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ISLAM AND SLAVERY

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In the name of Allah, the Gracious, the Merciful.

ISLAM AND SLAVERY.

Introduction.

SLAVERY has been defined as the system in which a human being is held to be the legal property of another and is bound to absolute obedience and submission. A slave is thus a human chattel who may be retained or sold or otherwise dealt with as his master pleases. The system had its origin in war. In the beginning of human society, whenever there was a war between two tribes or nations, the combatants of the vanquished army—and very often, even the non-combatant male members of the vanquished nation—were put to the sword, while the children and women were taken into slavery and made to do all sorts of work for their masters. Gradually, however, as civil life and industries developed and there was a greater demand in the world for servants and labourers, it was felt that the best and easiest way of securing labour was to enslave the conquered people. Conquering nations then began to enslave rather than slay the prisoners of war, who were forced to do manual work both for the conquering nation and its individuals. By degrees, the system became so wide-spread, that in some countries the slaves even outnumbered the free inhabitants, and slavery became an integral part of civil life. (1) These slaves were looked upon as the sole property of their

(1) 'Chambers' Encyclopaedia under Slavery.

masters, who could treat them in any way they liked, could exact from them any work they pleased, inflict on them any punishment they desired, and could sell them to others whenever they chose to do so. Eventually the system became so extended that even the children of the slaves were treated as the property of their masters, and thus a permanent system of slavery was established. When people found this system to be so lucrative, they no longer confined themselves to the enslavement of only the prisoners of war, but devised other cruel ways of enslaving free men. For instance, they made unprovoked raids on weaker tribes, and reduced their men and women to a condition of bondage. In certain countries even civil debtors became liable to be converted into slaves.

At the advent of Islam, more than 1350 years back, the practice prevailed more or less in all countries. Hundreds of thousands of slaves were leading lives of extreme misery and pain in Rome, Greece, Egypt, Persia and other countries. Their lot was hardly better than that of dumb driven cattle. In Arabia too there were thousands of slaves in those days, and they formed an essential part of the wealth of the rich. Perhaps nowhere in the world were they more despised than in Arabia. They were treated with the utmost cruelty and heartlessness.

When the Holy Founder of Islam began his preachings, which was roughly in 611 A.D., his teachings included the injunction that slaves should be treated with leniency and kindness, and his earliest revelations declared the emancipation of slaves as an act of great virtue. The Quran, in

one of its earliest *Surahs* refers to this subject in the following words :—

"Have We not created for man two eyes, and a tongue and two lips, and have We not shown him the two great ways of evil and virtue? But he attempts not the high mountain road. And what should make thee know what the high mountain road is? It is the setting free of a slave, or the feeding in a day of hunger an orphan who is of kin or a poor man cleaving to the dust." (1)

The simplicity and excellence of the teachings of Islam, combined with this special injunction about slaves, made a deep impression upon the slaves of Arabia who began to look upon the Holy Prophet's call as the call of a deliverer. It was for this reason that notwithstanding the atrocities that were inflicted upon them by their infidel masters on account of their acceptance of Islam, the new religion spread very rapidly among the slave population. The proportion of slaves was indeed extraordinarily large among the early converts. It appears from history that even in the very beginning of Islam, slaves were not treated with contempt in Muslim society. And as time advanced and further Divine commandments were revealed concerning the slaves, their position became stronger and their condition better, till at last there ceased to be any distinction between the slaves and their masters except that the former were administratively subordinate to the latter. Along with this, the movement for the emancipation of slaves also gained in force day by day, and the Muslims, under the influence

(1) Quran Surah 90:9—17.

of the teachings of the Quran, and stimulated by the example of the Prophet vied with one another in taking an active part in this movement. Muslim history teems with instances of slaves set free by their Muslim masters.

But the question is whether the work of the Holy Prophet with regard to slaves was confined only to the improvement of their position and gradual emancipation, or whether he took effective steps to put an end to the cruel inhuman ways of reducing free men to slavery. It is true that even if it be supposed that his work did not go beyond the limit stated above, he can not fail to be regarded as one of the great benefactors of humanity for having rendered conspicuous service in amelioration of the condition of slaves, and inaugurating a movement for their emancipation. But his real work went very much farther, for, he not only ameliorated the condition of the slaves, but took effective measures to abolish slavery altogether. His teachings about slaves thus fall under two heads:—

(1) Teachings for the betterment of the condition of the existing slaves and measures for their gradual emancipation.

(2) Steps for the permanent abolition of slavery.

We propose to deal in these pages with the teachings of the Holy Prophet under each of these two heads.

THE HOLY PROPHET'S TEACHINGS ABOUT THE EXISTING SLAVES

The Quran says :—

"And do good to the parents and other relations and the orphans and the needy.....and what your right hands possess (*i.e.*, slaves) for Allah loves not those who are proud and boastful." (1)

In this verse Muslims are enjoined to be kind to slaves and do good to them.

Again :—

"And marry not idolatrous women till they believe ; for a believing bondwoman is better than an idolatrous woman though she may please you. Nor give believing free women in marriage to idolatrous men till they believe, for a believing slave is better than an idolatrous free man though he may please you." (2)

In this verse, not only the status of slaves has been raised, but a door has been opened for inter-marriages between free Muslim men and believing bondwomen and free Muslim women and believing slaves, so that by inter-mixing on terms of equality the condition of the slaves may quickly improve.

And again :—

"You may marry women whomsoever you please up to

(1) 4:37.
(2) 2:222.

the limit of four according as your circumstances demand ; but if you fear that you will not be able to deal fairly and equitably among them then you should marry only one wife except such female slaves as your right hands may possess." (1)

In this verse it has been laid down that even if the prescribed limit of four wives fixed for exceptional circumstances has been reached a Muslim may enter into conjugal relations with a slave girl so that the door of ameliorating the condition of slaves may always remain open. A similar exception has been granted in the case of the Holy Prophet himself. (2)

Again, the Quran says :—

"And say to the believing women that they discover not their beauty and ornature save to their husbands, or to their fathers, or the fathers of their husband, or their sons, or the sons of their husbands, or their brothers, or the sons of their brothers, or the sons of their sisters, or their own women folk, or what their right hands possess (*i.e.* their slaves)." (3)

This verse shows that the real aim of the Islamic teachings with regard to the existing slaves was that the Muslims should treat them as their kith and kin, so much so, that Muslim women need not even observe *Purdah* with their slaves, so that the feeling of being strangers

(1) 4:4.
(2) 33:53.
(3) 24:32.

to the family might altogether disappear and there might be free intermixing with them like that of near relatives.

So much about the injunctions of the Quran about the treatment of the existing slaves. We now turn to the sayings of the Holy Prophet (may peace and the blessings of God be upon him) on this subject.

Abu Zar, a companion of the Holy Prophet relates that the Prophet used to say, "Your slaves are your brethren. So if any one of you happens to have a slave, let him give him the same food that he himself eats, and the same clothing that he himself wears. And do not give them such work as is beyond their power to perform, and if you ever happen to give them such work, you should help them in doing it." (1)

The words "You should help them in doing it" also contain the hint that the work given to the slaves should be of a nature that if their masters themselves have to perform it they should not think it a disgrace to do so.

The saying of the Holy Prophet quoted above leaves no doubt as to the fact that his teachings not only enjoin most kind treatment of the slaves, the like of which is not to be found in any other religion or society, but that the real object of those teachings was that Muslims should look upon their slaves as their own brethren and that the standard of living of the slaves should be on a par with their own, so that their social status may soon be raised to that of the free men and that all sense of degradation and

(1) *Bukhari*, Kitab Al-Itq.

inferiority should be completely obliterated from their minds. Mere kind treatment could not obviously be the object of this extraordinary teaching, namely, that the standard of life of the slaves should be the same as that of their masters, for in every civilised society differences of rank are duly observed and such differences are also allowed by Islam to a reasonable extent. The teaching had, therefore, an ulterior aim *viz.* that in view of their eventual emancipation the slaves might be fitted to lead an honourable life on an equal status with their free neighbours.

Again, Ubadah, son of Walid, says: "We once met Abdul Yusr, a companion of the Holy Prophet, who was accompanied by a slave. We saw that he wore a striped garment coupled with a Yemnite garment, and so did his slave. I said to him, 'Uncle, why did you not take the striped garment of your slave and give Yemnite garment to him, or take his Yemnite garment for your self and give him your striped garment of the same kind?' Abul Yusr laid his hand on my head and blessed me and said. 'Dear nephew, my eyes have seen, and my ears have heard, and my mind remembers that the Holy Prophet used to enjoin, 'Give to your slaves the same food that you yourselves eat and give them the same garment that you yourselves wear. Therefore, I prefer to give of my worldly possessions an equal share to my slave rather than lose any part of my reward on the Day of Judgment." (1)

This tradition is even more emphatic than the previous one and shows that the teachings of the Holy Prophet on

(1) *Bukhari*, Kitab Al-Zuhd.

this subject were faithfully acted upon by his devoted companions, so much so, that they did not tolerate the least difference even in the outward appearance of their dresses, to say nothing of any difference in their real quality.

Again, Abu Nawar, who was a dealer in cloth, says, "Ali, son of Abu Talib (fourth successor of the Holy Prophet), once came to me with a slave and purchased from me two linen shirts. Then he said to his slave, 'Choose whichever of the two you please.' The slave chose one, and Ali took the remaining one and put it on." (1)

This shows that in obedience to the injunctions of the Holy Prophet with regard to the treatment of slaves, his eminent companions went so far as to give their slave the right of making the first choice out of their (the masters') belongings and themselves used what was left.

