

Slavery in Islam

An Islamic Sufi Approach

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Abstract

In this paper, the history of slavery in the pre-Islamic era is considered first, and then the definitions used in that period are compared with Islamic definition of slavery. Generally, in concept and reality, definition of slavery from Islamic viewpoint has essential differences with the slavery in ancient world and the treatment with slaves was also totally different.

Unlike the abolition of slavery in most countries which accompanied with war, roughness and social damages, the decided policies of Islam were based on gradual deletion of slavery from the society to achieve the least social turbulences. Actually, because input to slavery system in Islam was narrow and output of the slavery system was wide; the phenomenon of slavery was gradually deleted in Islamic nations.

Keyword: *Slavery, Islam, Mysticism, Sufism, Public International Law*

Introduction

Captivity, and slavery is an ancient prevailed tradition in almost all the world's nations and not only the people whose job were agriculture used to apply slavery but also people living in deserts and tribes also kept slaves. Essentially possession of persons like possession of land and water and house was a kind of legal possession.³ The issue of slavery was the one which many jurists and jurisprudents argued about it especially in the field of its religious legitimacy.

The phenomenon of slavery and the sales and purchase of slaves appeared exactly at the time that selfishness and private ownership senses formed. Before slavery formation, because of more than needs of facilities, land, hunting, animals existed abundantly and there was no war or fight to catch them. In itself this issue ensued from selfishness and private ownership and was the result of crimes and penalties of the prehistory human beings who ate from their fellow creatures' bodies and later on they got to know the economic profit and ethical intuition and complementarily development of keeping human captive alive resulted to slavery and started as a value not anti-value. Will Durant writes⁴: "as long as the people worked for own and there was no social discipline, they did what they willed; but as soon as they worked for others they had to consider the discipline of activity. Development of agriculture and natural inequality of people made the powerful to take the weak as their servants. One day those who won the war understood that the slave is profitable; the one who was taken alive and from that very day the killings and eating human being declined, and taking captives and servants extended. The day when human being stopped killing and eating her enemy and satisfied with taking him as slave, humanity developed greatly in terms of ethics. Also today we see the similar thing happening, the winning country takes large compensations from the losers instead of killing or banishment of them. When the slavery system was established and its profits were disclosed, the scope of slavery extended and other than

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³ Ali Akbar Dehkhoda, Dehkhoda Dictionary. <http://www.loghatnaameh.com>

⁴ Will Durant, Civilization History, translated to Persian by Ahmad Aram, Vol. 1, pp. 32-33.

the war captives, those who couldn't repay their debts or the traitors were considered as slaves or servants and attacks to catch slaves became customary and in this way the slavery which had resulted from the wars went on to create wars itself. Maybe it is the result of centuries of slavery that our generation has taken up toiling traditions and has the ability to work. Nobody will do a hard job unless there is a dominating fear that if he would not do it he will be punished economically, physically or socially. Therefore, we have to say that slavery is an inseparable organizational component by which the human has obtained the talent of doing industrial activities. Because the slavery is the main reason of increase of wealth and at least for some people has been the instrument of reaching convenience and opportunity and indirectly has promoted civilizations progress. After some centuries, the slavery was considered as a regular habit of people and they looked at it as a necessary and inborn affair. Aristotle counted it as natural and unavoidable. Paul the Apostle praised this organization and in his mind it was a system which was in accordance with God's will. In this way, because of manifestation of agriculture and slavery and specialization of job works and differences of people's thinking, the equality among people of primary societies gradually deteriorated and slavery and class hierarchy substituted it."

History of Slavery

Slavery among early human beings is considered as a degree evolution from cannibalism to capture and to sale of slaves. Even in the prehistory era in Mesopotamia and Egypt slavery was common. In the ancient Greece the main part of the city-dwellers lived as slaves. In the Romans' time a kind of slavery was formed which is called "farm slavery". This kind of slaves worked just in farms. In addition to them, personal and home slaves also were abundant in Rome's cities. In the Middle Ages slavery was common in European and Asian countries but the number and harshness of the job of the slaves were declined. The discovery of new lands of America and understanding this fact that the black African people can work in vast farms in warm climate of southern America made the slaves trade to grow and this business became universal and abundant. For the first time in 1619 some Negroes were transferred to America as slaves and were exploited mostly in the farms of southern states of United States. Their numbers in northern states were few and slave trade did not grow there.⁵

In ancient Iran slavery existed in various forms. Arthur Christiansen, the Danish orientalist writes⁶: "Iranians mostly tied the hands of their slaves from behind and sold them as slaves and buyers considered them as the owner of lives of slaves. In ancient Greece people kept many slaves and treated them like objects. In Rome, in 30 B.C. number of servants in the city of Rome was 400,000 which constituted almost half of the city population. Total number of slaves throughout Italy is estimated to 1,500,000 slaves.⁷ In ancient Greece many slaves lived who were from war prisoners, slave-capture attacks, foundlings, wanton children and criminals.

Slave sellers consisted of the richest foreign citizens. Greece people legislated that if a servant treats his boss badly, will be whipped and if a free man beats him, he should not defend and if a great cruelty were imposed on him, he should take shelter in the temple until his lord would sell him. The children of slaves were slaves too. The freed who were slave before, were deprived from political rights and economically were in associations with foreign citizens.⁸ In the pre-Islamic era, in the Ignorant Arab period, the slave traders were called "*Nakkhas*" and took slaves from different places to Mecca and sold them.⁹ Georgie Zidan writes¹⁰: "When a person bought a slave, he tied his

⁵ Ali Akbar Dehkhoda, Dehkhoda Dictionary. <http://www.loghatnaameh.com>

⁶ Arthur Christiansen, Iran, the Sassanid era, translated by Rashid Yasami, pp. 240 and 344, Tehran Publisher.

⁷ Will Durant, Civilization History, translated to Persian by Fath'ollah Mojtabaei, Ancient Greece Section, Vol. 1, P. 119, Tehran Publisher.

⁸ - Will Durant, Civilization History, translated to Persian by Fath'ollah Mojtabaei, Ancient Greece Section, Vol. 2, P. 308, Tehran Publisher.

