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IDEAS, IDEOLOGY, AND THE
ROOTS OF THE ISLAMIC STATE

ABSTRACT: The ideals that gave rise to Daesh are not so much those of pre-modern Sunni Islam, including Salafism, as they are the ideals that post-colonial Arab states have propagated since the collapse of the Ottoman Empire. In contravention to long-established ideals of Islamic law, post-colonial Arab states have attempted to legitimate their own despotisms through a formal commitment to a certain kind of Islamic normativity. Inasmuch as Islam provides a ready political discourse to resist despotism, it is unsurprising that pan-Arab “Islamist” movements have made resistance to despotism their central concern. Daesh, however, rejects the anti-despotic politics of modern pan-Arab and “Islamist” political movements and instead offers a despotic and apocalyptic religious conception of the political that is as far from the Sunni mainstream as the political despotisms of the post-colonial Arab states. In this respect, there is a deep synergy between Daesh and the despotisms of the modern Arab state, both of which portray themselves as the only alternative to the murderous tyranny of the other. The only long-term solution to Daesh, therefore, is reform of the despotisms of the post-colonial Arab states.

Keywords: caliphate; Daesh; despotism; Islamic law; Islamic modernism; Islamic reform; Jihadist Salafism; post-colonial Arab states; ‘Abd al-Razzāq al-Sanhūrī.

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I would like to thank *Critical Review* for inviting me to comment on Graeme Wood's *The Way of the Strangers: Encounters with the Islamic State* (Wood 2017). The invitation emphasized the journal's general interest in "the role of ideas as causal forces in political action," and, more specifically, in whether Daesh's political ideology could have an enduring influence on other Islamic-oriented political movements that hail from a Salafist background, such as al-Qaeda, or perhaps a yet-to-be-born new political movement. Wood, in the conclusion to his book, suggests this very possibility, insofar as he argues that Daesh is able to take advantage of chaos and criminality, wherever they may be found, to establish footholds for itself and its fellow-travelers. Given the extent of misrule and corruption in much of the Muslim world and elsewhere, it may very well be that fighting Daesh is a game of whack-a-mole: strike it down in the Levant, it shows up in sub-Saharan Africa; defeat it there, it shows up in Southeast Asia. To make things worse, Wood suggests that the spread of Salafism throughout the world guarantees that there is a ready (even if only passive at most times) constituency—a kind of dormant *potential* army for Daesh—that can be activated in the proper circumstances.

However, the very fact that Daesh's political ideology can only take root in a political environment already suffering from profound political disorder weakens or even undermines the claim that ideology is a significant independent variable explaining its spread. Indeed, and despite the grotesque violence Daesh displayed in Iraq and Syria, the fact that its most ardent supporters from the developed world—those who served as Wood's interlocutors—seemed to project their own, pre-Daesh political utopias onto the actual project of Daesh suggests that details of actual political ideology are not relevant in explaining its ability to attract adherents, particularly when they live far from the battlefields in which Daesh wages war or has established its self-proclaimed caliphate. What seems to have been crucial in winning over people such as Musa Cerantonio, John Georgelas, and Anjem Chaudary is the willingness of Daesh to flout the common norms of global civilization. Daesh's brazenness in flouting international conventions renders it, at least in the eyes of those inclined to follow utopian politics, a plausible vehicle for utopian transformation. Even if they may have grave doubts about the particulars of Daesh's method, they may very well believe that Daesh's savage violence is necessary to undo the corruption and hypocrisy of the international order.

Despite all the handwringing and concern about Daesh's ability to recruit transnationally, including among Westerners (who are the primary subjects of Wood's book), Daesh would not have achieved what it had if it depended exclusively, or even largely, on transnational recruits. It was only able to succeed, to the extent that it did, because it was able to attract substantial support from locals. For this reason, I am not persuaded that the ideology of Daesh is particularly important, at least not when weighed against other ideological and non-ideological factors that may have contributed to its initial successes.

The Arab States' Legitimacy Crisis

The fact that I don't consider the particulars of Daesh's ideology to be crucial, however, does not mean that I think ideology is irrelevant. To the contrary. The phenomenon of Daesh, and that of al-Qaeda before it, are evidence of a grave crisis of legitimacy in Muslim-majority states, one that is felt most acutely in the Arab world. It is only because of this legitimacy crisis that movements like Daesh can gain traction. Accordingly, the ideas that matter in understanding Daesh, in my opinion, are not so much its own but those of its principal opponents, the Arab states and their defenders.

