

"This House Believes the West Is Right to Be Suspicious of Islam"

An Oxford Union Debate and The Opposition's Ignorance

Arwa Elrayess (1)

35:05 - "Is what you are discussing not abuse of the Islamic scripture? Not actually what is discussed in the Islamic scripture. Give me examples in Islamic scripture from Islamic Law"

Ok.

The foregoing remarks were directed at what may broadly be understood as two distinct propositions advanced by the proposition:

- 1) That all schools of Islamic Law prescribe death by stoning if a person is married
- 2) That a woman (during stoning) has to be buried up to a certain level to preserve her modesty

Insofar as the reference to "Islamic scripture" is concerned, the term itself is ambiguous. Strictly speaking, hadith are not considered *scripture* in Islam; only the Qur'an occupies that status as the verbatim word of God. Authentic hadith are, however, considered religiously authoritative and constitute one of the principal sources of Islamic law. Given that she immediately proceeds to speak of "Islamic scripture and Islamic law," one is left to assume that "scripture" is being used as a rather loose shorthand for the textual authorities upon which Islamic law is based. If that is indeed what is meant – and it is difficult to see what else could reasonably be intended – then the hadith corpus is plainly within scope.

It is also worth observing that, at [1:05:42](#), Arwa states that the Hadith and Sunnah alongside the Qur'an "teach" her and the broader Muslim community. It would therefore be curious to suggest that hadith should somehow fall outside the scope of discussion.

Having dispensed with that preliminary ambiguity, I shall now proceed to the relevant hadith evidence:

'Abdullah b. 'Abbas reported that 'Umar b. Khattab sat on the pulpit of Allah's Messenger (ﷺ) and said: Verily Allah sent Muhammad (ﷺ) with truth and He sent down the Book upon him, and the verse of stoning was included in what was sent down to him. We recited it, retained it in our memory and understood it. Allah's Messenger (ﷺ) awarded the punishment of stoning to death (to the married adulterer and adulteress) and, after him, we also awarded the punishment of stoning. I am afraid that with the lapse of time, the people (may forget it) and may say: We do not find the punishment of stoning in the Book of Allah, and thus go astray by abandoning this duty prescribed by Allah. Stoning is a duty laid down in Allah's Book for married men and women who commit adultery when proof is established, or if there is pregnancy, or a confession. [[Sahih Muslim 1691a](#)]

The phrase "Islamic scripture and Islamic law" contains two distinct components. Even if one were to grant, for the sake of argument, every objection raised concerning "scripture" the proposition also concerns the positive rulings of Islamic jurisprudence.

Before proceeding, it is necessary to define a key legal term central to the present discussion: *muhṣan*. The discussion may conveniently begin with the *Kuwaiti Encyclopedia of Islamic Jurisprudence* (الموسوعة الفقهية الكويتية), which provides the following concise legal definition of *muhṣan*:

«كون الإنسان بالغاً عاقلاً حراً مسلماً، دخل بامرأة في نكاح صحيح»

“That a person is an adult, sane, free, Muslim, and has consummated a valid marriage.”

معنى : الإحصان - الإحصان - الجمهرة

At [1:20:25](#), Arwa observes that most British Muslims follow the Ḥanafī school of jurisprudence. It therefore seems only fair to begin with one of the school's most authoritative

legal compilations: the *Fatāwā al-‘Ālamgīriyyah*. Commissioned by the Mughal Emperor Aurangzeb and compiled over approximately eight years by dozens of leading Ḥanafī jurists under the supervision of Shaykh Nizām al-Dīn Burhānpūrī, it served as the principal legal code of the Mughal Empire and remains a standard reference for classical Ḥanafī jurisprudence.

It says explicitly: “stoning is not required except for the muḥṣan, by consensus of the scholars,” and then goes on to say that if both parties are muḥṣan they are stoned, and if only one is muḥṣan then the muḥṣan is stoned while the other receives lashes. [ج2 - ص146 - كتاب الفتاوى](#)

[العالمكيرية الفتاوى الهندية - الباب الثالث في كيفية الحد وإقامته - المكتبة الشاملة](#)

Lest it be thought that this position is uniquely Ḥanafī, the remaining three Sunni schools of jurisprudence reach substantially similar conclusions:

For the Mālikīs, al-Bājī’s *al-Muntaqā Sharḥ al-Muwatta’* says that the type of iḥṣān that makes stoning obligatory is the one for which “the muḥṣan is stoned if he commits zinā.” [ج3 - ص331 -](#)

[كتاب المنتقى شرح الموطأ - الباب الأول في صفات المحسن - المكتبة الشاملة](#)

Then for the Shāfi’īs, the manual *al-Fiqh al-Manhajī* states plainly: “if he is muḥṣan, he is stoned to death; if he is not muḥṣan, he receives one hundred lashes and exile for a year.” It also describes the muḥṣan condition in the same section as the dividing line between stoning and non-stoning. [ج8 - ص61 - كتاب الفقه المنهجي على مذهب الإمام الشافعي - حكم ما يتبع الزنى اللواط ونحوه -](#)

[المكتبة الشاملة](#)

And finally, for the Ḥanbalīs, Ibn Qudāmah’s *al-Mughnī* says the rule is the “obligation of rajm for the muḥṣan adulterer” and then states that this is the view of the jurists generally across generations, with only the Khārijites as a noted exception. [ج9 - ص38 - كتاب المغني لابن](#)

[قدامة ط مكتبة القاهرة - الفصل الثالث على من يجب الرجم - المكتبة الشاملة](#)

Having established that the punishment itself is hardly a matter of controversy for 1), we may now descend into the equally cheerful question of how it was to be administered to women for 2)

Broadly speaking, the classical discussions describe two recognised procedures for the stoning of women: either a pit is dug up to the woman’s breasts (or chest), or she is wrapped securely in

ج 1 - ص 25 - كتاب تفسير سورة النور - صفة الرجم. [والفرق بين رجم الرجل والمرأة - المكتبة الشاملة](#)

The first of these was the one highlighted by the proposition. The basis for that position in the Islamic scriptural tradition is the following report:

Narrated Zakariya Abi 'Imran:

I heard an old man who transmitted from Abu Bakrah on this father's authority that the Prophet (ﷺ) had a woman stoned and a pit was dug up to her breasts.

Abu Dawud said: A man made me understand it from 'Uthman (b. Abi Shaibah)

Abu Dawud said: Al-Ghassani said: Juhainah, Ghamid and Bariq as the same.

حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ، حَدَّثَنَا وَكِيعُ بْنُ الْجَرَّاحِ، عَنْ زَكْرِيَّا أَبِي عِمْرَانَ، قَالَ سَمِعْتُ شَيْخًا، يُحَدِّثُ عَنِ ابْنِ أَبِي بَكْرَةَ، عَنْ أَبِيهِ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَجَمَ امْرَأَةً فَحَفَرَ لَهَا إِلَى التُّنْدُوءِ. قَالَ أَبُو دَاوُدَ أَفْهَمَنِي رَجُلٌ عَنْ عُثْمَانَ. قَالَ أَبُو دَاوُدَ قَالَ الْعَسَانِيُّ جُهَيْنَةُ وَغَامِدٌ وَبَارِقٌ وَاحِدٌ.