⁹ Almofaasal fi Tarikhel Arab Ghable Islam, Javad Ali, page 567, Vol. 4, Lebanon.

neck with a rope and drew him home like an animal. Toni Morrison who worked on racism, slavery, stateless and racial humiliation and all of them remind America's historic specifications writes: according to the claim of some historians during last 300 years of American history more than 60 million negroes died.

Anti-Slavery Legislations

The first person in the ancient history who fought slavery was Cyrus the Great in 600 years B.C in Pars land. In his declaration (Cylinder), which was discovered in 1879 by the archeologist Hormuzd Rassam in Babylon city and Sir Henry Rawlinson decoded it is written: when I came to Babel with reconciliation I founded the Kingdom throne in there for people's joy and happiness ... my soldiers spread Babel city in peace and friendship...I tried for peace ... I destroyed exploitation and slavery and rebuilt their ruined houses and temples"¹¹

Stephan the First, the first Christian king of Hungary about the year 1000 A.C decreed that every slave who lives in Hungary Kingdom territory or newly enters it must be freed immediately. Magnus the Fourth in 1330 in Sweden decreed all slaves who were born from Christian father and mother are free. In the year 1587 Toyotomi Hideyoshi decreed the forbidden of slaves trade in Japan. His successor Tokugawa Ieyasu also continued annulment of slavery, although intensive slavery still existed until the downfall of Shogun Salary Tokugawa. In Portugal slavery was abolished in 1761 and in England and Wales slavery continued till 1772 practically and in Scotland after approval of a law in Britain parliament slavery was abolished in 1779. Humanistic and philanthropic movements caused slave trade be stopped in 1807 in England. In Canada in 1793 the anti-slavery law was approved in the way that it did not free the slaves but it legislated that the slaves' children will be freed at the age of 25 years old. In southern Canada in 1803 William Osgoode decreed that the slavery is not in accordance with Britain's laws and with this command he freed most of slaves but some of them remained slave until the complete abolition of slavery in United Kingdom in 1833.

France revolution which was based on the equality of rights and freedom shook the foundation of slavery. During 1794-1802, France approved the slavery abolition in all her colonies but until 1848, in some colonies it was not enforced, because some local communities protested against it and some were occupied by Britain.

Chile in 1811 partially, and in 1823 for all slaves and any slave who enters Chile's territory abolished slavery. In 1804 Haiti's slaves revolted and expelled their lords and owners from country and declared their country free. Many Latin American countries from the beginning of their formation and essentially in the first half of 19th century abolished slavery. European and Russian countries mostly abolished slavery in the second half of the 19th century.

In America the anti-slavery sentiment began from northern states and those supporting abolition of slavery put this principle as their political campaign slogan. The main reason for the quarrel between northern and southern states in 1820 to 1860 was the struggle of the supporters of abolition of slavery and sales and purchase of slaves. Slavery in United States continued till 1863 when the Declaration of Freedom of Slaves was issued by Abraham Lincoln and as a result of the victory of the north over the south this tradition was abolished in America and slaves got free. In 1888 after Brazil declared slaves freedom, slavery was abolished throughout the America continent. Asian and African countries mostly abolished slavery in 20th century and even some countries like Nigeria and Nepal considered this issue in the 21st century.¹²

المفصل في تاريخ العرب قبل الاسلام، جواد علي، ص ٥٦٧، ج ٤، چاپ لبنان.

¹⁰- Jorge Zeidan, Islamic Civilization History, Vol. 4, P. 27, Cairo.

تاريخ التمدن الاسلامي، جرجي زيدان، ج ٤ ص ٢٧، چاپ قاهره.

¹¹ Conference of Aein Keshvardari Iranian, Adib Kasravi, Abdolkarim Golshani, Ebrahim Safaei, ...

¹² Drescher, Seymour. Abolition: A History of Slavery and Antislavery (2009).

Slavery and International Law

Berlin Conference in 1885 and Brussels law in 1890 and the League of Nations' activities specially the 1926 Pact ended slavery in all countries around the world.¹³ International crimes before the World War the Second according to the secondary and contractual international laws consisted of the crimes which had general aspect like pirate, sales and purchase of slaves and women and children, sales and purchase of drugs and publishing of publications against chastity and ethics and printing counterfeit bank-notes and mintage of counterfeit coins in one side and from the other side consisted of not abiding the rules of war by the law. After the Second World War some crimes were added to the international criminal law and the international criminal law became important and antihuman, against peace and massacre crimes were also added to these articles and particular courts were formed for punishing war criminals like Nuremburg and Tokyo courts which were new in the international law history. Crimes against humanity were also of crimes that had no special title or history in international law before formation of Nuremburg court. These crimes according to the note D of Article 6 of Nuremburg martial court's statute are: massacre, destruction, slavery, expelling, or any antihuman action against civilians before or during war or any torture or toiling for political, racial and religious reasons (either these crimes are against or in accord of the laws of the country where the crime is committed) which are in the competence of the court. Handlers and organizers and stimulators and accompanies in the design, planning or executing a group plan or a plot for committing one of the above cited crimes are responsible for executing of the said plot.¹⁴ In this way the importance of slavery still remained in its place though there is no evidence of it in the recent political currents.

Slavery from Islamic Sufi Viewpoint

Slavery is a highly publicized issue against Islam, which the opponents and adversaries mostly invoke to show Islam's inclination in preference of freeman to slaves. His Excellency Hajj Sultan Hussein Tabandeh in a comment on religious standpoints on Universal Declaration of Human Rights, have explained this special subject that due to its importance it is quoted here¹⁵: "Article 4 of the Declaration says: No one shall be held in slavery or servitude; slavery and the slave-trade shall be prohibited in all their forms". This Article needs some more explanation because it appears to be in conflict with Islamic laws, whereas by analyzing the issue, the so-called problems would be removed. The reason why it seems to be in contradiction to the appearance of Islamic law is that the sacred religion of Islam has not prohibited the slavery, but it should be noted that the legal institution of slavery has been established on specified requirements, that is to say, it will be authorized just where certain requirements are met, otherwise the slavery is not applicable and is prohibited. And since, at this time, the said requirements and conditions are impossible to come into existence, therefore, we may claim that slavery is consequently prohibited. As to the Islamic law, a person is called a slave, where he has been taken as a captive during the Islamic war and in the battle area, provided that he has not been converted to Islam before division of the spoils of war. But if a person during the fighting and/or before division of the spoils of war covert to Islam, even if he has been in the battle area, he cannot be enslaved, unless that person is a woman

Rodriguez, Junius P., ed. *The Historical Encyclopedia of World Slavery* (1997).