The existing Arab states, viewed as juridical entities, are the products of colonialism, and with the exception of Morocco, are successor states to the Ottoman Empire, either directly or indirectly.¹ The post-World War II history of these states has been characterized by unresolved conflicts between the promotion of local nationalisms—political projects centered on the post-colonial state as the primary source of political identity for its citizens—and the promotion of trans-national Arab and Muslim identities. Indeed, given the pre-colonial histories of the post-colonial Arab states, it is hard to imagine how it would be possible to construct successful *local* nationalisms, given the fact that the constituent elements of local identity—language, religion, history, and even national law²—are not in any meaningful sense particular. Local nationalisms have therefore lived alongside transnational political identities that pre-date the post-colonial Arab state, particularly pan-Arabism and pan-Islamism.³

While Islamic political ideals can be reconciled with multiple nation-states, it is very difficult to do the same with autocratic rule. And this, I believe, is why there is a reservoir of potential recruits to Daesh and other pan-Islamic political projects.

Origins of the Crisis

The political ideals of Sunnī Islam were worked out over the course of several centuries in connection with questions of succession that faced the Muslim community upon the death of the Prophet Muḥammad. As is well known, Sunnis insisted that the question of succession to the Prophet could only be resolved by the choice (*ikhtiyār*) of the community. The Sunnī theory of succession contrasted with what came to be the alternative theory of the Shīʿa. The Shīʿa came to believe that God had designated a series of successors, known as Imams, from among the male descendants of the Prophet Muḥammad through his daughter Fāṭima. The Sunnīs called the successor to the Prophet Muhammad a caliph (*khalīfa* in Arabic), a word that means “representative” or “delegate.” But the caliph did not act as a representative of the Prophet Muḥammad, at least not with respect to his prophetic functions, for these came to an end with the Prophet’s death; rather, he was the successor of the Prophet solely in the latter’s capacity as the head of the Muslim polity. For that reason, Sunnī jurists understood the caliph not to be a representative of God, but rather a representative of the Muslim community, who acted pursuant to the authority granted to him by the Muslim community and who was authorized to use that authority only for its benefit. The operative term for the relationship between the ruler and the ruled was *wilāya*, a term that bears meanings such as closeness, care, friendship, and support. It was also a term that incorporated reciprocal rights and duties. The caliph was obliged to exercise his authority for the benefit of the community, and the community had the right to require the caliph and other public officials to use the authority delegated to them to that end. Likewise, the caliph had the right to command obedience when he exercised his authority in conformity with the law, and the community had a duty to obey when he acted lawfully.⁴

In contrast to Sunnī Islam’s reciprocal notion of legitimacy mediated through Islamic law, post-colonial Arab states have adopted an Austinian conception of sovereignty as their most significant constitutional concept. Without reducing political theory to philology, it is not insignificant that in place of *wilāya*, post-colonial Arab states place *siyāda* at the center of their legitimating discourse. “*Siyāda*” is derived from the verb to dominate, to be a master, and its paradigmatic manifestation is the master-slave relationship, the master being called “*sayyid*.” The master, unlike a

walī (a person exercising *wilāya*), is free to use the slave for his own ends. Thus, the Arab states have adopted a conception of sovereignty that frees the state from any source of legitimacy superior to its own will. The post-colonial Arab state, to put it bluntly, is a normatively despotic state, with its adherence to any set of legal norms—Islamic, liberal, or otherwise—purely at its own discretion.

Mainstream modern Islamic political thought, beginning in the latter half of the nineteenth century, made resistance to despotism one of its central concerns. For the writers in this tradition, despotism was the principal cause of Arab backwardness and political weakness; the replacement of despotism with constitutional government was crucial to securing political freedom and civilizational progress. While the content of constitutional government was certainly to be informed by Islamic law, such reformers also called for Islamic legal reforms that would transcend what they believed was an ossified, formalistic approach to Islamic law that rendered it unsuitable for modern governance. They were also not opposed to non-Islamic law, so long as that law was deemed generally compatible with Islam and consistent with the public good of Muslim communities. Despotism, according to these Muslim reformers, had to be resisted in three different guises. The first was the domestic despot, who wished to rule without any kind of normative restraints. The second was the foreign colonizer, who wished to deny Arab and Muslim peoples an authentic opportunity for self-government. The third were traditionalist religious scholars who were unwilling to revise historically contingent doctrines in light of the changed circumstances of modernity, particularly doctrines that had the effect of licensing political despotism.

