Muhammad's attitude about how captured non-Muslim women could be treated was shown again in another eye-opening example in which Muhammad condoned the rape of female captives from the non-Muslim Mustaliq tribe.

In this story we can see that the only problem to be resolved was whether or not the ransom the Muslims were expecting for these particular women captives would be affected if the captives were returned pregnant. In response to the question from his Muslim warriors about whether they should therefore engage in *coitus interruptus* with their soon-to-be rape victims, Muhammad, instead of prohibiting the rapes, merely said that *coitus interruptus* would not matter because every soul that was destined to be born would be born:

Abu Sirma said to Abu Sa'id Al Khudri (Allah he pleased with him): O Abu Sa'id, did you hear Allah's Messenger (SAW) mentioning al-'azl [coitus interruptus]? He said: Yes, and added: We went out with Allah's Messenger (SAW) on the expedition to the Bi'l-Mustaliq. We took captive some excellent Arab women. We desired them, for we were suffering from the absence of our wives, (but at the same time) we also desired ransom for them. So we decided to have sexual intercourse with them but by observing 'azl...But we said: We are doing an act whereas Allah's Messenger is amongst us; why not ask him? So we asked Allah's Messenger (SAW), and he said: It does not matter if you do not do it, for every soul that is to be born up to the Day of Resurrection will be born.[5]

So Muhammad gave his approval to the rape of these "excellent Arab women." It is an interesting side note that *coitus interruptus* was one of the "ten characteristics" that Muhammad disliked.[6]

It should therefore come as no surprise that the founders of the four major Sunni schools of Sharia Law agreed that

when a married woman becomes a prisoner of war without her husband, her contract of marriage with her husband ends, and her new master has the right to have sexual relations with her after the birth of a child if she is pregnant, or after waiting a while to confirm the status of her womb if she is not apparently pregnant.[7]

Has there been any change in the understanding of this verse over the centuries? The answer is a resounding "No." The 20th century *Tafsir Ahsanul-Bayan* explained Koran 4:24 this way:

The historical background of the verse is that when pagan women were captured by Muslims in battles, they disliked having intercourse with them because they had husbands. The Companions asked the Messenger of Allah about it. Thereupon, this verse was revealed. The verse allowed the Muslims to have intercourse with pagan women if they were captured in battles even if they had husbands, providing their wombs have been cleansed, that is, after one menses or, in case they are pregnant, after the delivery of the child.[8]

Another 20th century Koran commentary (*tafsir*) had a similar, but shorter explanation of Koran 4:24:

Other than those whom your right hands possess, due to slavery. If an already married woman is taken captive during a war, she would become permissible for a Muslim male after completing one menstrual period.[\[9\]](#)

So even today Islamic Doctrine allows a Muslim man to have sex slaves and the Muslim man can have as many of these slaves as his “right hand” can possess.[\[10\]](#)

It is interesting to note that Koran 33:50 specifically made female sex slaves legal for Muhammad because Allah had “given” them to him:

O Prophet (Muhammad)! Verily, We have made lawful to you your wives...and those (slaves) whom your right hand possesses - whom Allah has given to you...

And Muhammad’s favorite wife ‘Aishah confirmed that he had such sex slaves:

Narrated ‘Aishah...the hand of Allah’s Messenger did not touch any woman’s hand except the hand of the woman that his right hand possessed (i.e. his captives or his lady-slaves).[\[11\]](#)

The Koran allows slavery

In the Koran there are numerous verses acknowledging and accepting the Muslim possession of slaves. For example, the following Koran verses explain how Muslims should act around or treat their slaves, with slavery being an accepted condition: 2:221, 16:71, 24:31, 24:58, 30:28, and 33:55. And the following three Koran verses talk about a Muslim freeing a slave, not because slavery was wrong, but rather in atonement for a Muslim’s misdeed: 4:92, 5:89, and 58:3.