Hinks, Peter, and John McKivigan, eds. *Encyclopedia of Antislavery and Abolition* (2 vol. 2006).

¹³ - Ali Akbar Dekhoda, *Dekhoda Dictionary*. <http://www.loghatnaameh.com>

¹⁴ - Crime against humanity was not considered by the preparers of the court statute as a major crime and it's titled as subordinate crime, therefore, performers of the crimes as subject of Notes A and B of Article 6 will be liable if beside of performing crime, they do crime against humanity are responsible. In plan of contract about the crime against humanity and human security that was concluded by international law commission, the crime subject of Note C of Article 6 of Nuremburg court statute cited more completely and is considered as independent crime.

¹⁵ His Excellency Hajj Sultan Hussein Tabandeh Gonabadi, *Religious Standpoints on Universal Declaration of Human Rights*; 2nd impression 1975, Tehran, Salih Publication, pp. 45-51.

who has taken part in the fighting and has her minor child with her. In this case, if they were taken as captives, they would be enslaved. As to the belligerent-disbelievers, if they are taken captive during the war, they will be killed unless they be converted to Islam. In the latter case, the leader of Muslims has the option to release them or enslave them, or ask them to pay ransom. According to the aforementioned requirements and conditions, if the war between the parties, not to be an Islamic war, that is to say, it be not for protection of interests and development of Islam, even if it be between Muslims and disbelievers - let alone the both parties be Muslims - then the captives taken during the fighting are not slaves. The same rule shall be applied where there is no war or the opposite side is not a belligerent-disbeliever, such as the cases where according to old common customs in some previous ages and centuries or in some places which by force or through transactions, the children or others were taken as captives. In this case, the captives shall not be considered as slaves and the actions taken are definitely forbidden. If we get to the depth of Islamic instructions and pay more attention to the requirements and conditions of slavery, we will find out that at this time there could be no real slavery regarding Islamic law, and those persons who are sold and purchased as male or female slaves shall not be considered as slaves according to the Islamic law. Selling and purchasing the said persons are against Islamic law and the legal effects of slavery cannot be applied to them. Taking the requirements and conditions prescribed for slavery in Islam into consideration and comparing it with the situations of the case in pre-Islamic period (paganism) will reveal this fact that the purpose and aim of Islam has been to restrict the issue of slavery, because the pagan Arabs as well as other nations and folks, in that period were free to be engaged in selling and purchasing human beings. Most parents while being poor, and out of desperation used to offer their children for sale to get money for their livings and reduce their expenses. This kind of business has been a common custom among African tribes up to recent times and there might still be common between the uncivilized tribes of Africa. On the other hands, the fighting that occurred between two groups or tribes, the victorious group enslaved everybody, which could take as captives from the defeated tribes, and would sell them as slaves. Sometimes when there was an enmity between two tribes, one of them without previous warning attacked the other one and used to plunder their properties, and enslaved the captives. These incidents were extremely a prevailing custom among Arabs, and Arab tribes who were continuously in fighting with one another. Since they never had a peaceful and tranquil life, therefore, got tired of the situation and an agreement was made and ratified by all tribes, to quit fighting during four months of each year. The said four months were Ziqā'dah, Zilhajah, Muharram and Rajab. These months are called forbidden months because during these months all tribes were immune from being attacked; they could easily and freely go on journey and do their commercial activities. But during other months of the year there was no security and peace in the roads. The tribes which were victorious in fighting or in surprising attacks, used to take the people whether men or women and specially children as captives, and in addition to plundering their properties sold the captives as slaves in the markets. And there was a state of extended chaos and lawlessness governing them as well as in many other social and moral aspects. There was also another common custom between Arabs, that is to say, where a loan was given to somebody and the debtor could not pay the loan back on due date, then creditor took the debtor as his slave and made him to work or sold him in the slave-trade market then formally he became slave and servitude. Thus, the magnanimous leader of Islam decided that according to the commands of Almighty God carry out reforms in this affair and bring it under a specific law and order, consequently it would restrict the slavery, or perhaps slavery would be ruined gradually or at least it would be decreased to its minimum. As it was already mentioned, in Islamic law and according to the Quran's verses and religious legal decisions and traditions, slavery is valid just when it takes place during a Holy war. That is to say, the war must be on the basis of the orders of Messenger of Allāh or his successors and according to the religious laws and regulations and also by taking all measures into consideration which make fighting between Muslims and disbelievers a real and correct Holy War. Then if during the fighting some of the disbelievers were taken as captives, they will be killed, unless they be converted to Islam. In the