A century after the demise of the Ottoman Empire, the Arab world is no closer to achieving those goals than it was at the conclusion of World War I. With the possible exception of Tunisia (the stability of whose democracy is very much open to doubt), Arab states suffer from the same three sources of despotism: rulers unwilling to share power meaningfully with their citizens; one-sided relations with foreign powers that effectively deprive Arab states of meaningful independence; and an established religious class willing to support despots who, in turn, support them as the official interpreters of Islam. Given the depth of despotism in the Arab world, it should not be surprising that Arab states perform so poorly in terms of human development.⁵

One of the ironies of the modern Arab state is that it wishes to appropriate many of the achievements of Islamic reformism in particular areas of substantive law, such as family and commercial law, while refusing to accede to its demands for accountability, rule of law, and popular participation in governance.⁶ Yet the architect of modern Arab civil law, the Egyptian jurist ‘Abd al-Razzāq al-Sanhūrī, envisioned his reforms as creating a modern system of Islamic law that was non-theological while being organically tied to the legal history of the Muslim and non-Muslim peoples of the Near East and the Islamic East. He saw his project of legal modernization as a necessary step for the integration of soon-to-be-independent Muslim-majority states into a modern caliphate that would fulfill Muslims’ aspirations for political solidarity without denying the particularities of the various Muslim peoples or giving free reign to ethnic nationalism. Writing after World War I, Sanhūrī saw this pan-Islamic project as creating an Oriental “League of Nations” that would co-exist with, but not supplant, non-Islamic international law. Unlike the actual International Court of Justice, Sanhūrī suggested that submission to the jurisdiction of an Islamic international court of justice should be a condition for admission into his Oriental League of Nations.⁷ Sanhūrī’s conception of a modernized Islamic law, therefore, was not licentious but sought to reconcile independence with the rule of law and accountable and limited government.

The Symbiosis of Arab States and the Islamic State

Because Arab states refuse to democratize their public orders, they have a palpable need for movements like Daesh. Daesh’s existence gives tangible evidence for their claim that there are only two choices in the Arab world: despotism or chaos. We should of course be interested in Daesh’s political thought and its theology. But we should be more concerned with the political ideas and theologies of the powerful, namely those that sustain Arab despotism.⁸ This includes not only the ideas propagated by the despots themselves but by those in the West who oppose any form of pan-Arabism or pan-Islamism. We should also be interested in the theological roots of Western support for Zionism, despite the costs Zionism imposes on Palestinians, costs which would be intolerable if Palestinians had been white European Christians. By broadening our area of concern, we avoid repeating the cliché that Islam needs a reformation. The inability to make alternative Islamic visions of public order that mediate between Islam and

modernity is not for a want of ideas but of will: the will to create non-despotic regimes on the part of Arab political elites, often with the explicit or implicit backing of foreign powers.

The work of Sanhūrī and other Islamic reformers could have offered a path to modernity for the Arab world, and perhaps the larger Islamic world, including a vision of the caliphate that would have been broadly consistent with modernity. However, by selectively implementing some aims of Islamic reformism, but rejecting its overall political project, Arab states have undermined the moral integrity of Islamic modernism in the eyes of many Muslims, who have come to see it as a licentious project intended to displace Islamic norms with non-Islamic ones. On the other hand, by maintaining their alliance with traditional religious elites, Arab states reserve for religion only a censorial role in policing the private morality of the public, even as Arab elites exempt themselves from these restrictions. Is it all that surprising, given these realities, including the brutal suppression of the Arab Spring in Egypt and Syria, that Islamic apocalypticism can take root?

Ideational Causes and Intellectual History

There are a couple of specific observations I would like to make about the book. It is strongest in its portraits of individual ideologues. I would recommend this book wholeheartedly for anyone interested in the psychology of Muslim Salafi-jihadists. Unsurprisingly, however, Wood's analysis of the genealogy of certain ideas and their relationship to Islamic theology and law is weak. The book would have been greatly improved had it not attempted to engage in Islamic intellectual history, as Wood's approach is to seek villains there. It borders on the preposterous to blame Ibn Taymiyya, or even the twentieth-century Muslim ideologue Sayyid Qutb, for the violence of Daesh. This reinforces the bogus view that the problems in the Arab and Muslim worlds are primarily theological rather than political, leads to absurd attempts at censorship, and deflects from the serious work of political reform.⁹ Daesh, of course, has a genealogical relationship with Islam and Islamic teachings, but to determine that Daesh's understandings of Islam are just as legitimate as that of the broad Muslim community would be like saying that Nazism is as much a legitimate heir of the Enlightenment as is the international human rights movement.

