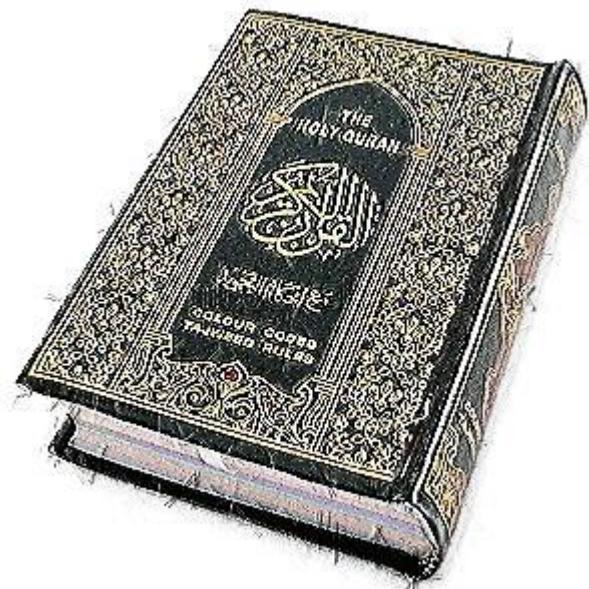


Islam in Conflict with the Constitution: Holding Muslim Public Officials Accountable to the 1st Amendment

STEPHEN M. KIRBY



May 27, 2019 - San Francisco, CA -

PipeLineNews.org - As I pointed out in a [previous article](#), it has become increasingly common to question the beliefs of Christian public officials, or those Christians aspiring to public office in the United States. With this as our precedence, let's take a similar approach to the religion of Islam and those who follow that religion.

This is the first in a series of articles in which we will see that Islamic Doctrine is largely incompatible with, and often violates many of the fundamental tenets found in the United States Constitution. In this first article, we shall be looking at Islam and the 1st Amendment guarantee of freedom of speech and freedom of religion; this is part of the Constitution that Muslim public officials publicly swear to support, defend, and bear allegiance to, while their religion demands the very opposite.

We must start holding Muslim public officials accountable for those contradictions between their religion and the Constitution they swear to uphold. This article provides you the information you need to understand those contradictions, and then ends with suggested action items.

The Oath of Office

Public officials and elected representatives at all levels of government across the United States take an oath of office. This includes school board and city council members, mayors, law enforcement officers, state officials and members of the United States Congress.

For example, here is the Oath of Office for members of the United States House of Representatives; it starts out:

I, [state your name] , do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same... [\[1\]](#)

At the local/state level the oath of office usually includes the promise to not only support, defend, and bear true faith and allegiance to the individual's state constitution, but also to the United States Constitution.

Support and defend the United States Constitution. Bear true faith and allegiance to the same. Can Muslims really do this without violating Islamic Doctrine? As we shall see, the answer is "no."

Understanding Islam

Islamic Doctrine is based on the commands of Allah found in the Koran and on the teachings and example of Muhammad, Islam's final prophet.

Muslims believe that the Koran is the timeless, perfect, and unchangeable word of Allah delivered to the final prophet Muhammad in the 7th Century.

The modern Muslim scholar Yasir Qadhi emphasized the Koran's timelessness:

...the Qur'aan was revealed as a guidance for all the nations until the Day of Judgement... ^[2]

So the commands of Allah found in the Koran are as valid today as they were in the 7th Century, and will remain valid until the "Day of Judgement."

Why are the teachings and example of Muhammad important to Muslims? The Koran tells us that Muhammad spoke for Allah (Koran 4:80^[3]), Muslims are to obey Muhammad (Koran 59:7^[4]), and Muhammad is the timeless, perfect example for Muslims to follow (Koran 33:21^[5]). So Muhammad provided commands for Muslims to obey and an example for Muslims to follow. And in Koran 4:115 Allah told Muslims that if they opposed Muhammad's commands and example, they would burn in hell:

And whoever contradicts and opposes the Messenger (Muhammad) after the right path has been shown clearly to him, and follows other than the believer's way, We shall keep him in the path he has chosen, and burn him in Hell – what an evil destination!

The stories about Muhammad related here are from histories and *hadith*^[6] collections written and compiled by authoritative Muslim scholars.

The Koran verses presented here are from the *Interpretation of the Meanings of The Noble Qur'an*, trans. Muhammad Muhsin Khan and Muhammad Taqi-ud-Din Al-Hilali (Riyadh, Kingdom of Saudi Arabia: Darussalam, 2007).