latter case, Imam or Muslims' leader who is the successor of Messenger of Allāh has the option to enslave them as a part of the spoils of war and to be divided, or to be demanded ransom, or set them free. But if they were taken as captives after the victory, none of them is to be killed, even they be still in the state of disbelief and Imam is authorized to choose any of the three-abovementioned options. That is in all cases the authorization has been devoted to Imam to enslave or make them free. In other cases, the captives cannot be called slaves. Since in the above case, Imam has the option so that most of times there might be occasions, which are advisable to set them free. The children of those persons, who have become slave, will become slave, provided that both parents had been enslaved. Therefore, due to the prescribed regulations by Islam, the previous common pre-Islam arrangements, which was the real cause of increasing slavery in the society, was totally ruined, and restricted to its lower limit. Certainly, by scrutinizing this subject matter carefully, we will find out that the said regulations are not contradictory to the common military, political, and social principles, of today's civilized world; on the contrary, they are much better and more acceptable. Because at present time the victorious states send the prisoners of war to places, where the living conditions are very hard and force them work under harsh conditions as forced labor. Although the prisoners are not called as slaves but their living condition is harsher and more difficult. Even though the states do not divide the prisoners of war as spoils of war but in reality, they are held as slaves and sometimes they are tortured and persecuted, and generally, prisoners of war mostly complain of their conditions. Moreover, the victorious nations do not treat them on the basis of observing moral and social principles. Their living conditions often are so harsh and severe that slavery seems to be much better and more comfortable. Although Islam has called them "slaves" but has commanded to treat them with utmost kindness and affability and not to be severe about their food, clothing and other means of living. And they should do their best for tranquility of the slaves. The Honorable Messenger (S) and his successors followed this kind of behavior and treated their slaves with utmost kindness and compassion. In addition to the said restrictions for enslavement, too many merits have also been enacted for liberation of slaves, which is considered as an Islamic worship. And liberation of slave is also prescribed as one of the forms of atonement. There are other legal institutions which results to liberation of slave, such as "Umme Walad" (mother of [his] child), "Tadbir" (liberation after the death of the owner) and "Mokatebah" (contracted liberation). A female slave who has borne her master a child is called "Umme Walad". When her master dies, she would be a part of deceased estate, and her child would inherit her, consequently she will be free. If anyone says to his slave: "When I die you shall be free" this is called "Tadbir" liberation. "Mukatab" is a slave who has made a contract with his master to do something or pay some specified amount of money, so that when the contract is performed he will be free. One of the great worship in Islam is liberation of slave and many merits have been bestowed for this action. All these show that slavery has not been desirable to the Messenger of Allāh (S) and he has attempted, in one way or another, to restrict the slavery until gradually be cancelled. If there be few slaves at this time, we have to make sure that their ancestors have been legally slaves and had not been liberated, otherwise their enslavement is not correct and according to the principle of "*Status quo ante*", they should be considered as freemen. Since there has been no Holy War at present time to be based on Islamic rules and regulations and we are not sure that the ancestors of those who are slaves at this period of time, have been also slaves up to the time of infallible Imams (A), and on the contrary, it is almost more certain that they have not been slaves, hence we can conclude that there is no slave at present time. Above all, everybody knows that most male and female slaves at recent times are those black ones who have been sold by their parents, which is against religious law. On the other hand, the humankind is principally borne free unless it is proved to the contrary. Therefore, we may cast doubt on the correctness of their slavery and reject it. Of course, there might be some people who predicate the action of Moslem to correctness or using Moslem market principle and the like which are of "fundamental rules" might try to change the aforementioned reasoning, but it seems that the so-called rule of precaution of the fundamentalist shall govern on this case and the principle of "freedom" is better to be enforced. And

since the requirements of correct Islamic slavery, for the time being do not exist therefore, it would be advisable to be cautious and say: "there is no religious slavery at this time". And keeping slaves until the advent of His Honorable Hojjat-ibn-el-Hassan (May God hasten his glad advent) seems religiously to be problematic. Unless the Islam's country is invaded by strangers and be compelled to defend. In that case, we can say, those who are taken as captives, could be reduced to slavery. Otherwise, while in the present situation, giving the ruling for slavery could be criticized and said to be against Islamic law. For this reason our Honorable grandfather, His Excellency Hajj Molla Ali Noor-Alishah who has been one of the Greats of Ne'mat-o-llahi Order and treatise holder religious jurist, issued a proclamation, in Rabi-ol-Awal of 1332 (lunar year, A.H.) which was about 36 years before issuance of Universal Declaration of Human Rights that reads as follows: "selling and purchasing (transaction) of human beings at this period of time is against religious faith and civilization. Therefore, those males and females who are formally held as slaves should be liberated and shall be equal to the other citizen of the country". His Excellency's standpoint on the subject in question, according to what we have already discussed about, has been on the Islamic non-applicability base of slavery on existing situation, and he has emphatically stated that enslavement of males and females at this time are not in accordance with the Islamic regulations, and the commands of sacred law (of Islam) would not apply to the slaves at present time, and they are not true subjects of what the sacred legislator (of Islam) has commanded, and the requirements of Islamic slavery do not conform with them, and their enslavement is against the commands of Islam. Therefore, all of them are free. But if the Islamic requirements be established, then the commands of the sacred law (of Islam) should be enforced. As it is noticed, His Excellency's proclamation contains no new rules to be considered as innovation or forbidden decision. It is just a statement and explanation of the commands of sacred law (of Islam)".

His Excellency Hajj Dr. Noor-Ali Tabandeh has also given an explication of the said subject in response to an inquiry of a professor of York University of Canada. In his essay, the issue of "slavery in Islam" has been explained and analyzed with regard to the social evolution of Islam. Since the subject matter is interesting, therefore some parts of it are quoted here:¹⁶ "The issue of slavery was in existence at the time of the advent of Islam. From among several aspects of "slavery" the humanitarian aspect was the main concern of Islam to intervene. In Glorious Qur'an, it is said: **"O, mankind! Verily, We created you all from a male and female, and appointed for you tribes and nations to know"**.¹⁷ That is this classification is mentioned just for "to know". And continues: **"Verily, in Allāh's sight the most honorable of you is the most pious of you"**. These words are addressed to humankind, which are all equal. In another place, the Glorious Qur'an says: **"Indeed, We honored the children of Adam"**.¹⁸ Although several evidences of the said **"We honor"** is mentioned but the general rule is **"indeed, We honored the children of Adam"**. One of the most clear and obvious evidence of **"We honor"** (for human beings) is freedom and liberation. Therefore, "freedom" has been regarded as a main principle in Islam. Moreover, at that period of time, when freedom was absent Islam had commanded to the those dates' non-Moslems that the slaves should receive fair and human treatment rather than brutal behavior, consequently slaves not to feel they were captives and certainly the Muslims would observe the said rules and commands. But if, all of a sudden, Islam had announced that all slaves were free, firstly a deluge of slaves who had escaped from their masters would have come towards Islam and certainly most of them without

¹⁶ His Excellency Hajj Dr. Noor-Ali Tabandeh, "Slavery in Islam". The complete text of this essay is printed in the journal of Iran's Mysticism. Collected and compiled by Dr. Seyyed Mostafā Azemayesh, No. 19, Haqiqat Publication, 2004, pp. 10-18.