Wood is also critical of specialists in Islamic Studies in Western universities for not taking the religious claims of Daesh seriously or educating the public sufficiently about their religious nature. This strikes me as strange. Academics are not extensions of the security establishment. We don't have a special duty to prioritize our fields of inquiry to align them with the national security needs of the American state, particularly when our voices are systematically ignored and when the American state makes the very kinds of decision that will likely create a fertile environment for religious apocalypticism. Had anyone in the U.S. government asked me whether it would be prudent to invade Iraq as part of an anti-Qaeda strategy, I would have certainly told them that the Middle East needed another war about as much as I needed a gunshot to my head, but that call did not come. I don't see why I, or other similarly situated scholars of Islam, have any particular duty to help make Islam safe for American imperialism in the Middle East.

There is another very good reason that Islamic Studies scholars, particularly those who are Muslim, should stay far, far away from anything to do with Jihadist Salafism: it is impossible for a Muslim to venture close to Jihadist-Salafist material without exposing himself or herself to suspicion of being a Jihadist-Salafist himself, and potentially becoming a subject of a terrorism investigation and even trial. As Andrew March (2012 and 2017) has pointed out, the broad reach of relevant U.S. statutes potentially exposes any academic who works on such material to the risk that she will be accused of providing material support for terrorism. While it is exceedingly unlikely that a non-Muslim would in fact be prosecuted for such work, the government could easily argue that, based on a Muslim scholar's expressed political sympathies (for example, public stances against the Iraq War, against Israel, or against Arab states), the scholar's work is in fact intended to further the propaganda of Jihadist-Salafists, and is therefore potentially prosecutable as material support for terrorism. As long as this is the case, most scholars of Islamic Studies, especially Muslim ones, ought to leave the field to non-Muslim scholars such as Jonathan Cook and Cole Bunzel.

Finally, Wood's work raises the important question of what it means to be "Islamic." For example, is Daesh "Islamic"? Wood suggests that because we are talking about a "religious" phenomenon, it is impossible to adjudicate the bona fides of any claim about Islam, so *all* such claims must be equally "Islamic." Yet Sunnī Islam, as a historical matter, regularly adjudicated among normative claims. It had a conception of *reasonable*

interpretation that allowed for dissenting views but excluded unreasonable ones. Unreasonable views were void, and acting in conformity with them did not, from a doctrinal perspective, immunize someone from punishment, either in this life or before God. The usual tool for maintaining communal cohesion was to punish conduct as criminal, rather than to exclude from the community through heresy.

There is no doubt that Daesh's interpretation of slavery as something Muslims should love is unreasonable. The Quran nowhere commands enslavement, while it does, in several places, encourage the manumission of slaves, not only by individuals but by the Muslim community. A principle of Islamic law is that "the Lawgiver eagerly anticipates freedom." Enslavement of a free person on Islamic territory, according to an eighteenth-century treatise of Islamic law from Egypt, incurred a punishment of 1,000 lashes and an obligation to pay the victim the full compensation due for unlawful killing.¹⁰ While it tolerated the existence of slavery, it did so at a time when the enslavement of captives was part of the customary law of nations. Islamic law therefore "recognized" the property interest of non-Muslims in Muslim slaves. Muslims had an obligation to liberate Muslim slaves from the possession of non-Muslims, but they also had to compensate the non-Muslim masters for their Muslim slaves' monetary value. Surely this does not mean that Islam deems it right and just for non-Muslims to enslave Muslims, or that Muslims have an obligation to wish for a social world in which *they* are vulnerable to enslavement!¹¹

In short, Wood is wrong to suggest that because we are dealing here with religion, all interpretations, no matter how outlandish, must be accepted as genuine. As in other humanistic fields, there are plausible arguments, there are implausible arguments, and sometimes there are nonsensical arguments. Daesh's arguments in support of its mayhem and its policies of enslavement are examples of the latter, even if the apologetic claim that there is a theologically conclusive consensus prohibiting slavery is implausible. Rather than promoting an easy-going nihilism about religion, a journalist ought to just present the facts: that the vast majority of Muslims reject Daesh's interpretations of Islam as incompatible with Islamic teachings. To go further and argue that there is no basis for adjudicating between the interpretations of the vast majority of a community and an apocalyptic fringe is to adopt an unjustifiable theological perspective on Islam.