Grade: Authentic (al-Albani)

As for the second half of Arwa's challenge – namely, "Islamic law" – we need look no further than the Dorar Fiqh Encyclopaedia ([المَسْأَلَةُ الثَّانِيَّةُ: رَجْمُ الْمَرْأَةِ قَاعِدَةٌ - الموسوعة الفقهية - الدرر السنية](#)) and the entry on stoning a woman. It states: "تُرْجَمُ الْمَرْأَةُ قَاعِدَةٌ" and then explicitly attributes that ruling to the classical manuals of the four schools, giving the references: Sharh al-Wiqāya and Durr al-Ḥukkām for Ḥanafīs; al-Istidhkār and Ikmal al-Mu'lim for Mālikīs; Nihāyat al-Muḥtāj, Ḥāshiyat al-Bujayramī, and Sharḥ al-Nawawī 'alā Muslim for Shāfi'īs; and al-Mubdi' and Maṭālib al-nihāy for Ḥanbalīs.

Regarding those procedural variants mentioned above: «يُحْفَرُ لَهَا إِلَى ثَدْيِهَا، ثُمَّ تُرْجَمُ بَعْدَ ذَلِكَ» ("a pit is dug for her up to her breasts, then she is stoned") and «تُلْفُفُ فِي ثِيَابِهَا وَتُرْجَمُ» ("she is wrapped in her clothing and then stoned"): those details appear in the modern commentary by Muhammad al-Mukhtār al-Shinqīṭ.

The rationale is not left entirely to inference although it is not always made explicit. In its discussion of the Ḥanbalī position, the Dorar Fiqh Encyclopaedia states that "the woman is

made to sit because she is ‘awra, and sitting provides greater concealment for her." It adds that this is "to increase her concealment so that she does not become exposed."

Arwa Elrayess (2)

37:25 – “Ask any Muslim whether they believe ISIS is following Islamic scripture and you will find that no Muslim agrees that they are actually Islamic.”

Policy Exchange’s 2026 poll of 1,006 UK Muslim adults found that 16% had a favourable view of ISIS and 15% of al-Qaeda. Source: [Understanding-Islamopopulism .pdf](#)

Of course, likewise, the overwhelming majority of Arab Muslims do not believe that the tactics of ISIS are compatible with Islam. But “no Muslim” is still absurd. Populations that most perceive the actions of ISIS as Islamic are found in Palestine (9.0%), Algeria (9.4%), Lebanon (5.6%) and Tunisia (5.3%). Source: [What do Arab Muslims think about ISIS \(Daesh\)?](#)

Michael Doward (1)

57:33 - “You mentioned the verse in the Qur’an about prepubescent women being married. It’s not true... The word used for ‘Female’ in the Qur’an is used for ‘Women’. That ayah of the Qur’an was revealed because a man came to the prophet [asking] how do I divorce a woman if she does not have periods because she is past the age of period. She’s a mature woman. That’s what that was for.”

Again, let us treat this as two distinct claims:

- 1) The word used for ‘female’ in the relevant verse excludes minor girls
- 2) The verse was revealed because a man was asking about what should be done if a woman was past the age of period

1) is a linguistic remark. So what we should do is look at whether those who are academically trained think "Nisa" necessarily excludes minors. You need not trust my evaluation of what the various exegeses have to say about this. Let us use Marjin Van Putten’s. He is a Dutch historical

linguist and assistant professor at Leiden University who specialises in Quranic manuscripts, reading traditions and Arabic linguistic history and has widely published on Qur'anic manuscripts, the orthography and grammar of the Qur'an.

When evaluating the exegetes he says that: "The plain reading of nisā' is 'women' and it requires special pleading to compellingly argue that in this specific case it just refers to minors"

[Comment](#)

That is not to say that their arguments necessarily follow. But it is to say that to make an assertion with the conviction that Michael does is intellectually dishonest. Rather than speculate, let us now directly consult the major works of Qur'anic exegesis and see how they elucidate the verse.

Al-Tabari: (وَاللَّائِي لَمْ يَحِضْنَ) يقول: وكذلك عدد اللائي لم يحضن من الجواني لصغر إذا طلقهن) أزواجهن بعد الدخول

Translation: (And those who have not menstruated): Likewise is the waiting period of those who did not menstruate among the little girls due to being too young if their husbands divorced them after entering.

Qurtubi: قوله تعالى : واللائي لم يحضن يعني الصغيرة فعدتهن ثلاثة أشهر

Translation: The Almighty saying: What did not menstruate, meaning the little ones, their waiting period is three months

Ibn Kathir : (وكذا الصغار اللائي لم يبلغن سن الحيض أن عدتهن كعدة الأيسة ثلاثة أشهر ; ولهذا قال :) (واللائي لم يحضن)

Translation: As well as the young girls who did not reach the age of menstruation that their waiting period is the same as the old woman: Three months; That is why he said: (And the one who did not menstruate)

Baghawi: (واللائي لم يحضن) يعني الصغار اللائي لم يحضن فعدتهن أيضا ثلاثة أشهر)

Translation: (And the one who did not menstruate) means the young girls who did not menstruate, their waiting period is also three months.

Saadi: { وَاللَّائِي لَمْ يَحِضْنَ } أي: الصغار، اللاتي لم يأتهن الحيض بعد، و البالغات اللاتي لم يأتهن حيض بالكلية

Translation: {And the one who did not menstruate}, meaning: the young, who has not yet reached menstruation, and the adults who never menstruated

Now onto 2). Asbāb al-nuzūl is the branch of Islamic sciences that studies the specific historical events, questions, or problems that took place during the time of Prophet Muhammad which prompted the revelation of particular verses or chapters of the Qur'an. So let us look at the asbāb al-nuzūl material.

The most famous exegesis of this kind is of Wahidi's which was officially translated and funded by the Kingdom of Jordan and is hosted at their University. For 'Ali ibn Ahmad al-Wahidi (d. 468/1075), was the earliest known scholar of this branch of the Qur'anic sciences according to the [The Royal Islamic Strategic Studies Centre](#)

If we look at his commentary on the relevant verse (65:4):

“When the waiting period for divorced and widowed women was mentioned in Surah al-Baqarah, Ubayy ibn Ka'b said: ‘O Messenger of Allah, some women of Medina are saying: there are other women who have not been mentioned!’ He asked him: ‘And who are they?’

He said: ‘Those who are too young [such that they have not started menstruating yet], those who are too old [whose menstruation has stopped] and those who are pregnant’. And so this verse (And for such of your women as despair of menstruation...) was revealed”.

Asbab Al-Nuzul by Al-Wahidi , trans. Mokrane Guezzou © 2011 Royal Aal al-Bayt Institute for Islamic Thought, Amman, Jordan

[Altafsir.com - Quranic Science: Context of Revelation - \(للواحدي\)أسباب نزول آيات القرآن الكريم](#)

As Arwa reminded us: one must not cherry-pick.

Arwa Elrayess (3)

1:05:41 – “I’m certain that you are aware that there is an entire chapter in the Qur’an titled ‘O Disbelievers!’ The final line of that verse is ‘To you is your faith and to me is mine’ Are you aware of that chapter?”