¹⁷ Al-Hujurat XLIX, 13: **"O, mankind! Verily, We created you all from a male and female and appointed for you tribes and nations to know. Verily in Allāh's sight the most honorable of you is the most pious of you"**.

إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا

¹⁸ Al-Isrā XVII, 70. **"Indeed We honored the children of Adam"**.

لَقَدْ كَرَّمْنَا بَنِي آدَمَ

having true belief in Islam would have been converted and assuredly lack of belief at the beginning of advent of Islam would entail a great damage, whereas the strong belief which the early Muslims had in Islam, who were ready to sacrifice themselves in the path of Allāh, was the main cause of the Islam's victories; secondly, apart from the humanitarian aspect of slavery, it had also an economic aspect, that is to say, if all at once they liberated the slaves, firstly most economic affairs would stop and the society would be crippled by this policy. Secondly, in addition, the liberated slaves were not able to obtain their needs for living, because they had no food to eat because nobody was to donate them from his wealth. So that the said condition would result to a revolution which would ruin the foundation of society. That is why Islam decided that the slaves being liberated gradually. In some cases, liberating a slave, not only was the atonement of the faults and sins, but it was also considered as a charitable act by itself. And when a slave converted to Islam the companions of the Prophet used to buy him and set him free. For example, Salmān the Persian or Salmān Muhammadi who was one of the grandees of Islam was a slave, whom Abu-Bakr bought and set him free. Bilāl was a slave. Zeid, the foster child of the Reverend Muhammad was a captive, who was bought by His Reverend. Thus, many of companions of the Prophet and grandees of Islam had been slaves, who have been bought and set free. The manner, which was established by Messenger of Islam that slaves being gradually liberated and to be dissolved in free human environment, is very interesting. Let us think that a great number of people, for instance five thousand of persons, without having any food supplies with them enter the city all at once. Now let us suppose they want to enter the ancient Mecca with the population of five to ten thousand. Even if the entrants decide to remain there for one or two days, the city would break up in disorder and if they decide to stay a little longer or to reside there, for sure disorders and disturbances occur in the city. The number of slaves at that time was not so different from their masters' number. Every master had several slaves. Therefore, if the slaves were all of a sudden liberated, then the social and economic conditions would be interrupted. "Under no circumstances we are allowed to presume a man as a slave", this was the command of Almighty God. As to the status of a human being "freedom" is ordained as principle and main rule, unless through religious procedures it is proved that he/she is enslaved. Concerning the methods and religious procedures of enslavement, it should be noted that there has been several religious wars at the time of Messenger of God. These wars occurred neither in Mecca, nor –for few years– in Medina. When the command of Holy War was issued, if the captives –just during the Holy War– converted to Islam, they would have not been considered as slaves. But if they did not convert, then they would have been treated as slaves. It was only at the time of Prophet that Islamic wars were considered as Holy Wars. And according to Shiites, because in the time of Orthodox caliphs were approved by Ali (A), their ordinances were also taken as valid. But, as the Sunnites also confirm, from the Umayyads onward, which the caliphate was replaced by monarchy there has been no Islamic war and the fighting which have been occurred at that time, were not considered as Holy wars (Islamic Wars) unless it has been approved by Imam (A). The Shiites were and still are of the opinion that after the occultation of the twelfth Imam, namely from latter part of the third century (AH) [ninth century AD] since there has been no infallible Imam to authorize the Holy War, therefore, none of the wars, waged by kings who were named as caliphs, could be called as Holy War. So, the captives, by virtue of the religious regulations were free. As it is noticed, Almighty God has made the entrance gate to the slavery so narrow that only a few people could really enter through it. And on the other hand, the liberation exit has been made large and wide. If we pay attention to the Quran's verses and Islamic laws and regulations concerning the "atonement" among all Islamic sects, we will find out that the atonement for many faults, mistakes and sins are prescribed to be the liberation of slave. So that all slaves would be liberated gradually. And when the slaves, just one by one, be liberated, they would be dissolved and be absorbed by the society and no economic problem would appear. Apart from the atonement, there have been other ways of liberating the slaves. For instance, when a female slave was pregnant because of intercourse with her master and gave birth to a baby, then the borne child would be a free person and also would set his mother free. That is to say, the freedom of the child extended to the mother. In this case, the