This is the utmost degree of preference and priority which one can give to another. This treatment was not meant merely as an act of kindness to the slaves, but had the ulterior object of uplifting them in the social scale and bringing them on a level with the free men, so that they might prove good citizens after emancipation.

Again, Abu Huraira reports that the Holy Prophet used to say, "Let not one of you say, 'O my slave' or 'O my bondsmaid', but let him say, 'My boy' or 'My girl'. Similarly the slaves should not address their masters as, 'My Lord' or 'My Master,' but simply as 'Sir'." (2)

(1) *Usud Al-Ghabah.*

(2) *Bukhari.* Kitab Al-Itq.

By this teaching, it has been sought to work a change in the mentality of both the masters and the slaves. On the one hand, the masters are required to banish from their minds all ideas of self-magnification and self-aggrandisement, and on the other, the slaves have been taught self-assurance. Thus not only was their social status raised, but they were also morally uplifted. This achieved, there was no obstacle to the working of a complete change in their circumstances and status

Similarly, there are many other traditions which show that Islam not only laid the greatest stress on the betterment of the condition of the existing slaves and on doing the utmost for their welfare and comfort, but that the real aim of the teachings of Islam on this subject was to make the slaves as civilised and as respectable as the free men, so that when emancipated they might prove useful citizens of the State.

It must also be remembered that the above teachings of Islam about slaves were not merely commendatory; they were religious and administrative ordinances, the observance of which was rigorously enforced by the authorities, as may be seen from the following tradition :—

Abu Masood, one of the companions of the Holy Prophet, who was one of those who took part in the battle of Badr, says :—

"Once when I was chastising my slave for some offence of his, I heard a voice from behind me saying, 'Abu Masood, what are you doing? But being enraged, I did

not recognise the voice and went on chastising him. Then the voice drew near and grew louder and when I looked back, I saw that the Holy Prophet, himself was rapidly advancing towards me, saying, 'Abu Masood, what are you doing?" When I saw him, my stick dropped from my hand. The Prophet cast an angry look at me, and said, 'Abu Masood, do you not know there is God above you Who has far greater power over you than you seem to have over your slave. I said, 'O Messenger of God forgive me, I set this slave free for Allah's sake.' The Holy Prophet said, 'if you had not done so, the fire of Hell would have scorched your face." (1)

Again. Ibn Abbas, the Holy Prophet's cousin, says :—

"Once a slave came to the Prophet and said, 'O Messenger of God, my master had married me to his bondwoman, but he now desires to annul the marriage and separate us from each other." Thereupon the Holy Prophet ascended the pulpit in great rage, and addressing the people said, 'O Ye Muslims, why is it that you first marry your slaves to your bondwomen and then desire to separate them from one another of your own accord. Remember that you have no power to do that. The right of divorce rests in the husband and you cannot compel your slaves to divorce their wives." (2)

Another tradition relates that, "Omar, son of Khattab (second Successor of the Holy Prophet), used to visit the suburbs of Medinah and if he found a slave who was given work beyond his power, he forthwith ordered a mitigation in the work," (3)

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(1) *Muslim*, Kitab Al-Iman.
(2) *Ibn Majah*, Kitab Al-Talaq.
(3) *Muatta*, Chapter on kind treatment of slaves.

EMANCIPATION OF THE EXISTING SLAVES

NOW we come to the question which deals with the emancipation of the existing slaves and formed the main objective of Islam and its Holy Founder in their teachings about slavery.

In order to effect the emancipation of the slaves two courses were adopted, one commendatory and the other mandatory. I will first deal with the measures which were commendatory in their nature.

First of all, when the Holy Prophet was still at Mecca and had just entered upon his career as a prophet, he received the following revelation :—

"O Prophet, dost thou know what the high mountain road is, by ascending which one can reach to the height of Divine nearness? Know that it is the freeing of a slave." (1)

Again, the Quran says :—

"Real virtue lies in this that one should believe in Allah.....and should spend money out of love for Him, on kinsmen, orphans, the poor, the wayfarers, and for the emancipation of slaves." (2)

The sayings of the Holy Prophet on this subject are equally explicit.

Abu Huraira relates that the Holy Prophet used to say, "Whoever emancipates a Muslim slave, God will grant him deliverance from the fire of Hell, limb for limb." (3)

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(1) Quran, 90:13,14.
(2) 2:178.
(3) *Bukhari*, Kitab Al-Iman-wa Al Nudhur.

Again, Bara son of Azib, relates that once an Arab of the desert came to the Holy Prophet and said : "O Prophet of God, let me know a work by doing which I may go straight to heaven." The prophet replied : "Your question is brief, but you have asked a big thing. Emancipate a slave ; and if you cannot do it alone, do it jointly with others." (1)

Again, Abu Burdah relates from his father that the Holy Prophet (may peace and blessings of God be upon him) used to say : "If any of you have a slave girl, whom he gives good education and excellent training, and then he emancipates her and marries her, he shall have a two-fold reward." (2)

In addition to the strong recommendations referred to above, it has been laid down in Islam with reference to certain offences that they should be expiated by the emancipation of slaves. This measure may be understood to lie midway between the commendatory and the mandatory measures.

In this connection the Quran says : "If any Muslim slay a believer unintentionally, he must emancipate a slave and pay the blood-money to the heirs of the slain person, unless they remit it of their own accord. If, however, he does not find a slave to set free, he should fast for two months in succession." (3)

Continuing, the Quran says : "If the person slain belongs to a people who are hostile to the Muslims and are at war with them, then in case the person slain is a Muslim

(1) *Baihaqi* as quoted by Mishkat in Kitab Al-Itq.
(2) *Bukhari*, Kitab Al-Nikah.
(3) 4:93.

the slayer shall set free a Muslim slave and if he does not find a slave then he should fast for two months in succession." (1)

Further on it says, "And if the person slain be from a people between whom and yourselves there is a treaty of peace then even if the person slain be a disbeliever the slayer shall pay the blood-money to his heirs and set free a slave, and if he does not find a slave, he shall fast for two months consecutively." (2)

Again, the Quran says: "If anybody swears to a thing and then fails to keep his oath, he shall atone for it by feeding ten poor people according to his means, or by giving them clothes, or by emancipating a slave; but if he does not find a slave, he shall fast for three days." (3)

Elsewhere the Quran enjoins: "And those who vow to separate themselves from their wives and afterwards go back on words and desire to return to them, shall emancipate a slave; but if any of them does not find a slave, he should fast for two months consecutively, and if he is not able to do that, then let him feed sixty poor people." (4)

The above are the various occasions for the emancipation of slaves, which have been prescribed by Islam, and as is usual with the Quran, two or three alternatives have been suggested for each occasion and the Muslims have been given the option to choose between them according to their means and circumstances. It should

(1) Ibid.
(2) 4:93.
(3) 5:90.
(4) 58:3, 4.

be noted, however, that wherever the emancipation of slaves has been mentioned, the Quran has made it a point to add the words, "If any of them does not find a slave," which shows that Islam really aimed at the total emancipation of slaves and visualised the day when slavery would be extinct. On the other hand, when, in Chapter LVIII, it speaks of two months' fasts the words added are: "If he is not able to do that." These words when contrasted with those added in the case of slaves leave no doubt as to the fact that the ultimate object of Islam was to effect the total emancipation of the existing slaves.

A general injunction of the Holy Prophet about the emancipation of slaves is also contained in the following tradition :—

"Asma, daughter of Abu Bakar (first Successor of the Holy Prophet), reports that the Holy Prophet ordered the setting free of slaves on the occasion of solar eclipses." (1)

Now we take the system of mandatory compulsory emancipation. Islam prescribes various ways for this purpose.

1. Suwaid, a companion of the Holy Prophet, relates as follows :—

"We were seven brothers and had a slave common to us all. One of us once became angry with him and getting out of temper gave him a slap on his face. The Holy Prophet came to know of this and ordered us immediately to set the slave free." (2)

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(1) *Bukhari*, Kitab Al-Itq.
(2) *Muslim*, Kitab Al-Iman.

The same incident has been related by Ibn Omar, who adds that if anybody beats a slave and then sets him free, he deserves no reward for this act, for Islam prescribes the setting free of a slave as punishment for beating and the undergoing of a prescribed punishment can have no reward. (1)

Thus one form of compulsory emancipation instituted by the Holy Prophet was that he laid down the emancipation of slaves as a punishment for beating.

2. Ibn Omar relates as follows: The Holy Prophet used to say, "If anyone happens to come in possession of a slave who is a relation of his, such a slave shall automatically become free." (2)

3. Ibn Omar and Abu Huraira relate as follows :—

The Holy Prophet said, "If a man is a co-partner in the possession of a slave and he declares that slave to be free in his own part, he is bound to pay to the other partners and secure complete freedom for him. If, however, he has not the means to do so, even then the slave shall be set practically free, so that he may earn money for payment to his other masters and secure complete freedom for himself; and for this purpose he will be provided with every facility." (3)

4. It is on record that some of the slaves of the Meccan idolaters fled from Mecca and sought refuge with the Holy Prophet (may peace and blessings of God be upon him), whereupon the idolaters asked for their return

(1) *Ibid.*
(2) *Ibn Majah*, Kitab Al-Itq.
(3) *Bukhari*, Kitab Al-Itq.

and some of the Muslims also recommended it. The Holy Prophet was greatly displeased at this and refused to return them saying, "They are the freed men of God. Shall I return them to slavery and infidelity? (1)

5. Ibn Abbas relates as follows: The Holy Prophet used to say, "If any person enters into matrimonial relations with a female slave of his, and she begets a child, she shall thereafter be regarded as free." (2)

According to another report the Holy Prophet said, "The female slave with whom her master enters into matrimonial relations shall be regarded as free, if the maid gets into the family way even if it is only a case of abortion." (3)

The above were some of the various ways of compulsory emancipation prescribed by Islam. But it is evident that they could not cover all cases and that there still remained many slaves who could not avail themselves of any of these methods. On the other hand, their emancipation through commendatory ways was also uncertain. Hence it was necessary that there should be some sure and permanent means of securing the freedom of the existing slaves. To achieve that end Islam introduced a system known as *Mukatubat*. By this system, the master was bound to set free a slave who had made himself qualified for emancipation —a matter not to be judged by the master but to be determined by the State or the Court—on condition of the latter's earning or procuring a reasonable amount of money.