Muhammad was a slave owner and dealer

There are numerous authoritative reports in which Muhammad was personally involved in possessing, buying, selling, and giving away slaves. Here are some eye-opening stories about Muhammad and his dealings with slaves:

1. *It was narrated from Anas that the Prophet bought Safiyyah [one of his wives] for seven slaves.*[\[12\]](#)

2. *"Adda' bin Khalid bin Hawdhah said to me: 'Shall I not read to you a letter that the Messenger of Allah wrote to me?' I said: 'Yes.' So he took out a letter. In it was: 'This is what 'Adda' bin Khalid bin Hawdhah bought [from] Muhammad the Messenger of Allah. He bought from him a slave' - or - 'a female slave, having no ailments, nor being a runaway, nor having any malicious behavior. Sold by a Muslim to a Muslim.'"*[\[13\]](#)

3. *They [the Muslims] took several captives from the people of Mina' which is on the shore, a mixed lot among them. They were sold as slaves and families were separated. The apostle arrived as they were weeping and inquired the reason. When he was told he said, 'Sell them only in lots', meaning the mothers with the children.*[\[14\]](#)

4. At times Muhammad personally took that same approach in keeping families together when he was distributing slaves:

It was narrated that ‘Abdullah said: Prisoners would be brought to the Messenger of Allah and he would give an entire family [to someone, as slaves], because he did not want to separate them.[\[15\]](#)

5. After the defeat of the Jewish Banu Qurayzah tribe, Muhammad divided up that tribe's "property, wives, and children" among the Muslims, with the exception of some of the women that he sent to Najd and to Syria to be sold for horses and weapons.[16] Muhammad personally sold some of the other captured women:

I attended the Messenger of God who was selling the prisoners of the Banu Qurayza. Abu al-Shahm al-Yahudi bought two women, with each one of them three male children, for one hundred and fifty dinars.

Muhammad also personally sold "a portion" of the women and children to 'Uthman b. 'Affan and 'Abd al-Rahman b. 'Awf.[17]

6. After the defeat of the Jews at Khaybar, Muhammad had the women of Khaybar "distributed among the Muslims." [18]

7. After the non-Muslim Hawazin tribe was defeated, Muhammad gave Ali, 'Umar, and 'Uthman (all later caliphs) each a woman from among those captured. 'Umar then gave his to his son.[19] Muhammad gave other "slave girls" to some of his Muslim warriors, who, along with 'Uthman, then had "intercourse" with their slaves. It was reported that 'Uthman's slave-girl "detested him" after the "intercourse." [20]

8. Muhammad found out that one of his wives, Maimuna, had freed her slave-girl. Muhammad said Maimuna would have received "more reward" had she given the slave-girl to one of her uncles (who no doubt would have greatly appreciated that gift):

Narrated Maimuna, the wife of the Prophet that she manumitted her slave-girl and the Prophet said to her, "You would have got more reward if you had given the slave-girl to one of your maternal uncles." [21]

9. When Muhammad found out that a black slave-girl of his had given birth to an illegitimate child, he ordered that she be flogged with fifty lashes after she recovered from her postpartum bleeding:

It was narrated from 'Ali that he said: The Messenger of Allah sent me to a black slave woman of his who had committed zina [fornication] , to carry out the hadd punishment of flogging on her. I found that she was still bleeding (postpartum) so I went to the Prophet and told him about that. He said to me: "When she recovers from her nifas (postpartum bleeding), give her fifty lashes." [22]

10. Muhammad tried to get the Bani Salamah tribe to join him in attacking the Christians at Tabuk by promising them that they would get sex slaves and servants. He told their leader,

O Abu Wahb, would you not like to have scores of Byzantine women and men as concubines and servants? [23]

According to a prize-winning 20th Century biography of Muhammad, he did not free his own slaves until the day before he died.[24]

Although the examples used in this article are from the 7th Century,[25] slavery still exists today in some Muslim-majority countries.[26] This should not be surprising because Muslims are allowed what Allah and Muhammad made permissible.

Slavery is prohibited by our Constitution, but allowed under Islam.

Taking Action

We can see that while the 13th Amendment to the U.S. Constitution prohibits slavery, Islam allows it. So let's hold Muslim public officials, or those Muslims aspiring for public office, accountable for their religious beliefs that contradict the Constitution.

***IMPORTANT!** Before you question a Muslim who is in public office, or who is aspiring for public office, obtain a copy of the oath of office for that particular public office. If that oath of office does not refer to the U.S. Constitution, but only to a State Constitution, then you will need to look at a copy of that State Constitution before you proceed to determine if that constitution makes reference to the U.S. Constitution or any part of the U.S. Constitution.*

Have your question written out ahead of time and make sure it is based on the Koran and/or the teachings of Muhammad. Have the Koran chapter/verse and the source for Muhammad's teaching at hand in case you are asked for that information.