There is an implication here that Qur’an 109:6 advances a doctrine of religious tolerance. As matters stand, however, that is a decidedly more complicated claim than she suggests. Classically, the verse was not usually read in that way. We shall again turn to six of the most influential exegeses on the verse:

- al-Ṭabarī reads “لَكُمْ دِينُكُمْ وَلِيَ دِينِ” as fixed separation, not tolerance: “your religion... is not something you will ever leave... and my religion... is something I will never leave,” because it has already been decreed in divine knowledge.
- al-Jalalayn glosses the verse as “الشرك” for “your religion” and “الإسلام” for “my religion,” then says: “هذا قبل أن يؤمر بالحرب” – “this was before he was commanded to wage war.” So the verse is framed as pre-war separation. Again, not an endorsement of enduring tolerance.
- al-Baghawī is even more direct: “وهذه الآية منسوخة بآية السيف” – “this verse is abrogated by the verse of the sword.” That is the opposite of reading 109:6 as a permanent rule of religious tolerance.
- al-Qurṭubī says the verse has “معنى التهديد” — “the meaning of threat,” adds that it was “before the command to fight,” and then says it was “نسخ بآية السيف” – abrogated by the verse of the sword. He also records an alternative view that the whole surah was abrogated, while another view says none of it was abrogated because it is a report. Even there, the dominant frame is not tolerance but threat/disavowal.
- Ibn Kathīr says “لَكُمْ دِينُكُمْ” means “الكفر” and “ولي دين” means “الإسلام,” and he quotes al-Bukhārī to that effect. He then gives readings that treat the verse as separation, negation, or emphasis; none of them turns it into a doctrine of religious pluralism.

It should be emphasised that this does not demonstrate that the Qur'an teaches religious compulsion. That conclusion does not follow, and it is not the one being argued. What it does demonstrate is that the interpretation advanced by Arwa is not the one that predominated in the classical Islamic tradition. Whatever one ultimately thinks of Qur'an 109:6, it cannot seriously be maintained that the early exegetes uniformly understood it as a timeless declaration of religious tolerance.

The appeal to modern scholarship fares little better. Contemporary academic opinion is itself divided. Richard Bell understands Sūrat al-Kāfirūn as "a declaration of complete severance from the old Arab religion" rather than a doctrine of religious tolerance (*The Qur'ān: Translated*, II, p. 682). Rudi Paret expresses much the same view. Yohanan Friedmann similarly discusses medieval exegetes who interpreted the verse as a threat directed at the polytheists rather than a licence for them to continue practising their religion (*Tolerance and Coercion in Islam*, p. 96). Whatever one ultimately makes of the verse, Arwa's reading cannot plausibly be presented as the settled scholarly position.

Moreover, Dr. Nicolai Sinai, Professor of Islamic Studies at the University of Oxford and Fellow of Pembroke College and the British Academy, takes the view that Qur'ān 2:193, 8:39, and 9:5 contradict the so-called "no compulsion" principle of 2:256. One of those verses, 9:5, is the one Oliver invokes in his speech before Arwa attempts, at [10:28](#), to dispose of it by appealing to context with considerable confidence. Sinai may well be mistaken; indeed, the view that the Qur'ān is opposed to religious compulsion remains entirely defensible, and may well be correct. Scholars such as M. Abdel-Haleem, Javad Hashmi, Patricia Crone, and Juan Cole have advanced precisely that reading. The point, however, is that this is far from settled. There are plainly highly qualified scholars who read the evidence differently, including those already mentioned here and others besides. One must therefore survey the material in full and decide which interpretation is ultimately more persuasive. But for Arwa to suggest that the solution is simply to read the verse immediately before and after it is, frankly, rather laughable. It is also somewhat disrespectful to the considerable body of scholarship devoted to the question. However, it is a rather efficient way of collecting an easy point against Oliver, who, it

should be said, is not especially well equipped to navigate the technical details of the verses he cites. And in fairness, he is not expected to be.

Arwa Elrayess (4)

1:16:50 - “Every major classical commentator across 1400 years agrees that it was about a very specific group of Arab tribes... it is dishonest to stand here and selectively quote and misrepresent and misquote... it has not and never been read by the scholarly tradition as a standing order for all Muslims in all centuries against everyone who does not share their faith. It has never been the case.”

We have already commented on the verse in question in Arwa Elrayess (3). She mentions the major commentators and how the verse has been read by the scholarly tradition. Of course when the traditional scholars interpret the Qur'an and then derive opinions from it, they normally do not start from a single verse in isolation; they read the text through several layers at once, including the Arabic language itself, the grammar and rhetoric of the wording, the immediate verses before and after it, the broader Qur'anic usage of the same terms, the chronology of revelation, whether the passage is Meccan or Medinan, the historical circumstances of revelation, the reports of *asbāb al-nuzūl*, whether a verse is general or specific, absolute or qualified, literal or figurative, command, permission, threat, or report, whether it has been restricted by another verse or by later legal development, the relationship between Qur'an and authentic hadith, the practice and explanations attributed to the Prophet and the Companions, the readings preserved in the canonical *qirā'āt*, the principles of *uṣūl al-fiqh* used to move from text to ruling, the degrees of certainty and ambiguity in the evidence, the way major classical commentators understood the passage, and the larger legal and theological framework in which the verse is placed.

That is an exercise requiring a level of expertise that neither Arwa nor I possess. We are therefore left to do what any sensible person should do: consult those who have devoted their lives to the subject. It goes without saying that what she offers is an unusually ambitious historical claim. It is not that "many scholars" held one view, or even that "most" did. We are

told that *every* major classical commentator across fourteen centuries agreed, and that the scholarly tradition *never* understood the verses in the manner suggested. Such a proposition is falsified by a single authoritative counterexample. The authorities below provide considerably more than that.

I urge you to read them thoroughly. Here are over *twenty*, fully referenced:

- Abu Hayyan al-Andalusi (1256 - 1344 AD, Zahiri), *Al-Bahr Al-Muhit* (2/246): “It is said: This refers to all Disbelievers; they have been ordered to fight them and kill them everywhere.” <https://shamela.ws/book/23591/904>
- Nizam al-Din Hasan al-Nisaburi (d. 1329 AD, Shafi'i), *Ghara'ib al-Quran* (1/593): “The word of the Most High: [Fighting is ordained for you]; the Prophet was not given permission to fight during his time in Mecca, but when He emigrated, He was given permission to fight those of the Idolaters who fought against him. Then He was given permission to fight the Idolaters in general, and finally Allah Most High made jihad an obligation <https://shamela.ws/book/23605/593>
- Burhan al-Din al-Marghinani (1135 - 1197 AD, Hanafi), *Al-Hidaya* (2/378): “Fighting the kuffar is wajib [obligatory], even if they do not initiate, due to the generality [of the verses].” <https://shamela.ws/book/11820/507>
- Abul Husayn al-Quduri (973 - 1037 AD, Hanafi), *Mukhtasar al-Quduri* (p. 231): “Fighting unbelievers is obligatory, even if they do not initiate it against us.” <https://shamela.ws/book/124336/221#p1>
- Imam at-Tarsusi (1321 - 1357 AD, Hanafi), *Tuhfah at-Tark fima Yajib an Ya'mal fi'l-Mulk* (p. 65): “Know that Jihad is Fard Kifayah [a collective obligation] in the absence of a general mobilization, otherwise it is Fard 'Ain [an individual obligation], and fighting the disbelievers is Wajib [obligatory], even if they do not initiate it.” <https://shamela.ws/book/1044/65>
- Ibn Atiyyah (1088 - 1148 AD, Maliki), *Al-Muharrar al-Wajiz* (1/263): “The word of the Most High: [And fight them until there is no more sedition]; this is a command to

fight all Idolaters everywhere, based on the view of those who take this to be abrogating. Those who take this to be non-abrogating say: The meaning is 'Fight those about whom Allah has said: [if they fight you]'. The first view is the clearest. This is an unrestrained command to fight, with no condition that the Disbelievers initiate it; evidence for this is His word: [and religion belongs to Allah]. 'Sedition' here is idolatry and the harm to the believers that it entails; Ibn 'Abbas, Qatada, Rabi', and Al-Suddi said this. And [religion] here is obedience and the law of Islam."