(1) *Abu Daud*, Kitab Al-Jihad.
(2) *Ibn Majah*, Kitab Al-Itaq.
(3) *Kashf Al-Ghummah*, Chapter on Ummhat Al-Quled.

Thus the Quran says: "As for those of your slaves who desire to enter into a contract of freedom with you on payment of a specified sum, make such a contract with them, if you find any good in them, and give them out of the wealh which Allah has given you." (1)

In this verse, it was clearly laid down that if a slave desired to have freedom on payment of a certain sum, the master was bound to comply with his wishes and set him provisionally free, so that he might earn or procure the sum fixed, provided it was found that he was fit for freedom. The master was further exhorted to return to the freed slave a part of the money which he paid for his ransom.

The above verse forms, as it were, the foundation stone for the mandatory emancipation of slaves. It is a short verse, but it has a far-reaching and weighty significance. The law of *Mukatabat*, as enunciated in the verse quoted above, required that a contract should be made between the master and the slave to the effect that if the latter paid the former a certain sum of money, the latter was to be set at liberty. The process followed in this connection was that after the contract was made, the slave was practically set at liberty, and in this state of provisional freedom he took up some work or occupation, such as trade, industry, agriculture or service and thus tried to earn the required sum of money. As soon as the required amount was paid to the master he was an absolutely free man.

This was a very happy and extremely wise arrangement. It not only helped those of the slaves who were in a position

(1) 24:34.

to lead free lives to secure their freedom by way of right, but even in case where the slaves did not at first possess such capability it encouraged them to engage in some work like free men and to learn to bear the responsibility of civil contract in order to earn the required sum of money and acquire free citizenship.

It must also be borne in mind that the question of emancipation through *Mukatabat* did not depend upon the sweet will of the master; it was obligatory. Whenever a slave demanded such a contract to be made, the master had no right to refuse. It was for the Government or the Court to decide whether the slave was fit to lead a free and independent life, and if the decision went in favour of the slave the master was bound to accept it. It is on record that once Sirin, a slave of Anas, a companion of the Holy Prophet, desired his master to give him a contract of freedom on payment of a certain sum, but Anas, thinking that he was a rich man and needed no money, refused to make the required contract. Sirin complained to Omar, the second successor of the Holy Prophet, who summoned Anas and ordered him to give Sirin the desired contract. Anas refused; Omar thereupon hit him with a whip and recited the Quranic verse which says, "As for those slaves who desire to enter into a contract of *Mukatabat* with you, make such a contract with them." Thereupon Anas agreed. (1)

That the obligation of *Mukatabat* depended on the fitness of the slave to lead an independent life and on noth-

(1) *Bukhari*, Kitab Al-Mukatabat.

ing else may be determined by the following tradition Yahya bin Kasir relates :—

"The Holy Prophet used to say that the words of the Quran, 'Make a contract of *Mukatabat* with them if you find them to be fit for some work or trade so that after being set free, they may not become a burden upon society.' (1). This meant that the contract of *Mukatabat* became obligatory in the case of such slaves as were capable of doing some work or engaging in some trade or were able to learn it quickly.

The explanation of the Quranic words as given by the Holy Prophet in the above-mentioned tradition, makes it clear that the real object of the Islamic teachings about the existing slaves was to improve their condition and make them fit for liberty so that they might be gradually emancipated as they grew fit for emancipation.

As the system of *Mukatabat* formed the foundation-stone for the liberation of slaves, it has been highly commended in Islam. Thus Abu Huraira relates that the Holy Prophet used to say, "There are three classes of persons whom Allah has made it binding on Himself to help: Firstly, the slave who has been given the writ of *Mukatabat* and is striving to pay up the money; secondly, the person who marries in order to preserve his or her chastity; thirdly, the person who strives strenuously in the cause of Allah." (2)

(1) *Abu Daud* as quoted by *Ibn Kasir* under the verse relating to *Mukatabat*.
(2) *Tirmizi* and *Nasai* and *Ibn Majah* as quoted by *Mishkat* in Kitab Al-Nikah.

From this saying of the Holy Prophet it seems that the *Mukatabal* being a prelude to the emancipation of slaves was regarded with great favour by God, Who imposed it as a veritable duty on Himself to vouchsafe special help to the slave who would gird up his loins to get himself emancipated.

This movement for the emancipation of slaves was not confined to individuals, but the State was also required to devote a part of the public funds to the cause of the freedom of slaves. The Quran says:—

"*Zakat* is meant for the poor, the needy and those who collect them, and for those new converts whose hearts are to be conciliated, and for the emancipation of slaves and for the debtors and for the cause of Allah, and for the wayfarer. This is an ordinance from Allah; surely Allah is most Knowing and Wise." (1)

According to this verse, it is the duty of an Islamic State to spend a part of the *Zakat* for the liberation of men and women from the bondage of slavery.

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(1) 9:60.

THE TEACHINGS OF ISLAM ABOUT EMANCIPATED SLAVES

SIDE by side with the scheme for the emancipation of slaves, it was also kept in view that even after emancipation, the freed slaves should not remain without support and helpers. Accordingly, the Holy Prophet (may peace and the blessings of God be upon him!) established a sort of brotherly relationship between the freed slaves and his former master. They were to be called each other's *Maula i.e.*, friend or helper. This was done that there might exist a feeling between the two that they were friends to each other and that they were to stand by each other in times of need.

It was with this end in view that both the emancipated slave and his former master were also given the right of inheriting each other. If the emancipated slave died without any other heir, his property was inherited by his late master; similarly, if the latter died without any other heir his property went to the former.

In this connection the following traditions may be quoted: "Ayesha relates that the Holy Prophet used to say, that if any emancipated slave died heirless, his property was to go to his late master." (1) Similarly, "Ibn Abbas relates that a man died in the lifetime of the Holy Prophet leaving no heir other than a slave whom he had emancipated.

(1) *Bukhari*, Kitab Al-Itq.

The Holy Prophet ordered his property to be given over to his freed slave." (1)

As this right of inheritance was not based on financial or economical considerations, the real object being the securing of a kind of relationship between the master and his freed slave, the Holy Prophet further ordered that this right could in no case be sold or given away as a gift. Thus Ibn Omar relates, "The Holy Prophet forbade the sale or the making of a free gift of the right of inheritance to the property of an emancipated slave." (2)

The Holy Prophet also ordered that emancipated slaves should be treated with honour and respect. The following incident will illustrate the point :—

Aiz bin Amr relates that one day, Salman, Suhaib, Bilal and some other emancipated slaves were sitting together when Abu Sufian who before embracing Islam was a bitter enemy of the faith passed by them. Seeing him they said to one another, "This enemy of God has escaped God's sword." Abu Bakr, happening to hear this, said to them reprovingly, "Do you say such words with regard to a chief of the Quraish?" Thereafter Abu Bakr went to the Holy Prophet and related the incident to him. The Holy Prophet said to Abu Bakr, "May be you have displeased them. If it is so, then know that their displeasure means God's displeasure." Abu Bakr went immediately to Bilal and his party and said "Have I displeased you, brethren then please do pardon me?" "No brother," said they, "We are not displeased with thee, please do not worry."(3)

(1) *Tirmizi*, Abwab al-Fraiz, and Abu Daud and Ibn Majah as quoted by *Mishkat* in its chapter on slaves.
(2) *Bukhari*, Kitab Al-Itq.
(3) *Muslim*, Bab Al-Fazail under Salman Muhaib and Bilal.

HOW THE MUSLIMS ACTED ON THE PROPHET'S TEACHINGS ABOUT THE EMANCIPATION OF SLAVES?

THE question now arises how the slaves were actually emancipated as a result of the commendatory and compulsory teachings about slavery and the system of *Mukatabat* introduced by Islam for their emancipation.