NOTES

1. One might quibble about the states of the Arabian Peninsula, insofar as prior to the discovery of oil in the twentieth century, the peninsula, with the exception of the Hejaz in its west (which houses the holy cities of Mecca and Medina), was largely out of the effective control of the Ottoman Empire. Yemen, too, was able to resist complete integration into the Ottoman Empire, and while France colonized and annexed Algeria to metropolitan France in the nineteenth century, Tunisia continued to be part of the Ottoman Empire until the latter half of the century, when it came under a French protectorate, but was never formally annexed to France. Egypt, too, came under English domination in the last quarter of the nineteenth century, but it formally remained part of Ottoman territories until the Ottomans entered World War I on the side of Germany. Italy invaded and seized Libya from the Ottomans following the Turco-Italian War of 1911–12.
2. Many post-colonial Arab states also apply the same or similar civil codes that descend from the pioneering work of the Egyptian jurist, ‘Abd al-Razzāq al-Sanhūrī, who attempted a synthesis between Islamic civil law and modern European civil law. Part of ‘Abd al-Razzāq’s vision was to create a pan-Arab civil law as a prelude to greater political integration among the post-colonial Arab states. For an overview of al-Sanhūrī’s career, see Hill 1988a and 1988b; Shalakany 2001a and 2001b; and Bechor 2007.
3. Articles six and seven of the constitution of the United Arab Emirates, for example, despite its current path of promoting a version of Emirati nationalism that rejects both pan-Arabism and pan-Islamism, declare the UAE to be a part of the “Arab homeland” with which it shares a common past and future, Islam to be its state religion, and Islamic law to be a principal source of its legislation. These provisions of the UAE’s constitution, moreover, are not unique to the UAE. Similar provisions are found in other Arab constitutions.
4. For an overview of Sunnī principles of constitutional law, see Fadel 2013–15.
5. For details, see the six Arab Human Development Reports (2002, 2003, 2004, 2005, 2009 and 2016), prepared in conjunction with the United Nations Development Program. Indeed, some economists have described the political economy prevailing in the Arab world as emblematic of “oligarchical capitalism,” which “is the worst form of capitalism, not only because of the extreme inequality in income and wealth that such economies tolerate, but also because the elites do not promote growth as the central goal of economic policy. Instead, oligarchs fix the rules to maximize their own income and wealth” (Litan 2008).
6. Aḥmad Shawqī, a prominent Arab poet from Egypt who was a contemporary of many prominent nineteenth- and twentieth-century Muslim reformers, succinctly summed up the theo-political program of Islamic reform in one line of poetry, in which he said: “Religion is ease; the caliphate is with consent; law is through consultation; and rights are adjudicated.”
7. For an overview of Sanhūrī’s view of international law and how it informed his conception of a modern caliphate, see Fadel 2016–17, 260–63; Hill 1988a and 1988b; Shalakany 2001a and 2001b; and Bechor 2007.
8. For example, the pejorative label “political Islam” is usually reserved for Islamically minded political movements that are opposed to Arab despotism, regardless of the content of their political beliefs. Accordingly, the Muslim Brotherhood, to take one example, is lumped in with Daesh under the category “political Islam,”

although, as Wood rightly notes, Daesh, along with many Salafis, despises the Brotherhood, even going so far as to anathematize it for subscribing to democratic norms. On the other hand, Muslim clerics who support despotism, and who declare obedience to the ruler to be a religious obligation, are not understood to be engaging in politics, even when a figure such as ‘Alī Jumū‘a, the former Mufti of Egypt during the Mubarak administration, incited the military to kill unarmed protestors, saying that the Prophet Muḥammad came to him in a dream and informed him that he, the Prophet, was on the side of the military. See Fadel 2016, 498n67.

9. As part of the post-coup Egyptian President’s campaign to promote a “moderate” Islam, books of “extremists” such as Ibn Taymiyya, some contemporary Saudi Salafi such as Ibn Bāz and Ibn ‘Utahymīn, and authors associated with the Muslim Brotherhood were ostensibly banned. A minor scandal broke out when it was discovered that the current Mufti of Egypt, Shawki Allam, had plagiarized several pages from the work of Sayyid Qutb. See Lambert 2015.
10. al-Ṣāwī n.d., 608.
11. It is not only Daesh’s view of slavery that is unreasonable from the perspective of historical Islamic law. Its immolation of a Jordanian air force pilot and its execution of ‘Abd al-Rahman (Peter) Kassig were also blatantly criminal acts that cannot be justified on any reasonable interpretation of Sunnī law.

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