<https://shamela.ws/book/23603/263>

- Ibn Qayyim (1292 - 1350 AD, Hanbali), *Zad al-Ma'd* (3/64): "Then He enjoined fighting against all of the polytheists upon them. So it was forbidden, then it was permitted, then it was commanded for those who are attacked, then it was commanded against all of the polytheists — either Fard 'Ain or Fard Kifayah, according to what is generally accepted." <https://shamela.ws/book/21713/970>
- Ibn Juzayy al-Kalbi al-Andalusi (1294 - 1340 AD, Maliki), *Tafsir Ibn Juzayy* (1/113): "(Those who fight you) Fighting was not permissible in the beginning of Islam, then the command was given to fight the disbelievers who fought the Muslims but not those who didn't fight them, and that is obliged in this verse. But after, the command was given to fight all the disbelievers, in the speech of Allah: 'Fight the disbelievers all together' 'Kill them wherever you overtake them' [2:191] So this verse (2:190) is abrogated." <https://shamela.ws/book/23626/109>
- Akmal al-Din al-Babarti (1314 - 1384 AD, Hanafi), *Al-'Inayah Sharh al-Hidaya* (5/441): "Quran 2:191 'If they fight you then fight them' indicates that you can only fight the infidel if they fight you, but it has been abrogated, and the explanation is that Allah's Messenger was initially commanded to forbear and turn away from the polytheists, with His saying, 'forbear with a beautiful forbearance,' and 'turn away from the polytheists.' Then He commanded him to call to the religion with admonishment and disputation with goodness, with His saying, 'call unto the path of your Lord with wisdom.' Then he was permitted to fight when the initiation was from them, with His saying, 'it is permitted for those who fight' and with His saying, 'thus, if they fight you, then you fight them.' Then He commanded initiating fighting in some periods of time with His saying, 'thus, when the sacred months have passed, fight the polytheists [9:5]',

then He commanded initiating fighting absolutely; in all time periods and places, He said, 'and fight them until there be no fitnah [2:193]' and 'fight those who do not believe in Allah and the Last Day'." <https://shamela.ws/book/9403/2499>

- Fakhr al-Din al-Zayla'i (d. 1342 AD, Hanafi), *Tabyin al-Haqa'iq Sharh Kanz al-Daqa'iq* (3/241): "Then He commanded calling to the religion with admonishment and disputation with that which is better, Allah Most High said: 'Call unto the path of your Lord with wisdom and goodly admonishment, and dispute with them with that which is better' [16:125]. Then He commanded fighting when the initiation was from them with His saying Most High: 'Permission is given to those who fight because they have been wronged', meaning permission was given to them for defense. Then He commanded initiating fighting in some periods of time with His saying Most High: 'So when the sacred months have passed, fight the polytheists wherever you find them' [9:5]. Then initiating fighting absolutely in all time periods and in all places by His saying Most High: 'And fight them until there be no fitnah' [2:193] among other verses. For the Messenger of Allah besieged Ta'if when ten days remained in Muharram, and besieging is a form of fighting, so this indicates that the prohibition of fighting in the sacred months absolutely and besieging them is abrogated." <https://shamela.ws/book/23023/867>
- Al-Sarakhsi (d. 1090 AD, Hanafi), *Al-Mabsut* (10/2): "Know that the command for fighting was revealed in stages: the Messenger of Allah (peace be upon him) was initially commanded to forgive and turn away from the polytheists... then he was commanded to call to the religion with sincere advice... then Muslims were permitted to fight when the initiation came from the disbelievers... then he was commanded to initiate fighting outside the sacred months... then he was commanded to initiate fighting absolutely in every time and place." <https://shamela.ws/book/5423/2007>
- Ibn al-Nuhhas (d. 814 AH / 1411 AD, Shafi'i), *Mashari' al-Ashwaq ila Masari' al-Ushshaq* (p. 841): "Imam Abu Abdullah al-Haleemi in his book *Shu'ab al-Iman* says: The Prophet had different stages with the nonbelievers before jihad was prescribed... When a base was provided in Madinah and he settled in the land of migration, Allah Almighty commanded the believers to fight... Then they were instructed to fight whoever fights them... They were later on ordered to fight all the nonbelievers

surrounding them.

https://archive.org/details/ozaaloza_gmail_20130906/page/n853/mode/2up

- Ibn 'Abidin (1784 - 1836 AD, Hanafi), *Radd al-Muhtar* (4/121): “Jihad is calling to the religion of truth (i.e. Islam) and fighting whoever does not accept this call in reality.” <https://shamela.ws/book/21613/2252>
- Abu Bakr al-Jassas (917 - 981 AD, Hanafi), *Abkam al-Quran* (3/191): “We do not know of any of the jurists that prohibit fighting those who have abandoned fighting us from the polytheists.” <https://shamela.ws/book/23579/961>
- Ibn Hazm (994 - 1064 AD, Zahiri), *Al-Muhalla* (5/340): “Jihad is an obligation for Muslims, but whenever there are those who can carry it out, push back and attack the enemy within their own land, and protect the frontlines of the Muslims, the obligation is lifted from the rest; otherwise, it is not.” <https://shamela.ws/book/767/2037>
- Abu al-Layth al-Samarqandi (944 - 983 AD, Hanafi), *Bahr Al-Ulum* (2/39-40): “It is said that this verse: [Kill the Idolaters wherever you find them] abrogated 70 verses in the Quran about truces, covenants, and restraint...” <https://shamela.ws/book/23594/610>
- Ibn Rushd (1126 - 1198 AD, Maliki), *Bidayat al-Mujtahid* (2/144): “The jurists agreed, with respect to the people who are to be fought, that they are all of the polytheists, because of the words of the Exalted: 'And fight them until persecution is no more, and religion is all for Allah' [Quran 8:39]...” <https://shamela.ws/book/21739/390>
- Al-Haramayn al-Juwayni (d. 1085 AD, Shafi'i), *Mashari' al-Ashwaq* (p. 18): “I adopt the opinion of the scholars of usul. They stated that Jihad is a mandatory call and must be established according to the ability until none remains in the world but a Muslim or one who has submitted to Muslims.” <https://ia800202.us.archive.org/33/items/Msare31/Mashari.Al-Ashwaq.ila.Masari.Al-Ushaaq-English.Revised.Edition.pdf>

Note: Ibn al-Nahhās quotes al-Juwaynī here

- Ibn Khaldun (1332 - 1406 AD, Maliki), *Al-Muqaddimah* (1/287): “In the Muslim community, the holy war is a religious duty, because of the universalism of the (Muslim) mission and (the obligation to) convert everybody to Islam either by persuasion or by force.” <https://shamela.ws/book/12320/285>
- Ibn Hajar al-Haytami (1503 - 1566 AD, Shafi'i), *Al-I'lam bi Qawati' al-Islam* (p. 248): “There is no dispute between us and them that the original disbeliever, if the invitation (to Islam) reached him and he declined to respond (convert), and he fought with his hand or tongue, or even without fighting he is certainly to be killed.” <https://shamela.ws/book/13644/201>
- Al-Shawkani (1759 - 1834 AD), *Al-Sayl Al-Jarrar* (p. 867): “The polytheist, whether he fights or not, his blood is permissible to spill as long as he is a polytheist.” <https://shamela.ws/book/7342/948>

Either Arwa was unfamiliar with a significant portion of the classical tradition, in which case she spoke with a degree of confidence wholly disproportionate to the evidence, or she was aware of it and chose not to mention it. Neither possibility reflects particularly well on the argument she advanced. I must say that I am prepared to give her the benefit of the doubt and assume that this reflects unfamiliarity rather than deliberate misrepresentation. That is, after all, considerably more plausible for a PPE student than the alternative.