The answer to this question is that, as already stated, slaves were to be found in very large numbers in those days, so much so that, they sometimes outnumbered even the free inhabitants of a country (1) and it was no easy task to exhaust this endless stock. Moreover, they were not confined to the limited territory under the Muslims, nor were they to be found only under Muslim masters. It was, therefore, inevitable that the movement should have made but slow progress. Yet history conclusively proves that the companions of the Holy Prophet and their successors devoted themselves whole-heartedly to the accomplishment of this noble task, and spared no pains not only to set free the slaves in their own possession but also to secure the freedom of those owned by others. In fact, in this respect they set an example which stands unrivalled in the history of the world. It is on record that besides liberating in very large numbers the slaves of whom they themselvse were the masters, they purchased slaves from others with the pious intention that they might set them free after

(1) Encyclopaedia Britannica, under Slavery.

purchasing them. Thus numberless slaves obtained their freedom through the efforts of the Mûslims. The following list, which is by no means complete and which gives the names of only a few of the companions by way of example, is enough to bear out the truth of our statement :—

Name of liberator	Number of slaves liberated	
The Holy Prophet	63	
Ayesha, wife of the Prophet	67	
Abbas, uncle of the Prophet	70	
Hakim bin Hizam	100	
Abdullah bin Omar	1,000	
Abdur Rahman bin Auf	30,000	
Othman, the third Caliph	20	in one day only which was the day of his martyrdom, otherwise the total number of slaves liberated by him was very large.
Dzul-K[illegible] al-Himiari	8,000	in one day only.
Total	32,320	(1)

As I have stated, the above list gives the names of only a few companions of the Prophet by way of example. If the number of slaves set free by all the companions of the Holy Prophet, and their successors and the successors of their successors be calculated at the above rate, the total

(1) *Subul Al-Salam*, Kitab Al-Itq.

will certainly rise to millions. But the truth is that even the figures given in the above list are not correct ; they are, in fact, far below the real figures. For instance, a report about Ayesha, wife of the Holy Prophet, shows that on one occasion alone. she set free as many as 40 slaves. (1) Other reports about her show that she was in the habit of setting slaves free in very large numbers. (2) Hence it is evidently erroneous to think that in all her life she set free only 67 slaves as given in the above list. Similarly, though the figure attributed to the Holy Prophet may be correct if we confine ourselves to the slaves liberated by him in his personal capacity, for, personally he was by no means a rich man nor did he live long after the promulgation of the above-mentioned ordinances about slaves, yet it is certain that the figure given against his name does not include the slaves set free by him in his capacity as Head of the Islamic State, for that number was certainly very much larger. It may also be mentioned here that there are good many reports about the Honly Prophet which are unanimous in saying that there never came a slave in his possession but he invariably set him free. It is to this fact that the following tradition alludes :—

"Amr bin Harith, brother of Juwairia, wife of the Holy Prophet, reports that the Prophet did not, at the time of his death, leave behind him any silver or gold coin or any slave, male or female." (3)

The only reasonable interpretation that can be put on

(1) *Bukhari*, Kitab Al-Adab, Chapter on Hijra.
(2) *Isaba* and *Usud Al-Ghaba.*
(3) *Bnkhari* as quoted by *Mishk*at in Bab Wafat Al-Nabi.

this tradition is that whatever wealth came into the hands of the Holy Prophet he gave away to the poor and the needy and whatever slaves he happened to possess he hastened to set free so that when the Prophet died he was both penniless and slaveless.

In short, the teaching which Islam gave with regard to slaves was not meant to adorn papers only, but formed part and parcel of the law of Islam and the social life of the Muslims, and there is conclusive evidence to prove that both the individual and the State carried this teaching into practice with the fullest zeal and ardour.

ALL DOORS OF ADVANCEMENT WERE OPEN TO THE EMANCIPATED SLAVES

IT has already been pointed out that the slaves were emancipated when it was known that they had become fit for freedom both from the viewpoint of their morals and habits and of their competence to earn independent livelihood.

Now we wish to show that the slaves whom the Muslims set at liberty, after satisfying themselves as to their fitness for freedom, actually became useful citizens, and they were treated with the same honour and respect as other respectable members of the society. The Holy Prophet in order to remedy the old aversion to slaves showed even greater regard for the capable persons among freed slaves than for others. For instance, on several occasions he put his freed slave, Zaid, and his son Usama at the head of military expeditions while many of his most eminent and high-placed companions served under them, and when some of the thoughtless people, under the influence of their old ideas, took exception to this, he was greatly displeased and said, "You have taken exception to the leadership of Usama and before this you also took exception to the leadership of his father Zaid. But, by God, just as Zaid was fit for leadership and was one of those whom I most loved and trusted, similarly, his son Usama is fit for leadership and is one of the most beloved and trusted of men to me." (1)

(1) *Bukhari*, Kitab Fazail.

That the Holy Prophet put the freed slaves on exactly the same level with the most respected of the free citizens may further be judged from the fact that he gave in marriage his own cousin, Zainab, to Zaid, his freed slave. (1) What greater honour could be bestowed on an emancipated slave? And curiously enough, Zaid is the only companion of the Holy Prophet who has been mentioned by name in the Quran. (2)

Again, we notice in history that some of the emancipated slaves rose to great eminence by reason of their learning and culture. For instance, Salim bin Ma'qal, the freed slave of Huzaifa, was reckoned among the most learned of the companions. Indeed he was one of the four whom the Holy Prophet appointed for giving lessons in the Quran. (3)

How the emancipated slaves were revered for their piety and righteousness may be further judged from the fact that Omar (second Successor of the Holy Prophet) often used to say of Bilal that he was their chief and lord. (4)

Again, not only in the time of the Holy Companions, but also in the succeeding generations, some of the freed slaves rose to high eminence in Muslim society. For instance, Ata son of Abi Ribah, Mujahid, son of Jubair Nafi, the free slave of Ibn Omar and Moosa bin Uqbah were counted among the most eminent of those Muslims who came after the Companions of the Holy Prophet, and persons of high social position considered it an honour to sit before them as pupils. (5)

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(1) *Isabah* and *Usud Al-Ghaba.*
(2) Quran 33:38.
(3) *Bukhari*, Kitab Fazail.
(4) *Bukhari*, Kitab Fazail.
(5) *Tahzib al-Tahzib.*

WHY WERE NOT ALL SLAVES FREED AT ONCE?

WHEN Islam came with a message of freedom for the slaves, why did not the Prophet give orders for the immediate release of all slaves?

The brief and simple answer to this question is that the Holy Prophet did not do so because he was a true friend of the slaves and what he aimed at was real reform and not mere display. He did not take any step which might outwardly appear to be friendly to the slaves, but which was really harmful to them and detrimental to the welfare and advancement of the country. Every sensible man can easily see that to liberate immediately hundreds of thousands of slaves under the conditions then prevailing in the country was to send them adrift in the land utterly helpless and unprotected, and this was dangerous to them and to the country in more ways than one. The result of this revolutionary and universal emancipation would have been that whereas a part of the freed slaves would have turned paupers and died of starvation the rest would have been driven by unemployment to adopt a life of crime and, becoming moral wrecks, would have turned into a source of seething unrest for the country and its people. Revolutionary steps may appeal to our sentiments and appear attractive, but in most cases they do not prove useful. Nay, in some cases they exercise a very pernicious influence on the

character of individuals as well as on the social life of the nation as a whole.

Hence, the Holy Prophet, who was a true reformer and who wished to do for the slaves that which was really beneficial for them, did not follow any such course as might prove disastrous to society and do the slaves more harm rather than good. Just consider what would have been the result under the circumstances which then existed if all the slaves, who numbered hundreds of thousands, had been suddenly set free without any prudential arrangements having been made for their maintenance, comfort and control. Certainly such a step would have meant their total ruin both temporally and morally; temporally, because most of them would have been left without any support or means of livelihood, and without having any opportunity to learn some trade or profession; and morally, because their sudden and universal liberation would have exercised a corrupting influence on their morals and habits, particularly because owing to their long subjection to tyrannical treatment they had acquired meanness, stony-heartedness and similar other low morals, and God knows in what channels their degraded morals would have run and what fruit they would have borne if all the slaves had been set free immediately.

It was in view of such wise considerations that Islam very judiciously followed two courses with regard to slavery. In the first place, it put an end, once for all, to all the tyaannical ways of reducing free human beings to slavery and thus stopped further extension of the system. Secondly,

in view of the state of things then prevailing, it took effective steps to bring about the moral, social and economic uplift of the existing slaves, providing at the same time that as these slaves became gradually fit to lead independent lives in a useful manner, they should gradually but compulsorily be set at liberty

That indeed was the only way of true reform, which under the existing circumstances could have been followed with the fullest assurance of its leading to the happiests of results. Nay, a close and detailed study of the plan followed by the Holy Prophet to secure freedom for slaves leaves no doubt as to the fact that this was truly a matchless scheme, unparalleled in the goodness of the fruit which it bore. Never has any nation, either before the time of the Holy Prophet or after it set an example which may be said to make any approach to the high ideal set by the Holy Founder of Islam in this respect.

The doubt may here arise in the minds of some of the readers that there were many reformers, both European and American in the last century and the time that preceded it, who devoted their whole lives to the cause of the emancipation of slaves, and as a result of whose efforts slavery, was abolished from the greater part of the world. Among them may be mentioned the name of Abraham Lincoln, President of the United States of America, who caused hundreds of thousands of Negro slaves to be set free at once, and, it may be argued, this immediate and universal liberation led to no untoward result. On the contrary, the service rendered by Abraham Lincoln has won for him the highest admiration of the world.

With regard to this doubt it must, in the first place, be remembered that there is a world of difference between the conditions that prevailed 1,350 years ago and those that obtain in the present day. And as the teachings of Islam with regard to the existing slaves pertained to the peculiar conditions of those times while the real and fundamental teachings of Islam about slavery were quite different, as will be seen from what follows, therefore it is not right to institute any comparison between the Holy Prophet of Islam and modern reformers of Europe and America. If immediate and universal emancipation did not prove injurious in the persent age, it does not follow that it would not have proved injurious in days gone by and under conditions widely different from those now prevailing. In the days of the Holy Prophet the moral and social condition of the slaves was extremely degraded, while the condition of society and the standard of civilisation in those days was quite different from that now prevailing. In the time of the Holy Prophet the only wise course was to emancipate the slaves gradually, and not all at once; for, in the latter case the result would have been certainly disastrous rather than beneficial.