Freedom of Speech

Freedom of Speech is guaranteed in the United States. However, when it comes to Muhammad, there is no freedom of speech in Islam. Muhammad did not like to be criticized or reviled. He personally ordered the killing of a number of non-Muslims simply because they had criticized or mocked him.

For example, in September 624 Muhammad ordered the killing of Ka'b b. al-Ashraf, a Jewish poet in Medina who had criticized Muhammad. Muhammad later stated that a similar fate would befall anyone else who insulted him:

[After Ka'b was killed] The Jews and the polytheists among them were alarmed. They came to the Prophet when it was morning and said, "Our companion, who was one of our lords, was knocked up at night and murdered treacherously with no crime or incident by him that we know of." The Messenger of God replied, "If he had remained as others of similar opinion remained he would not

have been killed treacherously. But he hurt us and insulted us with poetry, and one does not do this among you, but he shall be put to the sword." ^[9] [My emphasis]

Muhammad also killed poets in Mecca because of what they had written about him. This was mentioned in a letter written after the Muslim conquest of Mecca. It was sent to the poet Ka'b bin Zuhair, who used to satirize Muhammad, from Ka'b's brother:

Allah's Messenger killed some men in Makkah who used to satirize and harm him, and the poets who survived fled in all directions for their lives. So, if you want to save your skin, hasten to Allah's Messenger. He never kills those who come to him repenting. If you refuse to do as I say, it is up to you to try to save your skin by any means. ^[8]

Muhammad even said there was no punishment for the killing of anyone who reviled and/or criticized him; here are two examples:

"Ibn 'Abbas told us that a blind man had a female slave...who reviled the Prophet and disparaged him, and he told her not to do that, but she did not stop, and he rebuked her, but she paid no heed. One night she started to disparage and revile the Prophet, so he took a dagger and put it in her stomach and pressed on it and killed her...The next morning mention of that was made to the Prophet and he assembled the people and said: 'By Allah, I adjure the man who did this, to stand up.' The blind man stood up and came through the people, trembling, and he came and sat before the Prophet. He said: 'O Messenger of Allah, I am the one who did it. She used to revile you and disparage you, and I told her not to do it, but she did not stop, and I rebuked her, but she paid no heed...Last night she started to revile you and disparage you, and I took a dagger and placed it on her stomach and I pressed on it until I killed her.' The Prophet said: 'Bear witness that no retaliation is due for her blood.' ^[9]

And,

It was narrated from 'Ali that a Jewish woman used to revile and disparage the Prophet. A man strangled her until she died, and the Messenger of Allah declared that no recompense was payable for her blood. ^[10]

These teachings of Muhammad are not limited to 7thCentury Arabia. Consider the following:

Kurt Westergaard: In 2005 cartoons about Muhammad in a Danish newspaper caused destruction and death in parts of the Middle East because there were Muslims who said that these cartoons denigrated Muhammad and ridiculed Islam; and there were repeated attempts by Muslims on the life of Kurt Westergaard, the cartoonist responsible for those drawings.

Lars Vilks: In 2007, Swedish artist Lars Vilks drew a picture showing the head of Muhammad on the body of a dog. There were subsequent attempts by Muslims to kill him, and even an attempt to burn down his house.

The Cartoons That Shook the World : This is the title of a book published in 2009 about the 2005 Danish cartoons. The book's publisher, Yale University Press, agreed to publish the book only if none of the Danish cartoons, or any other illustrations of Muhammad, were included in the book. The author reluctantly agreed. John Donatich, the director of Yale University Press, said that the decision was difficult.

But, he said, "when it came between that and blood on my hands, there was no question." ^[11]

Molly Norris: In 2010 Molly Norris was the editorial cartoonist for the *Seattle Weekly* in Seattle, Washington. She came up with the idea of having an "Everybody Draw Muhammad Day." Because of death threats from people who claimed to be Muslims, and from a particular Muslim named Anwar al-Awlaki, and on the advice of the FBI, Molly Norris had to change her name and go into hiding.

Charlie Hebdo: In 2011, a French weekly satirical newspaper named *Charlie Hebdo* ran an edition with a cover page showing a cartoon of Muhammad and that the newspaper's name had been changed to "Charia Hebdo." The office of the newspaper was firebombed. Nevertheless, in September 2012 the newspaper again published satirical cartoons of Muhammad. Police went on alert in Paris and guarded the newspaper's office. The French government ordered the closure of French embassies, schools and cultural centers in 20 Muslim countries on the next Friday, the Muslim day of prayer. The satirical cartoons of Muhammad continued to be published, and on January 7, 2015 two Muslim brothers went into the offices of *Charlie Hebdo* and shot and killed eleven people, including a police officer. These two gunmen then killed another police officer outside the offices. Two days later, when the two gunmen were cornered in a building by French security forces, one of the brothers had a telephone interview with a reporter from a French television station. The brother told the reporter:

We defend the prophet. If someone offends the prophet then there is no problem, we can kill him. [\[12\]](#)

These are words and actions out of the 7thCentury.