Arwa Elrayess (5)

1:20:17 – “The Hanafi school followed by most British Muslims – in fact most Muslims across the world – have long held that this only applies to those who leave Islam and wage war against communities. Wage war.”

Firstly, a minor point before turning to the substance. The Ḥanafī school is indeed the largest of the Sunni schools, but it is followed by a plurality rather than a majority of the world's Muslims. Saying “most Muslims” is therefore technically inaccurate. A small point, admittedly, but precision is generally preferable.

Secondly, it is rather strange that the discussion suddenly narrows from "Islam" to the Ḥanafī school. The motion before the House was not "This House Believes the West is Right to Be Suspicious of the Ḥanafī School" It concerned Islam. This is all the more strange given Arwa's own background. She has Palestinian and Algerian heritage and was raised in Qatar.

Traditionally, Palestinians have followed the Shāfiʿī school, Algerians the Mālikī school, and Qataris the Ḥanbalī school. In other words, the three schools whose positions are appreciably less helpful to her argument are those most historically associated with the societies from which she comes. One suspects that the appeal to the Ḥanafīs is driven less by representativeness than by expedience. Anyhow, if three of the four recognised schools maintain that the sane adult apostate is liable to death irrespective of whether he wages war, that fact cannot simply be brushed aside by appealing to the one school that is comparatively more restrained. That the positions occupy a perfectly orthodox place within the Islamic legal tradition is itself worrying.

Thirdly, she is incorrect.

Consider the [response](#) of Shaykh Ebrahim Desai, a contemporary Ḥanafī jurist recognised in the RISC's *The 500 Most Influential Muslims*. When confronted with citations advancing substantially the same claim as Arwa's, namely that the classical Ḥanafī school punished only apostates who waged war, his response was as follows:

"The punishment for apostasy in the case of a male in an Islamic country is death. This is clearly stated in many authentic and express Ahadith some of which we quote hereunder. There is no need to rely on any other interpretations after having clear and express Ahadith on the issue. The citations provided in the question are incorrect and in fact reflect academic manipulation and embezzlement. Furthermore, an apostate is availed of all facilities to remove misconceptions about Islam. If he still persists in apostasy, that is due to his arrogance."

In a nutshell, the position of the Hanafi school on the apostate is that the male is to be executed if attempts to make him repent and come back to Islam fail. The female apostate is to be imprisoned and regularly lashed from time to time until she either repents and returns to Islam, or dies. This is the opinion of Imam Abu Hanifah himself. The founder of the school of

thought she brings up! [*Imam Muhammad ibn al-Hassan ash-Shaybani, al-Asl, (Awqaf Qatar, Qatar; edited by Dr. Muhammad Bowaynokalen, 1st edition, 2012), Volume 4, p. 497* & *Abu Yusuf bin Ibrahim al-Ansari, ar-Radd ‘ala Siyar al Awzaa’i, (edited by Abu al-Wafa al-Afghani, 1st edition), p. 115]*

In fact ‘Ubaidullah bin al-Hussain bin Dalal al-Karkhi (340 A.H.) — a Hanafi, emphasised the very antithesis of the point Arwa contends that Hanafi scholars have “long held”:

“The killing of the apostate is not conditioned upon muharabah (i.e. warfare), nor display of corruption in Dar al-Islam” [*‘Ubaidullah bin al-Hussain bin Dalal al-Karkhi, Sharh Mukhtasar al-Karkhi li-Abi al-Hussain al-Quduri, (Imam Muhammad bin Saud University, Riyadh; edited by ‘Adil bin Abdullah bin Ahmad al-‘Abdul Qaadir, 1430 A.H.), p. 419]*

And if one is interested in whether or not there was a consensus amongst them...

Ali bin al-Hussain bin Sughdi (d. 461 A.H.) said that there is a consensus that the hadd of killing for the unrepentant male apostate is death [*Ali bin al-Hussain bin Sughdi, an-Nutaf fil-Fataawa, (ar-Risaala, Beirut; edited by Dr. Salah ud-Deen an-Naahi, 2nd edition, 1984), Volume 1, p. 689]*

Similarly, ‘Alaa ud-Deen Muhammad al-Asmandi (d. 552 A.H.) says that there is a consensus that apostates (male & unrepentant) must be killed [*Alaa ud-Deen Muhammad al-Asmandi, al-Meezan fil Usool al-Fiqh, p. 348]*

In fact, ‘Emad ud-Deen al-Ashforqaani (d. 646 A.H.) went as far as to say that due to them disbelieving in God after being guided to Islam, Jizya wouldn’t be accepted from apostates and it’s either the sword or Islam:

“The Jizyah is accepted from all of Ahlul Kitab (i.e. Jews and Christians), regardless of whether they are Arabs or non-Arabs, for it’s one of the means, which brings about an end to the fighting. It is not to be accepted from Arab polytheists, nor apostates. There is no disagreement regarding this matter. This is because their kufr has reached a repugnant level. As for the Arab polytheists, this is because the Prophet (peace be upon him) was raised amongst them and the Qur’an was revealed in their language. As for the apostate, it’s because he disbelieved in his Lord even after being guided to Islam and having seen its beauty. For both parties (i.e. Arab polytheists and apostates), the choices are either Islam or the sword.” [*‘Emad ud-Deen*

al-Ashforqaani, Sanwaan al-Qadaa' wa 'Inwaanul Iftaa', (Awqaaf Kuwait, Kuwait; edited by Mujahid al-Islam al-Qaasimi, 2nd edition, 2010), Volume 3, p. 114]

Other prominent Hanafi Jurists believed the same. Let me provide 14 more examples.

- 1) Imām Muḥammad ibn al-Ḥasan al-Shaybānī (d. 189 AH / 805 CE) – Riwāyat Muḥammad ibn al-Ḥasan al-Shaybānī (Dār al-Sunnah wa al-Sīrah, Mumbai, ed. Dr. Taqī al-Dīn al-Nadwī, 1st ed., 1992), Vol. 3, p. 372.
- 2) Abū Ja'far al-Ṭaḥāwī (d. 321 AH / 933 CE) – cited in Abū Bakr al-Jaṣṣāṣ, Sharḥ Mukhtaṣar al-Ṭaḥāwī (Dār al-Bashā'ir al-Islāmiyyah, Beirut, ed. Dr. Muḥammad 'Ubayd al-Dakhkhān, 1st ed., 2010), Vol. 6, p. 113.
- 3) Abū Maṣṣūr al-Māturīdī (d. 333 AH / 944 CE) – Ta'wīlāt Ahl al-Sunnah (al-Risālah, 1st ed., 2004, ed. Fāṭimah Yūsuf), Vol. 1, p. 515.
- 4) Abū Bakr al-Jaṣṣāṣ (d. 370 AH / 981 CE) – Mukhtaṣar Ikhtilāf al-Fuqahā' (Dār al-Bashā'ir al-Islāmiyyah, Beirut, ed. Dr. 'Abdullāh Naẓīr Aḥmad, 1st ed., 1995), Vol. 3, pp. 471–472, 501.
- 5) 'Alī ibn Muḥammad al-Bazdawī (d. 482 AH / 1089 CE) – Sharḥ al-Jāmi' al-Ṣaghīr li-l-Imām Muḥammad (Umm al-Qurā, Mecca, ed. Nāḍiyah bint 'Ābid al-Laḥyānī, 1430 AH), pp. 279–282.
- 6) Abū al-Qāsim Maḥmūd ibn 'Umar al-Zamakhsharī (d. 538 AH / 1144 CE) – Ru'ūs al-Masā'il al-Khilāfiyyah bayna al-Ḥanafīyyah wa al-Shāfi'iyyah (Dār al-Bashā'ir al-Islāmiyyah, Beirut, ed. 'Abdullāh Naẓīr Aḥmad, 2nd ed., 2007), p. 455.
- 7) Nāṣir al-Dīn al-Samarqandī (d. 556 AH / 1161 CE) – al-Fiqh al-Nāfi' (Maktabat al-'Ubaykān, Riyadh, ed. Dr. Ibrāhīm ibn Muḥammad al-'Abbūd, 1st ed., 2000), Vol. 3, p. 877.
- 8) 'Alī ibn Abī Bakr al-Marghīnānī (d. 593 AH / 1197 CE) – Bidāyat al-Mubtadī, p. 138.