This is a general answer that can be given to the above question. But the truth is that the plan followed by Islam is the best and wisest plan under all circumstances; and every fair-minded man who will coolly ponder over the question will come to the same conclusion at which we have arrived. Jesus says, "The tree is known by its fruit." Taking this very wise maxim as our criterion, let us see which of the two syestems proved more advantageous and

beneficial in its results—the system pursued by Islam 1,350 years ago or the system adopted by modern reformers of Europe and America.

We cannot go here into details, but our readers would concede that the relative value of these systems can best be judged from two points of view.

Firstly, we should see which of the two systems led to the establishment of greater liberty in *real* sense of the word.

Secondly, we should see under which of the two systems the emancipated slaves made greater advancement.

When we test the two systems by these two criteria, we are forced to the conclusion that in both these respects the system introduced by the Holy Prophet of Islam was far superior to the one adopted by western reformers in modern times.

It is evident that the mere giving of a nominal freedom to a slave without destroying the real spirit of slavery cannot be called an act of emancipation in the true sense of the word. When we carefully consider facts, we cannot resist the conclusion that the reform effected by the western reformers was no better than a nominal one. It is true that they caused hundreds of thousands of slaves to be set free and that also immediately, but they absolutely failed to crush the spirit of slavery. Even after the so-called emancipation, both among the enslavers and the enslaved the spirit of slavery continued to live as before. The result

was that not only slavery was not abolished in the true sense of the word, but the relations between the masters and the slaves became even more strained.

Take, for example, the case of America. Indeed, in the U.S.A. apparently hundreds of thousands of Negro slaves were set at liberty, but even ignoring the fact that as a result of this universal emancipation the whole country was plunged into a terrible civil war, the question is, whether the Negro slave was really emancipated at that time. Nay, has any law of the land succeeded in securing true freedom for the Negro slave of America even up to the present day? Does not the white man of America practically treat his emancipated black slave as worse than even the meanest of slaves in the world? Does the emancipated "nigger" look upon himself as really free in America? Certainly the relations between the white emancipators and the emancipated blacks in America are the worst specimen of inter-class relations found in the world. This state of affairs is due to the fact that the method adopted to emancipate the slaves was such that although the slaves obtained nominal freedom, yet they could not secure real liberty and the mentality of both the emancipators and the emancipated remained unchanged.

The slaves emancipated under the Islamic system, however, present a marked contrast. They were emancipated gradually indeed, but after their emancipation they were free in the real sense of the word. They were free in body, free in soul, free in thought and free in action, and such cordial relations were established between the emancipated slaves and their emancipators, that compared

with them even the relations between two real brothers of the present times fade into insignificance. When I look, on the one hand, at a Negro slave of America of today (let me call him Tom for the sake of convenience) and at Bilal, the Negro slave of Arabia of 1,350 years ago, I see a wonderful contrast. Although both are Negroes and both are freed slaves, yet there is a world of difference between the two. For instance it is related that once when Bilal went to see Omar (the second Caliph of Islam who ruled over a vast territory), Omar at once called him in, in preference to the great men and nobles of Arabia who happened to be waiting outside for an interview ; and it was only when Bilal's interview was over that they were given an audience. At an-other time when mention was made of Bilal in the presence of Omar, the latter said, "Bilal is our lord and chief." (1)

But what is the plight of Tom, the emancipated slave of America ? The world knows that he is segregated as a veritable out-caste, made to occupy the meanest seat at social meetings and subjected to all sorts of insults and humiliations which he has silently and patiently to bear. Why this difference ?

The reason certainly lies in the fact that the method followed by Islam for the emancipation of slaves was the way to real reform, hence it resulted in true freedom, but the method followed by the western reformers was defective and their procedure was wrong, hence though the slaves under them did indeed attain to a nominal freedom, yet the

(1) *Isaba*, and *Usud Al-Ghaba* under Bilal, Abu Sufian and Suhail bin Amr.

spirit of slavery was not crushed and the mentality of both the master and the slave remained unchanged.

The second aspect of viewing this question is to see which of the above-mentioned systems ensured greater progress for the emancipated slaves. After the foregoing discussion it is not difficult to answer this question either. For, naturally that course alone must tend to the greater progress of the slaves which bestows real freedom on them, and this was the one which Islam followed.

Facts and figures corroborate the conclusion that viewed from this standpoint as well, the Islamic mode of emancipation was far more successful and far more beneficial than that adopted by the Modern Christian reformers, for among those who were liberated under the Muslim system, we witness a large number of persons who rose to eminence in different walks of life and who won the distinction of becoming the leaders of Muslims in various spheres of national activity. For instance, among the Companions of the Holy Prophet, as I have already said, Zaid bin Haritha was a freed slave, but he acquired such ability that finding him to be an eminently capable man, the Holy Prophet put him at the head of several military expeditions, placing under him many of his eminent companions including the great Muslim General, Khalid bin Walid. Again there was Salim bin Ma'qal, an ordinary freed slave of Abu Huzaifa bin Utba, who made such advancement in learning that he won the distinction of being one of the four persons who were selected by the Holy Prophet to instruct the Muslims in the Quran and who were thus thought fit by him to act as his assistants in this respect.

Similarly. Nafi', the freed slave of Ibn-i-Omar, Ikrimah the freed slave of Ibn-i-Abbas, Makhul bin Abdullah, 'Ata bin abi Ribah, Abdullah bin Mubarak, and Ahmad bin Sirin were recognised as Imams in the science of *Hadith* and jurisprudence, and many eminent persons looked upon it as an honour to be their pupils. Hasan Basri and Mujahid bin Jubair stood unrivalled in *Tasawwuf* and the science of *Qir'at* respectively, while Moosa bin Uqba and Muhammad bin Ishaq were universally acknowledged authorities in history and biography, yet all these once belonged to the rank and file of slaves. (1) Again, the Slave Dynasty of India, some members of which won great distinction for their able statesmanship and masterly administration, is too well-known to need any introduction.

These brilliant examples (which have been mentioned only by way of specimen, otherwise Islamic history teems with such instances) are the fruit of the Islamic system of emancipation. But what fruit did the course taken by western reformers bear ? Do we meet even with a single instance through the length and breadth of Europe and America, or in the continents of Africa and Australia, in which any of the emancipated slaves distinguished himself in any sphere of life ? What we see is that even after emancipation the slaves continued to belong to the same common run of humanity as before, which clearly shows that the Islamic system of emancipating the slaves was decidedly much more beneficial and attended with far greater blessings.

(1) *Tahzib Al-Tahzib* and *Mizan Al-I'tidal.*

Under these circumstances, it would indeed be an insult to truth to mention the name of any modern reformer side by side with that of the Holy Prophet while speaking of the reformation wrought by the latter in regard to slaves.

We do indeed hold in great esteem the work performed by the western reformers and we admire their endeavours, but naturally the efforts put forth by different persons are of different degrees, and the truth is that the reform brought about by the Holy Prophet is of such a high degree that the achievements of any other reformer can stand no comparison with it. The Holy Prophet's taking up the cause of the slaves 1,350 years ago when the world looked upon the possession of slaves as its birth-right and the slaves were treated as worse than beasts; his absolute prohibition of the cruel system of enslaving free men for all time to come; his adoption of effective measures for the betterment of their condition; his making strong recommendations for the emancipation of the existing slaves and introducing a system under which they continued both to improve their condition and to secure their eventual freedom; his making it binding on the State to see that the system for the improvement of the condition of the slaves and for their gradual but certain emancipation worked properly; and his carrying out the scheme in such a thoughtful manner and to such a successful issue that the slaves who were emancipated as a result of that scheme were not only made free in the real sense of the word but proved highly honoured and useful citizens both to the State and to the nation so much so that there appeared among them men

who attained to the position of such leadership and authority among the Muslims that even their emancipators had to bend their knees before them in humble submission. 'This is the work of the Holy Prophet of Islam and this is a work which stands unparalleled in the history of the world; and those who ask why the Prophet of Islam did not emancipate the slaves all at once, as Abraham Lincoln and other western philanthropists did, take a woefully superficial view of the matter.

SURVIVAL OF SLAVERY IN MUSLIM COUNTRIES

IF the teachings of Islam really aimed at the gradual emancipation of slaves, why has slavery survived to this day in Muslim countries ? This is the question that now confronts us.

The answer to this question is, however, not far to seek. As long as, on the one hand, the Muslim power remained in the ascendant and the sphere of its influence continued to increase, and on the other, the Muslims continued to adhere to the true spirit of the Islamic teachings and to act upon them, the movement for the emancipation of slaves progressed with rapid strides, and, thanks to the efforts of early Muslims, millions of slaves thus got rid of the stigma of slavery. But, as I have already said, there was no limit to the number of slaves in those days, there being no civilised country in the world where they were not found in very large numbers. So before this limitless stock of slaves could be exhausted, the wave of Islamic conquests began gradually to slacken till eventually it was brought to a standstill. Moreover, on account of lapse of time, the hold of Islam on the hearts of its votaries naturally began to weaken, and that ardent zeal for the proper understanding of the teachings of Islam and for carrying them into practice which inspired the Companions of the Holy Prophet and which was inherited by their successors began gradually to idminish. Nay, in the "misguided age" which followed,

there appeared men who, either through ignorance or from worldliness, even distorted and disfigured the noble teachings of Islam. The result was, that following the example of other nations which still practised slavery in a most disgusting form, the Muslims also abandoned the injunctions of Islam and reverted to the cruel ways of enslavement, which Islam aimed to extirpate. It is true that even in these days of degradation, the condition of slaves in Muslim countries has, on the whole, been better than in other countries, and the Muslims, notwithstanding their outward possession of slaves, have never allowed themselves to foster the spirit of slavery, whereas in some Christan countries like Abyssinia slavery still rages in a horrid form, and even in the civilised countries of Europe and America there still exists slavery in spirit, though not in letter. But the worse condition of a neighbouring nation cannot exonerate us from the blame of a bad state of affairs in our own. It is, therefore, an imperative duty of Muslim governments and Muslim societies to devote themselves strenuously and whole-heartedly to the practical abolition of slavery and bring the world once more to that blessed goal to which the Holy Prophet of Islam and his companions desired to lead the world—a goal of true freedom and true equality in the world.