mother was called Umme Walad. Therefore, the ways of liberating the slaves was just a gateway, which a person could step out from the realm of slavery, and enter the realm of liberation. There is another method of liberation, which is mentioned in Islamic jurisprudence, namely, if a slave possessed abilities and arts, who could make money out of them, then he could suggest and make a contract with his master to work for him for a specific amount, so that the value of his arts would have been the ransom for his freedom. Of course, during that period he was working, he was still the slave and his master was in charge for his living. So that he was not worried about his living charges and could buy himself. There is another way for liberating the slaves, which is mentioned as "chapter of emancipation of slaves" in the jurisprudence texts. One of the recommended religious precepts and charitable acts for a Muslims is to set a slave free. However, there are several conditions to be observed concerning those slaves who are supposed to be liberated. For instance, they should not be disabled and/or worn-out. They must be able to work and be familiar with an art or profession as craftsman. Since, in the past, the masters took their slaves as their cattle, therefore to explain the said requirement, they were compared with a sheep, which was going to be sacrificed. This comparison was made for this reason that the slave should have ability to work and make his living at the time of liberation and not the case that to liberate a disabled slave or one who could not render his master the necessary services. Therefore, by taking the foregoing description into consideration we will find out that those persons who were kept as slaves up to two centuries ago, with regard to the Islamic laws and regulations, could not be considered as slaves, because one or two centuries after the advent of Islam no more persons had been left as slaves and all of them would have been liberated. Regrettably, the Islamic laws were only enforced when the caliphs (or so – called the kings) thought they were to their advantage and in other cases they fell into oblivion. Studying Islamic history shall reveal this fact that most taken decisions had been contrary to Islamic laws. I am not a historian I have not done a comprehensive study on the history of Islam but, except what I have already mentioned; I do not remember there has ever been a single discussion about liberation of the slaves. The jurists have mentioned the regulations concerning "the slavery" in their books, which is based on the verses of Glorious Qur'an. The only occasion that I remember is that of well-known mystic and jurist, the late Hajj Molla Ali known as "Nūr-Ali Shah the second", which in a declaration of 1332 (lunar year AH) addressing his followers said: "There is doubt on the correctness of slavery imposed on those female and male who are as slaves at present time. Therefore on the basis of the principle of freedom they are all considered as freemen". I have not seen any other decisions on this very subject. All those decisions, taken in the world, which are proclaimed as a sudden and on the spot declarations, apart from their advantages contain some disadvantages as well, because the said decisions taken by great powers follow their political goals rather than humanitarian concerns. Above all, as we have mentioned, according to Quran's verses the slaves are human beings, that is to say with respect to their relationships with other persons the following verses: "**Verily We created you all from a male and female....**" and "**Indeed, We honored the children of Adam**" shall be applicable to them. Therefore, it is not authorized to persecute them, and their punishment should be the same mild punishment as exercised by a father while punishing his own children and exceeding from this limit is not permissible. By paying attention to the lifetime of great persons in early Islam and especially the successors of Messenger of God (S), the Imams (A) we will find out that they treated both freemen and slaves humanely. For instance, they used to have their meals with their slaves and did not discriminate. It is mentioned in the history that Jerusalem was captured at the time of Omar the second caliph. The citizens of Jerusalem who were used to respect and pay tribute to the rulers came out of the city to welcome the new ruler, but they saw only a man who was riding a donkey and another one accompanying him on foot. The citizens ignored them and continued their way until they got to the place where the army of Islam, which had captured the city, was stationed and asked where the caliph was. They were told that the caliph had entered the city. They said we saw nobody entering the city save a man who was riding a donkey and another one accompanying him on foot. They were told the one who was on foot was the caliph of Islam and the man who was riding the donkey was his slave. They

were all very astonished by hearing the story. Because during the journey whenever the slave was tired, Omar, the caliph would get down, the slave would ride the donkey, and there was no difference between them in this respect. So that when there is no difference between a slave and a freeman, consequently there would be no difference between them while being punished. Of course, on the basis of the rules of jurisprudence the blood money of slave is lesser than a freeman. Since the blood money is a financial subject, therefore there are some differences between the slave and freeman from this aspect of the issue. Moreover, we should bear in mind that principally there exist no applicability for "slavery" and "slave" at this period of time."

Anyhow, the Islam's standpoint on the issue of "slavery" could be categorized into two main subjects. The first one is about captives (prisoners of war) who have fought against Islam, therefore they would be considered as slaves. The second one is the encouragement of all Muslims to liberate the said slaves. Concerning the first part, it should be noted that the living conditions of captives were an important issue in early Islam. Because it was impossible to send back the said captives who had fought against Islam to their homeland prior to the settlement of all disputes. Because they were able to take arms and make another invasion. On the other hand, they could not be left without any subsistence. However, there had been no penitentiary or prison to keep them and supply their necessities of life. Therefore, the most desirable method was to put them at the Muslims disposal, so that they would have a job, secondly their food and place of living would be provided, and thirdly they would be under constant surveillance, not to make any trouble again. The social rights of captives were sometimes half of the others, for this reason their punishments (Hudud) were also halved in return. In this connection it is said: **"And whosoever of you who has not the means to marry free-believing women, may marry believing girls from among those (captives and slaves) whom you own and Allāh is the knower of your faith; you are fellow-creatures; then wed them with the permission of their own masters and give them their marriage-portion according to what is reasonable, provided that they are chaste, not adulterous nor taking boyfriends; and after they have been taken in wedlock, if they commit adultery, their punishment is half of that for a free woman. This (type of marriage) is for those men among you who are afraid of committing sin of adultery, but it is better for you to practice self-restraint, and Allāh is the Merciful Forgiving"**.¹⁹ This standpoint is quite different from the invasions and night-attacks of Arabs against other tribes to take possession of their properties and make their individuals as slaves. Islam has used this phenomenon and the custom of slavery to protect the life of both friends and enemies.

As it was already mentioned, the other part of the said category was encouraging the Muslims to liberate the slaves. That is to say to cancel the guardianship of their masters and give them social rights the same as other citizens of the society. Encouragement of Muslims to liberate the slaves and declaring liberation of slaves as an atonement of several sins could be understood from the following verses. In sūrah of Al-Baqarah it is said: **"It is not (the only symbol of) righteousness that you turn your faces towards the east or to the west but true righteousness is to believe in Allāh, and the Day of Judgment, and the angels and the book and the messengers and also spend one's wealth, despite of love for it, (by giving it) to the kinsmen, to the orphans, and to the needy, and to the wayfarers, and to the poor who beg, and to ransom the slaves, and to perform prayers, to pay alms; and those who fulfill their promises when they make them and those who are patient in extreme poverty and ailment and at the time of war, such are the people who are truthful and they are indeed the pious"**.²⁰

¹⁹ Al-Nisā IV, 25.

وَمَنْ لَمْ يَسْتَطِعْ مِنْكُمْ طَوْلًا أَنْ يَنْكَحَ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ فِيمَنْ مَا مَلَكَتْ أَيْمَانُكُمْ مِنْ فَتَيَاتِكُمُ الْمُؤْمِنَاتِ وَاللَّهُ أَعْلَمُ بِإِيمَانِكُمْ بَعْضُكُمْ مِنْ بَعْضٍ فَانْكِحُوهُنَّ بِأَذْنِ أَهْلِهِنَّ وَآتُوهُنَّ أَجُورَهُنَّ بِالْمَعْرُوفِ مُحْصَنَاتٍ غَيْرَ مُسَافِحَاتٍ وَلَا مُتَّخِذَاتِ أَخْدَانٍ فَإِذَا أُحْصِنَ فَإِنَّهُنَّ بِفَاحِشَةٍ فَعَلَيْهِنَّ نِصْفُ مَا عَلَى الْمُحْصَنَاتِ مِنَ الْعَذَابِ ذَلِكَ لِمَنْ حَشِيَ الْعَنَتَ مِنْكُمْ وَأَنْ تَصْبِرُوا خَيْرٌ لَكُمْ وَاللَّهُ غَفُورٌ رَحِيمٌ.