When it comes to Muhammad, Islam does not allow freedom of speech, even in the United States. And Molly Norris is still in hiding.

Freedom of Religion

Freedom of Religion is guaranteed in the United States. However, Muslims who want to leave Islam can face the death penalty. This is found both in the Koran and in the teachings of Muhammad.

Koran 4:89 states that apostates from Islam should be killed:

...But if they turn back (from Islam), take (hold of) them and kill them wherever you find them...

In explaining this Koran verse, the 11thCentury Muslim scholar al-Wahidi wrote:

Mujahid said apropos this verse: "This was revealed about some people who left Mecca to Medina [claiming to be Muslims] ...they then renounced Islam...Allah, exalted is He, then revealed their hypocrisy by means of this verse and commanded that they be executed..." [\[13\]](#)

Muhammad also said it was legal to kill a Muslim who left Islam:

Narrated 'Abdullah: Allah's Messenger said, "The blood of a Muslim who confesses that La ilaha illallah (none has the right to be worshipped but Allah) and that I am the Messenger of Allah, cannot be shed except in three cases:...(3) the one who turns renegade from Islam (apostate) and leaves the group of Muslims (by innovating heresy, new ideas and new things, etc. in the Islamic religion)." [\[14\]](#)

Muhammad even specified the means of death for those leaving Islam:

If someone changes his religion – then strike off his head! [\[15\]](#)

And Muhammad said that crucifixion was among the possible penalties for apostasy from Islam:

It was narrated from 'Aisha that the Messenger of Allah said: "It is not permissible to shed the blood of a Muslim except in three cases...a man who left Islam and waged war against Allah, the Mighty and Sublime, and His Messenger, who should be killed, or crucified, or banished from the land. [\[16\]](#)

It is not surprising then to find the following statement about apostasy from Islam in *Reliance of the Traveller*[sic] , a Classic Manual of Islamic Sacred Law:

When a person who has reached puberty and is sane voluntarily apostatizes from Islam, he deserves to be killed. [\[17\]](#)

There is no freedom of religion for Muslims in Islam.

Taking Action

We can see that while the 1st Amendment to the U.S. Constitution guarantees freedom of speech and freedom of religion, Islam prohibits both. 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.'" [18]

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.^[19] 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 questions:

No. 1: Will you acknowledge that our 1st Amendment gives the right to anyone in the United States to criticize or disagree with Muhammad, Islam's final prophet, and will you go on record now as being willing to support and defend the right to criticize or disagree with Muhammad, Islam's final prophet, and to also condemn anyone who threatens death or physical harm to another person who is exercising that right?

No. 2: Our 1st Amendment guarantees freedom of religion in the United States. As part of that freedom, anyone in the United States has the right to join or leave any religion, or have no religion at all. Will you go on record now to support and defend the idea that in the United States a Muslim has the freedom to leave Islam without fear of physical harm, and to also condemn anyone who threatens physical harm to a Muslim who is exercising that freedom?

No. 3: Molly Norris used to be the editorial cartoonist for the *Seattle Weekly* in Seattle, Washington. In 2010 she came up with the idea of having an “Everybody Draw Muhammad Day.” Because of death threats from people who claimed to be Muslims, and from a particular Muslim named Anwar Al-Awlaki, and on the advice of the FBI, Molly Norris changed her name and went into hiding. She is still in hiding today.

Will you go on record now as being willing to support and defend the right of anyone in the United States to draw a picture of Muhammad, Islam’s final prophet, and to also condemn anyone who threatens death or physical harm to another person who is exercising that right?

On to Part 2

In the next article we will look at Islam, Muslims, and the U.S. Constitution’s 8th Amendment, which prohibits cruel and unusual punishment. Did you know that Muhammad ordered people to be tortured?

Dr. Stephen M. Kirby is the author of five books about Islam. His latest book is *The Lure of Fantasy Islam: Exposing the Myths and Myth Makers*.

[1] Title 5, Section 3331 of the United States Code; accessible at <https://history.house.gov/Institution/Origins-Development/Oath-of-Office/> .

[2] Abu Ammaar Yasir Qadhi, *An Introduction to the Sciences of the Qur'aan* (Birmingham, UK: Al-Hidaayah Publishing, 1999), p. 118.