- 9) ‘Abdullāh ibn Maḥmūd al-Mawṣilī al-Baldahī (d. 683 AH / 1284 CE) – al-Ikhtiyār li-Ta’līl al-Mukhtār (Dār al-Kutub al-‘Ilmiyyah, Beirut, commentary by Maḥmūd Abū Daqīqah, 1937), Vol. 4, p. 145.
- 10) Muẓaffar al-Dīn Aḥmad ibn ‘Alī al-Sā’atī (d. 694 AH / 1295 CE) – Majma‘ al-Baḥrayn wa Multaqā al-Nayyirayn (Dār al-Kutub al-‘Ilmiyyah, Beirut, ed. Ilyās Qablān, 1st ed., 2005), p. 816.
- 11) Jamāl al-Dīn ‘Abdullāh ibn Yūsuf al-Zayla‘ī (d. 762 AH / 1361 CE) – Naṣb al-Rāyah li-Aḥādīth al-Hidāyah (Dār al-Qiblah, Jeddah, ed. Muḥammad ‘Awwāmah), Vol. 3, pp. 456–461.
- 12) Badr al-Dīn al-‘Aynī (d. 855 AH / 1451 CE) – al-Bināyah fī Sharḥ al-Hidāyah (Dār al-Fikr, Beirut, 2nd ed., 1990), Vol. 6, pp. 697–698.
- 13) Zayn al-‘Ābidīn Ibn Nujaym (d. 970 AH / 1563 CE) – al-Ashbāh wa al-Naẓā’ir ‘alā Madhhab Abī Ḥanīfah, pp. 219, 445.
- 14) Qāsim al-Qūnawī (d. 978 AH / 1570 CE) – Qasim al-Qunuwee, Anees ul-Fuqaha, (edited by Dr. Yahya Murad), p. 67

Arwa Elrayess (6)

1:20:50 – “But if somebody were to mention the verse that supposedly enables violence against women, all that verse is hung on is one word in Arabic which commentators like yourselves have latched on to mean ‘beat them’... Major scholars do not interpret that word to mean the worst and harshest possible interpretation... The prophet said that he disliked men who hit their wives”

الرَّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَنَاطٌ حُفِظَتْ لِلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَاللَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَأَهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاصْرَبُوهُنَّ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا [Qur'an 4:34]

The word in question is ضرب. Arwa appears to suggest that it does not mean "to beat" at all, and it is difficult to understand her remarks otherwise. In ordinary English, after all, one can beat someone lightly; denying that the verse permits *harsh* beating is not the same as denying that it permits *physical* striking. She then adds that "major scholars do not interpret it as the worst and harshest possible interpretation." That is a different claim altogether. The first concerns the lexical meaning of ضرب; the second concerns the permissible degree of force. The two should not be conflated. By moving from one to the other without acknowledging the distinction, she equivocates between them. Classical scholars overwhelmingly rejected the former proposition whilst largely accepting the latter: they generally understood ضرب in Qur'an 4:34 to denote physical striking, but frequently qualified it as غير مبرح (*ghayr mubarriḥ*) – that is, non-severe and non-injurious.

Here we find five translations of the Qur'an for the word: ضرب: [Surat An-Nisa' \[4:34\] - The Noble Qur'an - القرآن الكريم](#)

- Sahih International: "strike them"
- Pickthall: "scourge them"
- Yusuf Ali: "beat them (lightly)"
- Dr. Shakir: "beat them"
- Muhsin Khan: "beat them (lightly, if it is useful)"

According to her, though, only commentators like Tommy Robinson translate it as "beat". Beating women sure, but only lightly. Just with a little stick. It won't hurt. Only to discipline them. Nothing to see here.

Then there is the oft-repeated claim that the Prophet said he disliked men who beat their wives. Since Arwa herself cautioned against selective quotation, the full report should be used. The relevant Hadith is Hadith 2141 found in Book 11 of the Sunan Abu Dawud Collection:

Iyas ibn Abdullah ibn Abu Dhubab reported the Messenger of Allah as saying: Do not beat Allah's handmaidens, but when Umar came to the Messenger of Allah and said: Women have become emboldened towards their husbands, he (the Prophet) gave permission to beat them. Then many women came round the family of the Messenger of Allah complaining against their husbands. So the Messenger of Allah said: Many women have gone round Muhammad's family complaining against their husbands. They (those husbands who take to beating their wives) are not the best among you.

Grade: Authentic (Al-Albani)

A fascinating standard of moral excellence.

Arwa Elrayess (7)

1:21:40 – “The claim that she was six at marriage and nine at consummation. Except what they don’t tell you is that the source who provided that recollection is not seen as concretely reliable. That the author of one of the earliest and most revered collections of Hadith and Islamic Law, Imam Malik, did not accept this narrator’s report and that various reconstructions, including from the Yaqeen Institute put her age as far, far older.”

There are three claims to investigate here:

- 1) “The source who provided that recollection is not seen as concretely reliable”
- 2) “That the author of one of the earliest and most revered collections of Hadith and Islamic Law, Imam Malik, did not accept this narrator’s report”
- 3) “Various reconstructions, including from the Yaqeen Institute put her age as far, far older.”

Let us begin with 1) She clearly implies that there is only one source who provides the recollection. The person she is talking about is Hishām ibn ‘Urwah.

One recension of the Aisha-age report comes through Hishām ibn ‘Urwah in Muslim 1422b, but another comes through al-A‘mash → Ibrāhīm → al-Aswad → ‘Aisha in 1422d. And a separate version in the same cluster comes through al-Zuhrī → ‘Urwah → ‘Aisha in 1422c. Those are separate isnāds in the same hadith cluster. So the implications that it all comes from Hisham is false as a matter of hadith transmission in Muslim’s collection.