²⁰ Al-Baqarah II, 177.

In sūrah of Al-Mā'idah says: "Allāh will not punish you for what is unintentional in your oaths, but He will punish you for your deliberate oaths: Expiation is feeding to poor persons on a scale of average of that with which you feed your own family or clothing them or freeing of a slave; but whosoever cannot afford (none of these) then he should fast for three days successively. That is the expiation for the oaths you have sworn, so keep to your oaths. Thus Allāh makes clear to you His words of revelation, so that you may be grateful".²¹ In sūrah of Al-Taubah says: "Verily, alms are only for the poor and the needy and those who collect them, and those whose hearts are to be reconciled, and the ransoming of the slaves and for those in debt and in the way of Allāh and for the wayfarers; it is a duty decreed by Allāh. Allāh is Knower, Wise".²² In sūrah of Al-Mūjādilah says: "And those who do Zehār their wives but then change their mind about what they uttered by their tongue, they are liable to expiation of freeing a slave before they approach the wife physically; this is a religious admonition to you and Allāh is well informed about what you do. And a person who cannot find a slave to set free, must go on fast two months successively before they touch each other, but if a person is sick and cannot fast, he should feed sixty of the poor; this is in order that you may find faith for Allāh and His messenger".²³ It was customary among Arabs that if a man addressing his wife said: "you are like my mother" the marriage intercourse between them would become forbidden and prohibited. This custom was called "Zehār". Islam while negating this superstition in pervious verse declares: "Those men who do Zehār with their wives, should know that those women are never their mothers; none can be their mothers except those who gave birth to them. And indeed they utter an evil and a lie. And verily Allāh is Forgiving, Merciful".²⁴ Islam has endeavored to instruct those people who do Zehār with their wives that not to pay attention to this kind of superstition, which makes trouble for them and their family as well. Moreover, has made them to pay atonement which shall be used for improvement of the slaves' conditions and poor people, that is to say the atonement is used to liberate a slave and/or to feed the needy. In sūrah of Al-Balad says: "What would make you know what is "Al-Aghabah". It is to free a slave".²⁵ And in sūrah of Al-Nisā says: "A believer should never kill a believer unless it is by mistake; and whosoever kills a believer by mistake must set free a believing slave and blood-wit should be paid to the family of the killed person unless they remit it as a free-will offering. If the killed person belongs to a people at war with you and he is a believer, then setting free a believing slave is a duty. And if the killed person belongs to a people with whom you have treaty, then the blood-

لَيْسَ الْبِرُّ أَنْ تُولُوا وُجُوهَكُمْ قِبَلَ الْمَشْرِقِ وَالْمَغْرِبِ وَ لَكِنَّ الْبِرَّ مَنْ آمَنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَالْمَلَائِكَةِ وَالْكِتَابِ وَ النَّبِيِّينَ وَ آتَى الْمَالَ عَلَى حُبِّهِ ذَوِي الْقُرْبَى وَ الْيَتَامَى وَ الْمَسَاكِينَ وَ ابْنَ السَّبِيلِ وَ السَّائِلِينَ وَ فِي الرِّقَابِ وَ أَقَامَ الصَّلَاةَ وَ آتَى الزَّكَاةَ وَ الْمُؤْتَفُونَ بِهِمْ إِذَا عَاهَدُوا وَ الصَّابِرِينَ فِي الْبَأْسَاءِ وَ الضَّرَّاءِ وَ حِينَ الْبَأْسِ أُولَئِكَ الَّذِينَ صَدَقُوا وَ أُولَئِكَ هُمُ الْمُتَّقُونَ.

²¹ Al-Mā'idah V, 89.

لا يُؤَاخِذُكُمُ اللَّهُ بِاللَّغْوِ فِي أَيْمَانِكُمْ وَ لَكِنْ يُؤَاخِذُكُمْ بِمَا عَقَّدْتُمُ الْأَيْمَانَ فَكَفَّارَتُهُ إِطْعَامُ عَشْرَةِ مَسْكِينٍ مِنْ أَوْسَطِ مَا نَطَعُمُونَ أَهْلِيكُمْ أَوْ كِسْوَتُهُمْ أَوْ تَخْرِيرُ رَقَبَةٍ فَمَنْ لَمْ يَجِدْ فَصِيَامُ ثَلَاثَةِ أَيَّامٍ ذَلِكَ كَفَّارَةُ أَيْمَانِكُمْ إِذَا حَلَفْتُمْ وَ احْفَظُوا أَيْمَانَكُمْ كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ آيَاتِهِ لَعَلَّكُمْ تَشْكُرُونَ.

²² Al-Taubah IX, 60.

إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَ الْمَسَاكِينِ وَ الْعَامِلِينَ عَلَيْهَا وَ الْمُؤَلَّفَةَ قُلُوبُهُمْ وَ فِي الرِّقَابِ وَ الْعَارِمِينَ وَ فِي سَبِيلِ اللَّهِ وَ ابْنَ السَّبِيلِ فَرِيضَةً مِنَ اللَّهِ وَ اللَّهُ عَلِيمٌ حَكِيمٌ.

²³ Al-Mujadilah LVIII, 3-4.

وَ الَّذِينَ يَظَاهِرُونَ مِنْ نِسَائِهِمْ ثُمَّ يَعُودُونَ لِمَا قَالُوا فَتَحْرِيرُ رَقَبَةٍ مِنْ قَبْلِ أَنْ يَتَمَاسَا ذَلِكَم تَوْعَطُونَ بِهِ وَ اللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ. فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ مِنْ قَبْلِ أَنْ يَتَمَاسَا فَمَنْ لَمْ يَسْتَطِعْ فِإِطْعَامُ سِتِّينَ مَسْكِينًا ذَلِكَ لِتُؤْمِنُوا بِاللَّهِ وَ رَسُولِهِ.