And keep in mind that just because a Muslim claims not to follow a particular teaching of Islam, it does not mean that particular teaching is no longer valid. So it is meaningless, and actually a "red herring," for a Muslim to respond by saying he/she doesn't actually follow a particular teaching. The purpose of the question you ask is to determine whether the Muslim rejects Islamic Doctrine in favor of the U.S. Constitution, or vice versa.

After you ask your question, the Muslim public official might respond by saying that he does not believe your information. Here is how to respond:

1. Muhammad said that anyone who told a lie about him would go to Hell, e.g.:

...Ibn 'Abbas who said: "Allah's Messenger, Allah bless him and give him peace, said: 'Avoid reporting anything from me other than what you know, for whoever lies about me shall be in hell fire; and whoever lies about the Qur'an shall enter hell fire.'"^[27]

2. The Koran commentaries and stories about Muhammad we are using in this series have been written by Muslim scholars who have been considered authoritative and have been relied on by other Muslim scholars for centuries.^[28] Would these authoritative Muslim scholars really want to go to Hell just so they could tell a lie about Muhammad?

3. Ask your question again.

Possible question:

No. 1: Your prophet Muhammad bought, sold, and possessed slaves, and allowed the Muslims around him to do the same. But our U.S. Constitution, which consists of man-made laws, has the 13th Amendment which prohibits slavery. Do you agree with your prophet Muhammad that Muslims are allowed to buy, sell, and possess slaves, or do you believe that our man-made laws prohibiting slavery are true laws and are to be followed instead of this 7th Century teaching of Muhammad?

Conclusion

I want to expand on how to deal with the situation in which a Muslim claims not to follow a particular teaching of Islam. It would seem that there are two basic reasons for why a Muslim would make that claim:

1. The Muslim does not follow the teaching because he believes that it is no longer relevant. But such a belief goes against the idea that the Koran and the teachings and example of Muhammad are timeless messages for the entirety of mankind up until the Day of Judgement. If there is additional

time to address this claim, the question for the Muslim would be: “What authoritative sources explain how and when this teaching became irrelevant?” The response can be researched later.

2. The Muslim does not follow the teaching because he disagrees with it. But this goes against Koran verses such as 33:36 which forbids Muslims from disagreeing with something decreed by Allah and Muhammad; 59:7 which commands Muslims to obey Muhammad; and 4:115 which condemns a Muslim to Hell for disagreeing with Muhammad. Simply put, it is blasphemy for a Muslim to disagree with Allah and/or Muhammad.

If a Muslim responds to your question by claiming not to follow a particular teaching of Islam, this enables you to respond by saying:

Since you don't follow what your prophet Muhammad teaches about the legitimacy of [...], then it will be easy for you to go on record now as stating that the man-made laws in our Constitution prohibiting [...] are true laws and are to be followed instead of this 7th Century teaching of Muhammad.

And keep this in mind:

Just because an individual Muslim does not, at the moment, want to adhere to the commands of Allah in the Koran and the teachings of Muhammad, doesn't mean those commands and teachings are no longer valid. They are still valid, timeless Islamic doctrine, to which that Muslim can return at any time.

In this series of articles we have seen that many teachings of Islam openly contradict and violate parts of the U.S. Constitution. In spite of this, many Muslim public officials have taken, and many Muslims aspiring for public office will take an oath to support, defend and bear true faith and allegiance to that Constitution.

This creates what appears to be an irreconcilable conflict between their religious beliefs and a document they are swearing to uphold. It is only natural to ask Muslims how they would resolve such conflicts. Using the information found in my May 8th article and in this three-part series, you now you have the knowledge you need to start asking those questions.

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[1] Stephen M. Kirby, “So You Want to Look into the Religious Beliefs of Public Officials?” *PipeLineNews.org*, May 8, 2019; accessible at <https://www.pipelinenews.org/2019/may/08/so-you-want-to-look-into-the-religious-beliefs-of-public.html> .

[2] Stephen M. Kirby, “Islam in Conflict with the Constitution: Holding Muslim Public Officials Accountable to the 1st Amendment,” *PipeLineNews.org*, May 27, 2019; accessible at <https://www.pipelinenews.org/2019/may/27/islam-in-conflict-with-the-constitution-holding-muslim.html> .