[3] Koran 4:80: *He who obeys the Messenger (Muhammad), has indeed obeyed Allah...*

[4] Koran 59:7: *...And whatsoever the Messenger (Muhammad) gives you, take it; and whatsoever he forbids you, abstain (from it).*

[5] Koran 33:21: *Indeed in the Messenger of Allah (Muhammad) you have a good example to follow for him who hopes for (the Meeting with) Allah and the Last Day, and remembers Allah much.*

[6] A *hadith* is a story related by a companion of Muhammad about a teaching, example, or statement of Muhammad they had personally seen or heard. There are six authoritative collections of *hadiths*, known as the "Six Books of Hadith," or "The Sound Six": 1) *Sahih Al-Bukhari*; 2) *Sahih Muslim*; 3) *Sunan Ibn Majah*; 4) *Sunan An-Nasa'i*; 5) *Sunan Abu Dawud*; and 6) *Jami' At-Tirmidhi*.

[7] 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), p. 96.

[8] Safiur-Rahman al-Mubarakpuri, *The Sealed Nectar* (Riyadh, Kingdom of Saudi Arabia: Darussalam, 2008), p. 521. 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.

[9] Abu Dawud Sulaiman bin al-Ash'ath bin Ishaq, *Sunan Abu Dawud*, trans. Yaser Qadhi (Riyadh, Kingdom of Saudi Arabia: Darussalam, 2008), Vol. 5, No. 4361, pp. 20-21. This narration was also reported in Abu 'Abdur-Rahman Ahmad bin Shu'aib bin 'Ali bin Sinan bin Bahr An-Nasa'i, *Sunan An-Nasa'i*, trans. Nasiruddin al-Khattab (Riyadh, Kingdom of Saudi Arabia: Darussalam, 2007), Vol. 5, No. 4075, pp. 66-67; in this *hadith* Muhammad said, "I bear witness that her blood is permissible."

[10] *Sunan Abu Dawud*, Vol. 5, No. 4362, p. 21.

[11] Patricia Cohen, "Yale Press Bans Images of Muhammad in New Book," *The New York Times*, August 12, 2009; accessible at <https://www.nytimes.com/2009/08/13/books/13book.html> .

[12] Emmanuelle Saliba, "Paris Killer Cherif Kouachi Gave Interview to TV Channel Before He Died," *NBC News*, January 9, 2015; accessed at: <http://www.nbcnews.com/storyline/paris-magazine-attack/paris-killer-cherif-kouachi-gave-interview-tv-channel-he-died-n283206> .

[13] Abu'l-Hasan 'Ali ibn Ahmad ibn Muhammad ibn 'Ali al-Wahidi, *Al-Wahidi's Asbab al-Nuzul*, trans. Mokrane Guezzou (Louisville, KY: Fons Vitae, 2008), p. 80.

[14] 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 87, No. 6878, p. 20.

[15] Malik ibn Anas ibn Malik ibn Abi 'Amir al-Asbahi, *Al-Muwatta of Imam Malik ibn Anas: The First Formulation of Islamic Law*, trans. Aisha Abdurrahman Bewley (Inverness, Scotland: Madinah Press, 2004), 36.18.15, in the section titled "Judgement on Abandonment of Islam."

[16] *Sunan An-Nasa'i*, Vol. 5, No. 4053, pp. 56-57. This *hadith* from Aisha was similarly reported in *Sunan Abu Dawud*, Vol. 5, No. 4353, p. 16.

[17] Ahmad ibn Naqib al-Misri, *Reliance of the Traveller (Umdat al-Salik)*, A Classic Manual of Islamic Sacred Law, edited and translated by Nuh Ha Mim Keller (Revised Edition 1994; rpt. Beltsville, Maryland: Amana Publications, 2008), o8.1.

In 1990, Dr. Taha Jabir al-Alwani, President of the Fiqh [Islamic Jurisprudence] Council of North America, and President of the International Institute of Islamic Thought located in Northern Virginia, said of this English translation (p. xviii):

There is no doubt that this translation is a valuable and important work, whether as a textbook for teaching Islamic jurisprudence to English-speakers, or as a legal reference for use by scholars, educated laymen, and students in this language...its aim is to imbue the consciousness of the non-Arabic-speaking Muslim with a sound understanding of Sacred Law...

In 1991 this English translation was certified to correspond "to the Arabic original" and conform "to the practice and faith of the orthodox Sunni Community" by the Islamic Research Academy of Al-Azhar University in Cairo (p. xx).

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

[19] 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 Siraby 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/>.