THE BASIC TEACHINGS OF ISLAM ABOUT SLAVERY

WE now come to the second part of our problem which pertains to the question of the Holy Prophet's basic teachings with regard to slavery as such. In other words, we have now to consider what basic and permanent instructions he gave with regard to the institution of slavery with a view to the future, apart from his teachings about the emancipation of the existing slaves.

In connection with this, it must be borne in mind that as we have already hinted Islam aimed at the ultimate abolition of all forms of slavery. Before, however, we give, the definite and direct Islamic injunctions about the total abolition of slavery, we desire to give here two arguments which go indirectly to prove that Islam is fundamentally opposed to the institution of slavery.

Firstly, even ignoring the fact that Islam is strongly opposed to all forms of tyranny and transgression and is a powerful champion of the liberty and equality of man, the clear and emphatic precepts which Islam gave with regard to the kind treatment of the existing slaves and their gradual emancipation an outline of which has already been given in the foregoing pages, furnish a conclusive evidence of the fact that Islam does not in fact countenance slavery. It is quite inconceivable that side by side with the teachings that the slaves were to be treated by the Muslims as their own brethren, they were to be maintained by them

as members of their own family, that particular care was to be taken to educate and upbring them, and that they were to be set free as soon as their condition improved and they became fit to live independently, Islam could also have taught that it was allowable to permanently deprive a free man of his rightful liberty and reduee him to a state of slavery and bondage. The two teachings are poles apart from each other and cannot form part of the teachings of one and the same person. Thus, the very teachings of Islam with regard to the treatment and the gradual emancipation of slaves, which have been outlined above, is a clear proof of the fact that Islam does not sanction slavery.

The second indirect evidence of the prohibition of slavery in Islam is furnished by the fact that nowhere in Islamic literature has it been laid down, that it is permissible to enslave a free man by depriving him of his right of freedom, or that such and such procedure should be adopted when a free man is to be made a slave, whereas the Islamic law comprises detailed directions for all other matters connected with slaves and slavery, such as the extension of kind treatment toward them, the protection of their rights, their emancipation, etc., etc. That Islam has given detailed directions with regard to all other matters relating to slavery, but has totally refrained from giving any direction whatever legalising the enslavement of free man leaves no doubt as to the fact that Islam does really look upon slavery as unlawful. One would search in vain for any verse of the Quran or any saying of the Holy Prophet showing that enslavement of free men is allowable, or that

if a free man is to be enslaved, such and such procedure should be followed. If it had been permissible in Islam to reduce a free man to a state of bondage, then, of all the matters connected with slavery, the most important one that required elucidation, was that which related to the procedure of enslaving free men. But far from throwing any light on this subject, neither the Quran nor the traditions have so much as referred to it, which is a sure evidence of the fact that the reducing of free men to slavery is not allowed in Islam.

But as we have already said, our claim that Islam does not allow the enslavement of free men is not based merely on indirect evidence. On the other hand, Islam gives most positive and clear and direct injunctions to the effect that it is a great sin and an act of most heinous nature to reduce a free man to slavery,—an act for which the offender shall be severely called to account. For instance, we may quote the following saying of the Holy Prophet in *Bukhari*. the most authentic book on Tradition :—

"Abu Huraira relates that the Holy Prophet used to say that God had spoken to him saying :— "There are three classes of men with whom I will make war on the Day of Judgment. *Firstly*, the man who makes a covenant with some one in My name and then breaks it. *Secondly*. the man who enslaves a free man, sells him and eats his price. *Thirdly*, the man who employs a man to do a work and exacts full work from him but does not pay him his wages." (1)

(1) *Bukhari, Kitab* Al-Bai.

Again, Abdullah, son of the Caliph Omar relates that :—

"The Holy Prophet used to say that God had spoken to him saying that there were three classes of men whose prayers He would not accept and with whom He would make war on the Day of Judgment. *Firstly*, the man who makes a solemn Promise in His name and then breaks it ; *secondly*, the man who enslaves a person whom God has made free ; and *thirdly*, the man who exacts work from a labourer and then does not pay him his wages." (1)

The above words of the Holy Prophet need no comment. They contain an injunction about the abolition of slavery in the clearest and the most forcible of words.

It should also be noted that the traditions quoted above belong to the category of those sayings of the Holy Prophet which are known as *Hadith Qudsi*, in which both the command and the words are from God Himself, though they are apparently spoken by the Holy Prophet.

In the face of such clear and plain teachings, it would be the height of injustice to say that Islam permits the enslavement of free men and no honest man can be guilty of that impudence.

(1) *Abu Daud*. as quoted by *Fath Al-Baree*, vol. IV, p. 346.

THE PRISONERS OF WAR

IF there is any teaching of Islam which may be represented as sanctioning slavery, it is its teachings with regard to the prisoners of war. But, as it will presently appear war prisoners were not actually treated in Islam as slaves, and if they were sometimes called by that name it was only due to a nominal resemblance.

In this connection, it should be mentioned at the very outset that, as borne out by history, it was in the prisoners of war that the institution of slavery had its origin. Subsequently, however, other ways were invented, owing to which slavery, which was originally an inevitable outcome of the early conditions of the world, assumed a heinous aspect, and instead of serving as a means for preventing tyranny for which it was originally meant, it became a dreadful instrument of oppression.

Originally the institution of slavery consisted in this that when one nation made an unprovoked attack upon another, and tried to blot them out from the face of the earth or reduce them to subjection by unjustly depriving them of their liberty, the latter, in case of their triumph over the aggressive party, took their men as captives and detained them as prisoners of war. This course was neceassary, for, if it had not been adopted, international wars would never have come to an end, nor would the aggressors ever had desisted from committing excesses upon public peace, and tyranny and oppression would have

become rampant. Religious communities in particular needed this kind of defensive practice for they were always bitterly persecuted by the people who ever stood up to exterminate them by means of the sword. This form of slavery was, therefore, found more or less in all the nations of the earth.

The system was in vogue even among the Israelites who were descended from the chosen Prophets of God and who, as a nation, had been brought up under the care and guidance of a long chain of Divine Messengers. They practised it in compliance with an injunction of their own law (1) and it continued to be practised even among the early Christians who were in fact an offshoot of the Israelite people. (2) It also continued in the Christian countries of the west right up to the eighteenth or even the nineteenth century, and in the Christian country of Abyssinia, which still adheres to the early Christian traditions, slavery still exists and that perhaps in a worse form than that found in many other countries.

Similarly, slavery was practised by the ancient Aryan people as well. (3) In fact the *Sudras* and the other untouchables who are still to be found in India in millions are a sad remnant of the system of slavery that was in vogue in ancient India.

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(1) Deut. XX., 13, 14.
(2) Paul, VI, 5; Peter, II., 18. In connection with these references it should be noted that modern editions of the *New Testament* use the word 'servant' instead of 'slave', but the context clearly shows that it is the slaves that are really meant in the passages in question.
(3) *Rig Veda* 1. 126/1 to 3; Mahbharat, *Sabha Prab Adhiai* 149; *Manu* 8/415 and *Bharat Varash ka Ithas* vol. II, p. 51.

In short, in the early days of the world slavery was found more or less in all countries and was a necessary consequence of the state of things then prevailing and was primarily meant as a check to tyranny and oppression. It was, as stated, the more urgently and the more truly needed by religious communities, who were subjected to atrocities more than any other people, and to extirpate whose religions men rose up in arms against them.