[3] Stephen M. Kirby, “Islam in Conflict with the Constitution: Holding Muslim Public Officials Accountable to the 8th Amendment,” *PipeLineNews.org*, June 3, 2019; accessible

at <https://www.pipelinenews.org/2019/jun/02/islam-in-conflict-with-the-constitution-holding-muslim.html> .

[4] Abu al-Fida' 'Imad Ad-Din Isma'il bin 'Umar bin Kathir al-Qurashi Al-Busrawi, *Tafsir Ibn Kathir* (Abridged), abr. Shaykh Safiur-Rahman al-Mubarakpuri, trans. Jalal Abualrub, et al. (Riyadh, Kingdom of Saudi Arabia: Darussalam, 2000), Vol. 2, p. 422.

[5] Abu'l Hussain 'Asakir-ud-Din Muslim bin Hajjaj al-Qushayri al-Naisaburi, *Sahih Muslim*, trans. 'Abdul Hamid Siddiqi (New Delhi, India: Adam Publishers and Distributors, 2008), Vol. 4, No. 1438, p. 373.

[6] Abu Dawud Sulaiman bin al-Ash'ath bin Ishaq, *Sunan Abu Dawud*, trans. Yaser Qadhi (Riyadh, Kingdom of Saudi Arabia: Darussalam, 2008), Vol. 4, No. 4222, p. 474.

[7] Abu 'Eisa Mohammad ibn 'Eisa at-Tirmidhi, *Jami' At-Tirmidhi*, trans. Abu Khaliyl (Riyadh, Kingdom of Saudi Arabia: Darussalam, 2007), Vol. 2, Comments, p. 503.

[8] Salahuddin Yusuf, *Tafsir Ahsanul-Bayan*, trans. Mohammad Kamal Myshkat (Riyadh, Kingdom of Saudi Arabia: Darussalam, 2010), Vol. 1, pp. 441-442.

[9] 'Abd ar-Rahman b. Nasir as-Sa'di, *Tafsir As-Sa'di*, trans. S. Abd al-Hamid (Floral Park, New York: The Islamic Literary Foundation: 2012), Vol. 1, p. 353.

[10] *Tafsir Ibn Kathir* , Vol. 7, p. 724; *Tafsir Ahsanul-Bayan*, Vol. 4, p. 402; and Jalalu'd-Din al-Mahalli and Jalalu'd-Din as-Suyuti, *Tafsir Al-Jalalayn*, trans. Aisha Bewley (London: Dar Al Taqwa Ltd., 2007), p. 907.

The lack of limits on the number of slave girls is also noted by the Hanafi School of Sharia Law (the largest of the four major Sunni schools of Sharia Law), which states that "one may collect as many slave women as one wishes," without "reckoning the number even if it exceeds a thousand." See Abu Hanifah Nu'man ibn Thabit ibn Nu'man ibn al-Marzuban ibn Zuta ibn Mah, *The Kitab al-Athar of Imam Abu Hanifah: The Narration of Imam Muhammad Ibn Al-Hasan Ash-Shaybani* , trans. 'Abdassamad Clarke (London: Turath Publishing, 2007), 134.457 and n. 1347, p. 263.

[11] Muhammad bin Ismail bin Al-Mughirah al-Bukhari, *Sahih Al-Bukhari*, trans. Muhammad Muhsin Khan (Riyadh, Kingdom of Saudi Arabia: Darussalam, 1997), Vol. 9, Book 93, No. 7214, p. 203.

[12] Muhammad bin Yazeed ibn Majah al-Qazwini, *Sunan Ibn Majah*, trans. Nasiruddin al-Khattab (Riyadh, Kingdom of Saudi Arabia: Darussalam, 2007), Vol. 3, No. 2272, p. 298. This purchase price was also mentioned in *Sahih Muslim*, Vol. 4, No. 1365R4, p. 360.

Safiyyah had been among the captives taken when the Jewish community of Khaybar was defeated. The Muslims also captured two female cousins of Safiyyah, who Muhammad gave to Dihya b. Khalifa al-Kalbi, one of his Muslim warriors – see Muhammad ibn Ishaq, *The Life of Muhammad (Sirat Rasul Allah)*, trans. Alfred Guillaume (Karachi, Pakistan: Oxford University Press, 2007), p. 511.