²⁴ Al-Mujadilah LVIII, 2.

الَّذِينَ يَظَاهِرُونَ مِنْكُمْ مِنْ نِسَائِهِمْ مَا هُنَّ أُمَّهَاتِهِمْ إِنْ أُمَّهَاتُهُمْ إِلَّا اللَّائِي وَلَدْنَهُمْ وَ إِنَّهُمْ لَيَقُولُونَ مُنْكَرًا مِنَ الْقَوْلِ وَ زُورًا وَ إِنْ اللَّهُ لَعَفُوٌّ غَفُورٌ.

²⁵ Al-Balad XC, 12-13.

وَ مَا أَدْرَاكَ مَا الْعَقْبَةُ. فَكُ رَقَبَةٌ.

wit is to be paid to his family and the slayer shall set free a believing slave. And whoso finds this beyond his ability, two month fasting successively by way of repentance to Allāh (is ordained) for Allāh is Knower, Wise".²⁶ In the same sūrah says: "... And do good to your parents, relatives, orphans, the needy, the neighbor who is near relative, the neighbor who is a stranger, the very close friend, the wayfarers and to those slaves whom you own. Verily Allāh does not like the conceited arrogant".²⁷ In sūrah of Al-Nahl says: "Allāh has preferred some of you above others in sustenance, but those preferred ones do not share their provision to those slaves they own, so that they be equal in that respect. Is it the bounty of Allāh that they deny?"²⁸ In sūrah of Al-Nūr has ordained: "Make the single or unmarried people of the family marry and also the male or female servants (slaves); if they are poor Allāh will bestow them the means in abundance, since Allāh is the knowing Bounty-Bestowed. Those who cannot find the wealth and means for marriage they are enjoined to keep themselves chaste until Allāh grants them bounty out of His grace. And those of your slaves who ask for a written contract for their freedom, provide it for them if they are nice and reliable and also give them out of the means, which Allāh has bestowed upon you. Also do not force your maids to prostitution when they are chaste just in order to benefit from the perishable goods of this worldly life; and if the slave-girls do such filthy act under compulsion, Allāh is the Merciful, Forgiving".²⁹

Summary and Conclusion

In Islam the principle is based on freedom and not slavery. Historical researches show that a step by step policy adopted in early Islam to depreciate the phenomenon of slavery gradually so its effects and consequences would not disturb the society. On the other side, regarding the inexistence of the prison organization in early Islam, because in wars there was no specific organization for protection of captives and prisoners, therefore this responsibility was distributed among people who were mostly rich in the society by sale of captives to them.

Slavery was a tradition of pagan Arabs, and Islam according to social conditions of that time could not annul it suddenly. Because firstly many slaves were freed in one time who had no economic support and their lives were disturbed and lots of crimes would be happened in the society. Secondly, manual and producing works mostly were done by slaves and freeing slaves totally could cause economic depression and crisis.

On this basis the Prophet Mohammad (PBUH) took this policy so that slavery would rarely happen and freeing of slaves in large portions would happen until slavery is to be gradually abolished.

²⁶ Al-Nisā IV, 92.

وَمَا كَانَ لِمُؤْمِنٍ أَنْ يَقْتُلَ مُؤْمِنًا إِلَّا خَطَأً وَمَنْ قَتَلَ مُؤْمِنًا خَطَأً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ إِلَّا أَنْ يَصَدَّقُوا فَإِنْ كَانَ مِنْ قَوْمٍ عَدُوٍّ لَكُمْ وَهُوَ مُؤْمِنٌ فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَإِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ مِيثَاقٌ فِدْيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ وَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ فَمَنْ لَمْ يَجِدْ فَصِيَامٌ شَهْرَيْنِ مُتَتَابِعَيْنِ تَوْبَةً مِنَ اللَّهِ وَكَانَ اللَّهُ عَلِيمًا حَكِيمًا.

²⁷ Al-Nisā IV, 36.

وَالْوَالِدَيْنِ إِحْسَانًا وَبِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَالْجَارِ ذِي الْقُرْبَىٰ وَالْجَارِ الْجُنُبِ وَالصَّاحِبِ بِالْجَنبِ وَابْنِ السَّبِيلِ وَمَا مَلَكَتْ أَيْمَانُكُمْ إِنَّ اللَّهَ لَا يُحِبُّ مَنْ كَانَ مُخْتَلًا فُحُورًا.

²⁸ Al-Nahl XVI, 71.

وَاللَّهُ فَضَّلَ بَعْضَكُمْ عَلَىٰ بَعْضٍ فِي الرِّزْقِ فَمَا الَّذِينَ فُضِّلُوا بِرَادِّي رِزْقِهِمْ عَلَىٰ مَا مَلَكَتْ أَيْمَانُهُمْ فَهُمْ فِيهِ سَوَاءٌ أَلْيَعْبَهُمُ اللَّهُ يُجَاهِدُونَ.

²⁹ Al-Nūr XXIV, 32-33.

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ إِنْ يَكُونُوا فُقَرَاءَ يُعْطِهِمُ اللَّهُ مِنْ فَضْلِهِ وَاللَّهُ وَاسِعٌ عَلِيمٌ. وَلْيَسْتَعْفِفِ الَّذِينَ لَا يَجِدُونَ نِكَاحًا حَتَّىٰ يُغْنِيَهُمُ اللَّهُ مِنْ فَضْلِهِ وَالَّذِينَ يَبْتِغُونَ الْكِتَابَ مِمَّا مَلَكَتْ أَيْمَانُكُمْ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا وَآتُوهُمْ مِنْ مَالِ اللَّهِ الَّذِي آتَاكُمْ وَلَا تَكْرَهُوا فَتْيَاتِكُمْ عَلَىٰ الْبِغَاءِ إِنْ أَرَدْنَ تَحَصُّنًا لِيَبْتِغُوا عَرَضَ الْحَيَاةِ الدُّنْيَا وَمَنْ يُكْرِهِنَّ فَإِنَّ اللَّهَ مِنْ بَعْدِ إِكْرَاهِهِنَّ غَفُورٌ رَحِيمٌ.

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Farsi Resources

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