This form of enslavement (which was further softened and purified by Islam so much so that it was practically reduced to mere temporary imprisonment) involved no injustice, for those who desire to destroy the religion of others by the sword, who are tyrannous and blood-thirsty, who sow the seed of anarchy, murder and plunder in the country by resorting to methods subvertive of public peace, forfeit all rights to freedom, just as a thief or a *thug* or a dacoit forfeits his right to remain outside a prison. And such outrage the Holy Prophet and his companions had to encounter more that any other people. The idolaters of Arabia subjected the Muslims to the most tyrannous persecution. (1) They drew out their swords against the Muslims with the avowed intention of exterminating their religion by force. (2) They sought and conspired to dye their unholy hands with the sacred blood of their beloved master. (3) They detained innocent and free Muslims with them as prisoners. (4) They captured defenceless and

(1) *Zurqani* vol. I, pages 266-70, and *Tarikh Kamil*. Chapter on the persecution of Muslims.
(2) Quran, 2:217.
(3) Quran 4:76 and 8:30.
(4) Quran.

innocent Muslims by vilest treachery, made them their slaves, and murdered some of them in the most barbarous manner. (1) They conspired to enslave their women and made war upon them with that object in view. (2) They mutilated the bodies of Muslim martyrs, and having cut off their noses and ears, strung them together and garlanded themselves therewith. (3) They made brutal attacks on their sick and suffering women bringing about in certain cases a miscarriage. (4) They killled the chaste wives of the Muslims by piercing them with spears in the most horrible and shameless manner. (5) If, under circumstances like these, the tyrants who committed such barbarities had been deprived of their liberty and reduced to a state of bondage, that would have been by no means unjust. But such was the kindness of the Holy Prophet that even the perpetrators of these heinous crimes were pardoned by him, and those of them who were taken captives in the war had no restraint put on their liberty save that they were temporarily detained, during that temporary detention also the Holy Prophet gave such directions for their comfort and convenience that under their influence, his Companions put off their own shirts, and gave them to the prisoners to wear (6)—aye the very prisoners who had been thirsty for their blood. They ate dry dates giving cooked food to the

(1) *Bukhari*, and books of history under Tragedies of Raji and Bir Mauna.
(2) *Abu Daud* under the story of Nadhir, also Zurqani, under the expedition of Dhu Qird.
(3) Books of Tradition and History under the Battle of Ohud.
(4) *Ibn-i-Hisham*, under the accounts of the prisoners taken at Badr in section relating to Abu Al-Ass bin Rabi.
(5) *Usud Al-Ghaba* under Sumayya; also *Zurqani*, Vol. I, page 266.
(6) *Bukhari*, Kitab Al-Jihad, under the heading "Garments for the prisoners."

prisoners. (1) They walked on foot giving their camels to the prisoners to ride on. (2) Do we find a parallel to this in the history of any nation or any country ?

The gist of Islamic teachings with regard to the prisoners of war is contained in three verses of the Quran, two of which deal particularly with the prisoners of war, while the third enunciates a general principle which is also applicable to war prisoners.

The first verse runs as follows :—

"It does not become the dignity of a prophet that prisoners of war should be captured for him, until there has actually been fought between him and the enemy a pitched battle. You have in view the advantages that are near at hand (*i.e.*, you hasten to take captives so that with the help of the ransom money you may become prepared to meet the enemy), but Allah sees the end (and as this course is not commendable with a view to the end, and is calculated to lead to evil results morally, God orders you to refrain from it) ; and if you are afraid of the numbers and power of the enemy, then remember that Allah is Powerful over all and He is also Wise." (3)

This verse teaches that the Muslims should not, out of consideration for their own weakness or the power of the enemy or out of a desire to strengthen their financial position by means of ransom money, be careless or unduly hasty in the matter of taking captives so that they may

(1) *Tabari* and *Ibn-i-Hisham* under the heading "Prisoners of Badr."
(2) Sir William Muir in section relating to prisoners of Badr.
(3) Quran, 8:68.

make prisoners of the enemy wherever they may find them weak, or that they may take captives at the battle-field before the armies actually engage in battle. The Muslims are permitted to take prisoners only when they have met the enemy in a pitched battle and then also after the battle has actually been fought. This teaching of Islam, which rests on a far sounder foundation than any other International Code of War, reduces the extent and number of the prisoners of war to the narrowest possible range, which clearly indicates that Islam is loath to taking prisoners of war except in the most unavoidable circumstances.

The second verse of the Quran says :—

"When you meet the disbelievers in battle, fight steadfastly and slay the aggressors : and when the battle has been well fought take captives from among the enemy. After that you should either set them at liberty without taking any ransom (if circumstances are favourable and you hope matters will mend thereby) or you should release them for a reasonable ransom, or (if it be unavoidable) you may retain them as prisoners until the war is over and you are relieved of its burdens." (1)

This verse forms, as it were, the foundation-stone of the Islamic teaching with regard to the prisoners of war. It describes the three different courses which may be followed under different circumstances in dealing with war prisoners. These courses are :—

(1) Quran, 47:5.

Firstly, to release the prisoners without taking any ransom money.

Secondly, to release them for a reasonable ransom and the practice of the Holy Prophet shows that there can be three forms of ransom : (*a*) Payment of ransom in cash to be made either immediately or under the system of *Mukatabat* already described, the alternatives being at the option of the prisoner, (*b*) Exchange with Muslim prisoners. (*c*) Exacting of some suitable service from the prisoners; for instance, if the prisoners know some art or profession, it might be stipulated with them that if they taught that art or profession to a certain number of Muslims, they might be set at liberty in return for that service.

Thirdly, to prolong the period of imprisonment till the termination of war. By the termination of war is meant its complete termination when not only military operations practically cease, but also the burdens which the war might have laid on the nation and for which the enemy is held responsible are removed. This last alternative has been proposed as a provision for cases when on the one hand it is not advisable to release the prisoners without ransom, and on the other they or their friends and relatives do not, for some reason or other, come forward to pay ransom. In such cases, the prisoners may be detained till the termination of war, so that their release may not add to the troubles of the Muslims. It is this form of imprisonment that has sometimes been termed 'slavery' and which has been permitted by Islam, but evena cursory

study of the true situation will show, that truly speaking it is not slavery at all. It is merely a form of imprisonment which is further restricted and qualified by a fundamental law enunciated in the verse given below.

The third verse of the Quran runs as follows :—

"If you think it necessary to retaliate upon the enemy or take some strong measure against him by way of retribution, then should take care that the action you take against him does not exceed the evil that has been done to you, and that you resort not to any measure which the enemy has not been the first to resort to. If, however, it be possible for you to exercise patience, then have patience, for patience is better." (1)

Under this principle, the alternative course with regard to prisoners *i.e.*, that which pertains to the prolongation of imprisonment, may take different forms. For instance, if the enemy exacts some service from Muslim prisoners, the Muslims can also exact suitable service from the prisoners taken from the enemy but this service shall be subject to the general conditions governing the exacting of service from slaves. Thus the prisoners of war shall not be called upon to perform a work which is more than they can bear, nor shall they be required to do a work which their captors are not themselves willing to do. Similarly, if the belligerent nation instead of keeping Muslim prisoners in State prisons, distributes them among its individuals, the Muslims shall also have a right to place their prisoners in the custody

(1) Quran; 16:127.

of individuals, and so on. But whatever form is adopted, it is essential that it should not be at variance with any basic injunction of Islam. For instance, the term of imprisonment must in all cases terminate with the termination of war. (1) Similarly, no prisoner shall be put to death merely because he is a member of the enemy force (2) nor shall any prisoner be called upon to perform a work which exceeds his capacity and power, (3) nor shall his convenience and comfort be neglected (4) and so on.

Such is the teaching which Islam gives with regard to the prisoners of war. Now, let the reader judge for himself whether there is any trace of slavery in this teaching. Call the prisoners of war slaves if you please ; but are they slaves in fact ? Do not modern governments take prisoners of war ? Do not modern governments exact work from them ? Do not modern governments lengthen the period of their imprisonment, in case the war is prolonged ? If all this is done by every nation and if the international law of all ages has sanctioned that practice, why blame Islam and its Holy Founder for it ? Nay, far from being blamed, Islam deserves the unique credit for conferring a lasting boon on humanity by emphasising the element of leniency and kindness in the code of war and has thus paved the way for international peace and amity.

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(1) Quran, 47:5:
(2) Quran, 47:5; and *Kitab Al-Kharoj*, p. 121.
(3) *Bukhari*, Kitab Al-Itq.
(4) Quran, 76:9, 10, 11; and *Bukhari*; *Kitab Al-Jihad; Tabari.*

THE DISTRIBUTION OF WAR PRISONERS AMONG THE SOLDIERS

WE now come to the question relating to the placing of the war prisoners in the custody of individuals. It is true that in the beginning the prisoners were distributed among the Muslim soldiers, and in fact, it is this circumstance alone which has been taken to give this practice a colour of slavery. But when we carefully consider the circumstances under which the above course was adopted, we find that there is absolutely nothing objectionable about it nor can the word "slavery" be applied to in the sense in which it is generally understood.

We must first of all bear in mind that the practice in question did not form an essential part of the Islamic teachings.. As a matter of fact it finds no mention in the special instructions which have been given in the Quran with regard to the prisoners of war. (1) It was only a retributive measure which was taken recourse to as an answer to the extremely aggressive conduct of the enemy who made slaves of Muslim prisoners and distributed them among the individuals. It was therefore, only to bring the enemy to his senses, that the Muslims also resorted to the method of placing the prisoners of war in the custody of individuals ; but Islam never permitted their enslavement in the way in which the Muslim prisoners were enslaved by the infidels.

(1) Quran, 8:67; 47:4.

Moreover, Islam laid it down as a condition that all the war prisoners must necessarily be set at liberty as soon as the war was over.

Another reason why the prisoners of war were placed in the custody of individuals was that in those days there were no State prisons, and the prisoners were necessarily distributed among, and placed in the charge of, the individual members of the victorious nation. This practice naturally remained in vogue among the Muslims as well.

From the above it is clear that in reality this practice was not slavery but merely arrangement for the protection and maintenance of the prisoners of war—a system which was gradually changed, and was finally replaced by that of State prisons.

It must also be remembered that so far as Islamic government was concerned, this system by no means caused any unavoidable hardship on the prisoners. On the contrary it was in many ways even more convenient and comfortable than the system of the present-day State prisons. For, thanks to the emphatic injunctions of the Holy Prophet (may peace and blessings of God be upon him) and the watchful supervision of the Muslim State, the prisoners of war lived, not as servants or labourers, but as members of the families to which they were attached and were practically treated like guests. For instance, it is on record that the prisoners taken at Badr, who were amongst the worst enemies of Islam, were treated with such kindness that they were forced to pay the Muslims warm tributes of praise, and some of them were so deeply touched by the

kind treatment that they willingly joined the fold of Islam. (1) In short, even this so-called "slavery" which Islam permitted offered such a spectacle of kindness and benevolent treatment, that even the blessings of the so-called liberty and freedom of the present day fade into insignificance when compared with it.