[13] *Sunan Ibn Majah*, Vol. 3, No. 2251, p. 285. For a report about Muhammad buying a slave from bin Khalid, see *Sahih Al-Bukhari*, Vol. 3, Book 34, Chapter 19, p. 171.

[14] *The Life of Muhammad (Sirat Rasul Allah)*, n. 914, p. 791. There was a similar incident in which Muhammad ordered the selling of two slaves who were brothers; he said they should only be sold together – see Ahmad bin Muhammad bin Hanbal ash-Shaibani, *Musnad Imam Ahmad Bin Hanbal*, trans. Nasiruddin Al-Khattab, ed. Huda Al-Khattab (Riyadh, Kingdom of Saudi Arabia: Darussalam, 2012), Vol. 1, No. 760, p. 385.

[15] *Musnad Imam Ahmad Bin Hanbal*, Vol. 3, No. 3690, p. 324.

[16] *The Life of Muhammad (Sirat Rasul Allah)*, p. 466. This is also mentioned in *Sahih Muslim*, Vol. 5, No. 1766, p. 186; Safiur-Rahman al-Mubarakpuri, *The Sealed Nectar* (Riyadh, Kingdom of Saudi Arabia: Darussalam, 2008), p. 378; and Muhammad b. 'Umar al-Waqidi, *The Life of Muhammad: Al-Waqidi's Kitab al-Maghazi*, trans. Rizwi Faizer, Amal Ismail, and Abdulkader Tayob, ed. Rizwi Faizer (London and New York: Routledge, 2013), pp. 256-257.

[17] *The Life of Muhammad: Al-Waqidi's Kitab al-Maghazi*, pp. 256-257.

[18] *The Life of Muhammad (Sirat Rasul Allah)*, p. 511.

[19] *Ibid.*, p. 593.

[20] *The Life of Muhammad: Al-Waqidi's Kitab al-Maghazi*, p. 462.

[21] *Sahih Al-Bukhari*, Vol. 3, Book 51, No. 2594, p. 442.

[22] *Musnad Imam Ahmad Bin Hanbal*, Vol. 1, No. 1142, p. 530.

[23] Abu'l-Hasan 'Ali ibn Ahmad ibn Muhammad ibn 'Ali al-Wahidi, *Al-Wahidi's Asbab al-Nuzul*, trans. Mokrane Guezou (Louisville, KY: Fons Vitae, 2008), p. 122.

[24] *The Sealed Nectar*, p. 555. In 1979 this biography of Muhammad was awarded first prize by the Muslim World League in the worldwide competition for a new biography of Muhammad. The Muslim World League is headquartered in Mecca.

[25] For additional examples of Muhammad's involvement with slavery go to *The Perfect Man Truth* at <http://perfectmantruth.com/slaves.php> .

[26] Elliot Friedland, "Islamists Still Perpetuating Slavery Today," *Clarion Project*, March 14, 2017; accessible at <https://clarionproject.org/islamists-still-perpetuating-slavery-today/> ; Nima Elbagir, Raja Razek, et. al., "People for Sale," *CNN*, November 14, 2017; accessible at <https://www.cnn.com/2017/11/14/africa/libya-migrant-auctions/index.html> ; and Daniel Pipes, "Slavery in Muslim-Majority Countries: A Survey," *Daniel Pipes Blog*, July 21, 2010; accessible at <http://www.danielpipes.org/blog/2010/07/slavery-in-muslim-majority-countries> .

[27] *Al-Wahidi's Asbab al-Nuzul* , p. 2.

[28] For example, works of the following scholars we have used are considered to be among "the traditional Sunni Islamic Canon":

1. Commentaries by Jalalayn, ibn Kathir, and al-Wahidi's *Asbab al Nuzul*;
2. The *hadith* collections of al-Bukhari, Muslim, an-Nasa'i, at-Tirmidhi, Abu Dawud (al-Sijistani), and ibn Majah; and ibn Hanbal's *Musnad*;
3. The traditional biographical and historical works of *Sira* by ibn Ishaq, al-Waqidi, and al-Tabari, and the *Muwatta'* of Imam Malik.

The Muslim 500 – The World's 500 Most Influential Muslims 2019 , The Royal Islamic Strategic Studies Centre (Amman, Jordan), p. 34. This report and the reports from previous years are available at <http://themuslim500.com/>.