As far as 2) is concerned, I guess so? In the standard rijāl material on Hishām, Ibn Hajar quotes Ibn Khirāsh saying: “Mālik did not approve of him... I was told that Mālik took issue with his ḥadīth among the people of Iraq” and then gives a sequence in which Hishām’s wording appears to loosen over three Iraqi visits [هشام بن عروة بن الزبير بن العوام - المكتبة الشاملة](#)

What I do wish to examine, however, is Imam Mālik's *al-Muwattaʿa*. Arwa herself characterises it as "one of the earliest and most revered collections of hadith." It follows, however, that one cannot invoke its authority when it is convenient and quietly avert one's gaze when it is not. If *al-Muwattaʿa* is representative enough to commend, it is representative enough to scrutinise. With that in mind, consider the following two reports. [Hudud - Muwatta Malik - Sunnah.com](#)
[- Sayings and Teachings of Prophet Muhammad \(صلى الله عليه وسلم\)](#)

- Malik related to me from Yaqub ibn Zayd ibn Talha from his father Zayd ibn Talha that Abdullah ibn Abi Mulayka informed him that a woman came to the Messenger of Allah, may Allah bless him and grant him peace, and informed him that she had committed adultery and was pregnant. The Messenger of Allah, may Allah bless him and grant him peace, said to her, "Go away until you give birth." When she had given birth, she came to him. The Messenger of Allah, may Allah bless him and grant him peace, said to her, "Go away until you have suckled and weaned the baby." When she had weaned the baby, she came to him. He said, "Go and entrust the baby to someone."

She entrusted the baby to someone and then came to him. He gave the order and she was stoned. [Book 41, Hadith 5]

- Malik related to me from Nafi that Abdullah ibn Umar said, "The Jews came to the Messenger of Allah, may Allah bless him and grant him peace, and mentioned to him that a man and woman from among them had committed adultery. The Messenger of Allah, may Allah bless him and grant him peace, asked them, 'What do you find in the Torah about stoning?' They said, 'We make their wrong actions known and flog them.' Abdullah ibn Salam said, 'You have lied! It has stoning for it, so bring the Torah.' They spread it out and one of them placed his hand over the ayat of stoning. Then he read what was before it and what was after it. Abdullah ibn Salam told him to lift his hand. He lifted his hand and there was the ayat of stoning. They said, 'He has spoken the truth, Muhammad. The ayat of stoning is in it.' So the Messenger of Allah, may Allah bless him and grant him peace, gave the order and they were stoned . "Abdullah ibn Umar added, "I saw the man leaning over the woman to protect her from the stones." Malik commented, "By leaning he meant throwing himself over her so that the stones fell on him." [Book 41, Hadith 1]

The first report ends with a woman surrendering her child before returning to be stoned to death. The second concludes with a man attempting, in his final moments, to shield the woman beside him from the stones by throwing himself over her body. One need not embellish either narration for they are sufficiently arresting on their own. These are among the reports preserved in *al-Muwatta'*, the very collection Arwa described as "one of the earliest and most revered" within the Islamic tradition.

Earlier in the debate, Arwa was emphatic that ISIS's actions do not represent Islam when the subject of stoning arose. Yet, later in the same debate, she appealed to the authority of Imam Mālik – a scholar whose collection preserves the prophetic traditions upon which the classical doctrine of stoning was built. Hilarious.

Now onto 3) The Yaqeen Institute that she mentions was founded by Dr. Omar Suleiman. He is also the President of the Institute. Here is what he says (transcribed verbatim) in a lecture

titled [Ending the Debate on Aisha \(ra\)'s Age](#) (at around minute 53) uploaded by the Yaqeen Institute Youtube Channel that has 2.45 million subscribers, which was a conclusion to a 4-paper collection titled "More Than Just a Number: Perspectives on the Age of Aisha (ra)" that the Yaqeen Institute published:

“We presented this, you know, this collection Alhamdulillah, where we had four essays – four publications on the age of Aisha addressing it from different angles and someone says ‘well, you know, there is one publication which we allow’ and someone says ‘well, what about the opinion that she was older, what if she was actually much older than we think and we just didn’t know better?’ right and I actually want to address that for a moment. First of all, let’s acknowledge that the desire to accept an opinion that she was actually much older, okay, is not grounded in reality – but grounded in our own insecurities and how much we always want to ward off any criticism about our faith, right, even if that means accepting opinions that are minor and sometimes even outright dishonest... but nonetheless it’s a minority contemporary view that arises out of implicit evidence against explicit evidence to the contrary”

For those who want the short answer from a secular, historical-critical perspective: no, she was not six or nine, whatever apologetics, polemics, or Arwa’s appeal to “various reconstructions” may say to the contrary.

Really, all one needs here is Dr. Joshua Little’s doctoral thesis he wrote specifically on this topic for his DPhil in Asian & Middle Eastern Studies from the University of Oxford. Here is an excerpt from the conclusion of the dissertation:

“given the conditions of Hijazian society at the time, it is highly unlikely that ‘Ā’ishah or anyone else would have—or even could have— known her age at the time of her marriage, especially decades after the event. On the basis of general historical probability, it is more likely that ‘Ā’ishah’s marriage was consummated when she was twelve-to-fourteen years old, if not older, although, as with so many other aspects of early Islamic history, there is currently no way to know for sure.”

That said, intellectual consistency demands that the same historical-critical methodology be applied across the board. Once that is done, orthodox Sunni – and Shī‘ī – Islam begins to occupy rather less comfortable territory.

Arwa Elrayess (8)

[1:22:32](#) – “I do not understand why it is so difficult for Proposition to wrap their heads around this. People can take any text and they can misinterpret it and they can misapply it and they can believe that what they’re doing is Islamic. They can believe that what they are doing is Islamic and with accordance with Islamic principles. I am asking you to scrutinise Islam and its teachings.”

Alright. Let us scrutinise Islam and its teachings. One hopes that one can wrap our head around it.

For context, she was replying to Jonathan Sacerdoti’s point of information regarding the permissibility of marriage of children in Shari’ah Law.

Let us begin to assess her claim with an overview from Mashood Baderin. He is a Professor at SOAS, University of London who specialises in Islamic Law and who is in fact the author of ‘Islamic Law: A Very Short Introduction’ which is part of Oxford University Press’s own ‘Very Short Introduction’ series.

He says:

“The majority classical view, held by the Hanafī, Mālikī, Shāfi’ī, Hanbalī and Ithnā Asharī schools of Islamic jurisprudence is that marriage of minors is permissible and may be contracted by the father or guardian acting in the minor’s best interest.

<https://lawsblog.london.ac.uk/2018/04/23/marriage-of-minors-under-islamic-law-between-classical-jurisprudence-and-modern-legislative-reforms-part-1/>

Now let us look at the primary material and the fatwas (legal rulings) from each of the four Sunni schools of thought. For as we have witnessed, Arwa is fond of making a distinction.

From al-‘Umda fi ‘l-fiqh, page 201 (Hanbali law manual):

“The father is entitled to give his minor children, male and female, and his virgin daughters, in marriage without their consent. In the case of the adult virgin, seeking her consent is recommended.”

From al-Risala, 32.2a. (Maliki law manual):

“A father can arrange the marriage of his virgin daughter without her permission even if she is beyond the age of puberty. It is up to him whether he consults her or not.”

From the Mukhtasar al-Quduri (Hanafi law manual):

“If the father, or grandfather, marries them off, then there is no option for them after attaining the age of majority, but if someone other than the father or the grandfather marries them off, then each one of the two has an option: 1. If he/she wants, he/she may remain in the marriage, or 2. If he/she wants, he/she may repudiate [it].”

From Reliance of the Traveler, page 522 (Shafi’i law manual):

“Guardians are of two types, those who may compel their female charges to marry someone, and those who may not. (1) The only guardians who may compel their charge

to marry are a virgin bride's father or father's father, compel meaning to marry her to a suitable match (def: m4) without her consent.”

Citations are not particularly convincing. Here is a picture of the manual open at the relevant page: [Reliance of the Traveler.jpg \(3024×4032\)](#)

Perchance, the matter was disputed?

Ibn Qudaamah (may Allaah have mercy on him) said: With regard to a virgin who is still a minor, there is no difference of opinion concerning her (i.e., that her father may marry her off even if she objects) and Ibn al-Mundhir said: Every scholar from whom we learned was agreed that it is permissible for a man to marry off his virgin daughter who is still a minor, if he marries her to someone who is compatible, and it is permissible for him to marry her off even if she objects and refuses.” [Al-Mughni, 9/398]

Furthermore, there is a Consensus (i.e. Ijma) upon it among all the Salaf (i.e. early generations of Muslims): <https://islamqa.info/en/12708>

“Marriage to a young girl before she reaches puberty is permissible according to sharee’ah, and it was narrated that there was scholarly consensus on this point (i.e. All jurists along with 4 Imams agree upon it) ... The scholars are (also) unanimously agreed (Ijma) that a father may marry off his young (minor) daughter without consulting her.”

And now there is only room to go one step further. And that is to show that the consensus (on whether a father can wed his minor daughter) existed among the companions of the prophet too...

The consensus was transmitted on the permissibility of a father marrying off the minor Virgin girl – at least the consensus of the Companions – and among those who transmitted the consensus were: Imam Ahmad in “Al-Masseel” – riwayat salih – (3/129) and Al-Marwazi in “aikhtilaf al-ulama” (p. 125), and Ibn Al-Mundhir in “al-ijma” (p. 91) and Ibn Abd al-Barr in

“Al-Tamheed”, al-Baghawi in “Sharh al-Sunnah” (9/37), al-Nawawi in “Sharh Muslim” (9/206), Ibn Hajar in “Al-Fath” (12/27), and al-Baji in “Al-Muntaqa” (3/272), Ibn al-Arabi in “Ardah al-Ahwadhi” (5/25), and al-Shinqiti in “Mawahib al-Jaleel” (3/27). [Page 349 - Archive of the Ahl al-Hadith Forum - The Marriage of the Little - The Modern Comprehensive Library](#)

Arwa Elrayess (9)

[1:23:37](#) – Firstly, on the authenticity of the treaty with the Christians of Yemen. In [Prophet’s Treaty with the Christians of Najran: An Analytical Study to Determine the Authenticity of the Covenants | Journal of Islamic Studies | Oxford Academic](#) Ahmed El-Wakil states that “These texts have generally been dismissed as forgeries or of dubious origins, alike by Muslim and Christian Scholars”. Although he does go on to argue for the (rather restricted) claim that a categorical dismissal of these as forgeries is no longer tenable, Arwa’s pseudo-factual account is misleading.

[1:23:44](#) – Secondly, the saying “No Arab has precedence over a non-Arab save through piety (لَا فَضْلَ لِعَرَبِيٍّ عَلَى أَعْجَمِيٍّ إِلَّا بِالتَّقْوَى)” is interpolated, spurious, and does not appear in the earliest versions of the speech” according to Sean Anthony, a historian specialising in the areas of Quranic studies, early Islam and Late Antiquity, and Classical Arabic literature; Professor in the Department of Near Eastern and South Asian Languages and Cultures at Ohio State University. He notes that Qur’an 49:13 expresses this idea anyway but what Arwa was discussing here were the actions and sayings of the Prophet. [Thread by @shahanSean on Thread Reader App – Thread Reader App](#)

Abdullah al Andalusi (1)

[1:54:04](#) – “It was said ‘doesn’t Islam say you must kill gays, people who are homosexual’ no it doesn’t – not in a single verse; not in a single Hadith”

Let us read the following verse:

“And (remember) Lut (Lot), when he said to his people: ‘Do you commit the worst sin such as none preceding you has committed in the ‘Alamin (mankind and jinn)? ‘Verily, you practice your lusts on men instead of women. Nay, but you are a people transgressing beyond bounds (by committing great sins).’ [al-A’raf 7:80]

And the following Hadith:

Al-Tirmidhi (1456), Abu Dawud (4462) and Ibn Majah (2561) narrated that Ibn ‘Abbas (may Allah be pleased with him) said: The Messenger of Allah (peace and blessings of Allah be upon him) said: “Whoever you find doing the action of the people of Lut, execute the one who does it and the one to whom it is done.” (Classed as sahih by al-Albani in Sahih al-Tirmidhi)

This is fairly straightforward, no? One finds that the Companions (of the Prophet) unanimously agreed on the execution of (practicing) homosexuals.

One such mention of a consensus is from Shaykh al-Islam Ibn Taymiyyah. Who, funnily enough, Abdullah quotes five minutes later to wrap up his speech ([1:59:45](#)):

“With regard to homosexuality, some of the scholars said that the punishment for it is the same as the punishment for zina, and it was said that it is less than that. But the correct view on which the Companions were unanimously agreed is that both are to be killed, the active and the passive partners, whether they are married or not.

Source: Taymiyyah's *Majmū‘ al-Fatāwā*, vol. 34 in the section titled “مسألة الفاعل والمفعول به بعد”
”إدراكهما ما يجب عليهما وما يطهرهما

Before someone makes an Arwa-style “But the Hanafi school” counter: yes, the main position in the Hanafi school of law for many centuries was that someone convicted of sodomy was not

executed but only given a milder punishment. But the other three Sunni schools of law did consider sodomy to be a death-penalty offense. This disagreement exists because of how different schools of thought in the Shariah weighed evidence from the Quran and the Prophet's precedent and how they interpreted it.

Needless to say, if three of the four recognised Sunni schools of jurisprudence – schools all regarded as equally legitimate within orthodox Sunni Islam – conclude that a man who engages in same-sex intercourse is liable to execution, that is hardly an inconsequential disagreement. Nor is it a fringe opinion that can simply be dismissed as an eccentric reading of the sources. It occupied, and continues to occupy, a perfectly orthodox place within the Sunni legal tradition.

The focus here is on Sunni Islam because it constitutes the overwhelming majority of the Muslim world – roughly 87-90% globally – and approximately 95% of British Muslims according to the [Office for National Statistics](#)

And if anyone brings up witnesses: the question we are concerned with is 'What does the law permit the state to do if the offence is established?' and not 'How difficult is it to establish the offence?'.

Abdullah al Andalusi (2)

2:03:14 – “Well, firstly, the example of the Prophet Muhammad was that he had a neighbour who was a woman who hated him, hated his message. And every day he'd come out, when he'd come back, she'd throw rubbish on his head. And he didn't do anything to her except there was one day when he came back and the woman didn't throw rubbish on his head. And what did he do? He went to her door, knocked on it, she opened it, and she was shocked to see him there. And he said, 'Are you okay? I noticed that you didn't throw rubbish on my head, so I was concerned about you.' And she said, 'No one in all of the town has come to see me because I'm ill except you.' And then she embraced Islam. She was amazed at the person's morals.”

Literally just made-up. No no, I'm not doubting the historicity of the Islamic tradition. I mean, like, it isn't even found in the Islamic literature. There is quite literally no basis for this specific incident in the books of hadeeth or works of prophetic biography. It's a famous tale. Ones that people just tell each other with no source provided. You know, the stuff your mum tells you during bed-time and then you tell your friend at school and they, for some odd reason never forget, and grow up and share it in a speech in a room full of Oxford students – and so on and so forth.

Perhaps that is the recommended way to learn about Islam.

**“Please check the facts after this – everyone here
in the chamber is more than free to do so”**

[1:28:20](#)