Yet, as the system practised was merely a retributive step, it must be regarded only as a special measure meant to meet the conditions then existing. In the present times, therefore, when those conditions have ceased to exist, and the old system has been replaced by that of State prisons, and the enemies of Islam do not make slaves of the Muslims, the permission for the retributive measure no longer holds good. The law of Islam does not permit that the prisoners of war should, even under the altered conditions of the present age, be distributed among Muslim individuals, thus bringing into existence a state of things analogous to slavery. In connection with this, the Holy founder of the Ahmadiyya Movement, who claimed to be a messenger of God raised for the regeneration of mankind and who was the greatest authority on Islam in these days, says :—

"It is a matter for gratification that in the present times non-Muslim nations have abandoned the aggressive practice of making slaves of Muslim captives, therefore, now the Muslims are also not allowed to enslave their prisoners, for, the Holy Quran says that the punishment inflicted on the enemy should be proportionate to the wrong the enemy

(1) Muir, Prisoners taken at Badr.

has been the first to inflict on the Muslims. Hence now when the conditions have changed and the people hostile to the Muslims no longer go to the extent of making slaves of Muslim men and women in times of war, but treat them as State prisoners, it would be unlawful for the Muslims to make slaves of the prisoners of war taken from a belligerent army." (1)

To sum up, there are two fundamental teachings of Islam concerning the prisoners of war :—*firstly* that so far as possible, there should be no haste in taking captives, and prisoners should be taken only as a last resort when a battle has been actually fought ; *secondly* that after the prisoners have been taken, they should be dealt with in one of three ways, according as the circumstances demand. They should either be set at liberty as an act of favour without taking any ransom—and that is the most commendable course—or they should be released in return for a reasonable ransom, or, if necessary, the period of their imprisonment may be extended to the end of war. This is the only teaching that has been expressly laid down in Islam with regard to the prisoners of war. Islam, however, gives a general rule to the effect that if political considerations demand the taking of a strong retaliatory measure against the enemy, it should be subject to the condition *firstly* that no such action should be taken against the enemy as the enemy has not been the first to take against the Muslims, and *secondly* that the action taken should not be in contravention of any explicit teaching of Islam. It was under this rule that the prisoners

(1) Chashma-i-Ma'refat. pp. 244, 245.

of war were distributed among the Muslim individuals, but now as non-Muslim nations do not make slaves of their captives but treat them as state prisoners, it would be unlawful for the Muslims as well to distribute their prisoners among individuals, and thus bring about a state of things bearing resemblance to slavery.

CAN PRISONERS OF WAR BE PUT TO DEATH ?

WE have already pointed out that Islam does not allow putting the prisoners of war to death, but as some Muslim *ulema* have dissented from this view and as some of the Christian writers have made this point an object of attack against Islam, it appears desirable to discuss it here at some length.

First of all, we must remember that verse 5 of Chapter 47 of the Quran which has already been referred to in the course of this article clearly shows that it is not lawful for a Muslim to put the prisoners of war to death, and obviously no one has the right to devise a new law in opposition to the injunctions of the Quran.

But in order to satisfy the reader, we wish to make it plain that the meaning which we have ascribed to the verse in question is not an innovation. It is the interpretation which the companions of the Holy Prophet put on it and they acted accordingly. This view is borne out by the following incident :—

Hassan says, "A captive was brought before Hajjaj, who said to Abdullah, son of Caliph Omar who happened to be there, 'Get up and cut off the head of this prisoner.' Abdullah answered, 'We have not been commanded to do so ; for God says that when prisoners are taken in war they are to be released either as an act of favour or for ransom. There is no injunction to put them to death." (1)

(1) *Kitab Al-Khiraj*, by Qazi Abu Yusaf, p. 121.

Similarly, Ata bin Abi Ribah is reported to have said :—

"The prisoners of war cannot be put to death ; the commandment concerning them is that they should be released either as an act of grace or in return for reasonable ransom." (1)

The plain verse of the Quran referred to above coupled with the clear explanations quoted above leaves no doubt as to the fact that Islam does not allow the slaying of the prisoners of war, and certainly those who ascribe this teaching to Islam are grievously mistaken.

If it be asked, why some of the Muslim theologians have declared the slaying of the prisoners of war to be lawful when Islam does not allow it, the answer is that this has been due to a misunderstanding. There are certain instances in history when the Holy Prophet, ordered certain prisoners of war to be put to death. But those who have inferred the justifiability of slaying prisoners of war from these instances have ignored the fact that the prisoners who were slain were slain not because they were prisoners of war but because they had been guilty of certain crimes punishable with death. It is evident that if a prisoner is guilty of an offence which calls for capital punishment, the fact of his being a prisoner cannot exempt him from that punishment. If a free man can be punished with death for an offence punishable with death, why cannot a prisoner be so punished ? As may be seen from an inquiry into each individual case, every prisoner who was put to death by the order of the Holy Prophet was

(1) *Fath Al-Baree*, Vol. Vi. p. 106.

put to death not because he was a member of a hostile army, or a fighting nation, but because he had committed an offence the punishment of which was death. However some of our theologians, merely seeing that the persons slain were Priosners of war, concluded that it was justifiable to slay a prisoner of war. But as pointed out above this conclusion is utterly erroneous and unwarranted according to the plain teachings of Islam and the practice of the Holy Prophet (may peace and the blessings of God be upon him).

Such in short is the outline of the Islamic teaching with regard to the prisoners of war. Now every seasible man can see how extremely fair this teaching is which God vouchsafed to the world through the Holy Prophet of Islam. Even the most advanced and enlightened nations of the present day have not been able to give to the world a better law than this. It is a law which while calculated to put a check upon the undue prolongation of war and the aggression of one nation against another, has been tempered with mercy and kindness in a most remarkable way. The truth is that in law of Islam relating to war prisoners, the element of clemency and benevolence has been made to outweigh even that of self-protection and defence. Certainly, no nation on earth has prescribed such a beneficent treatment towards its enemies.

FEMALE SLAVES

IT has been objected that the Holy Prophet by permitting Muslims to form conjugal relations with their female slaves has opened the door of self-indulgence to his followers.

In this connection we must first of all see what has been held by Islam to be the object of conjugal relations between man and wife. For, in order to judge the actions of the Holy Prophet and his companions and to learn the motives that underlay them, the best course is to inquire into the purpose for which the relative commandments were promulgated. In the Quran we find that among the objects of marriage one which has a direct bearing on the conjugal relations between man and wife is expressed in the following verse :—

"All women (besides the near relations enumerated in the previous verse) are made lawful to you so that you may marry them by fixing for them suitable dowries out of your possessions ; but your object in marry ing should be to protect yourselves from moral and physical diseases, and not to gratify your lust and passion." (1)

So deep was the impression which this teaching made on the minds of the companions of the Holy Prophet that some of them felt inclined to take the extreme course of avoiding connection with women altogether and they

(1) Quran, 4:25,

approached the Prophet with the request that they should be permitted to practise celibacy. But the Holy Prophet, who wanted his followers to follow the golden mean in all matters, prohibited them from following such a course. In this connection the following tradition may be noted :—

"Sad bin Abi Waqqas relates that Othman son of Maz'un, asked the Holy Prophet to permit him to lead a life of celibacy, but the Holy Prophet refused him that permi sion. Had the Holy Prophet given him the permission sought for, we would have emasculated ourselves." (1)

In view of the above, the idea that the Holy Prophet's companions indulged in self-gratification is quite out of the qusetion, and such evil imputations can be made only by those who are either utterly ignorant of the teachings and history of Islam or whose own hearts are vitiated to such an extent that they cannot but impute evil motives to others also.

Yet the question as to what the teachings of Islam with regard to female slaves are, is one which deserves an answer.

In this connection it must be remembered that so far as the general injunctions of Islam with regard to slavery are concerned, Islam makes no distinction between the male and the female slaves, the latter having the same rights and privileges as the former.

There is, however, one difference between the two and

(1) *Bukhari*, Kitab Al-Nikah,

that is, that in the case of female slaves Islam recommends the more strongly that they should be given good education and upbringing and then they should be emancipated and taken in marriage. (1)

Further, even during their period of slavey free men exhorted to contract matrimonial relations with female slaves, so that such relations may lead to speedy improvement in the social position of the slaves : and in order to provide facilities for the formation of such relations the slave-wives have been excluded from the prescribed limit of of plural marriages in Islam, *i.e.*, a free man is permitted to enter into conjugal relations with his female slaves even if by so doing, the prescribed limit of four wives is exceeded. This has been done to provide as many opportunities as possible for the amelioration of the condition of the slaves, so that they many become quickly fitted for emancipation.

As regards the question whether it is necessary to perform the formal ceremony of marriage in the case of female slaves, it may be pointed out that with regard to this, there may possibly be four different cases :—

Firstly, the marriage of a female slave with a male slave.

Secondly, the marriage of a female slave with a free man, who is not her master.

Thirdly, the marriage of a slave with a free woman.

(1) *Bukhari*, Kitab Al-Nikah.

Fourthly, the marriage of a female slave with her own master.

Now in the first three out of these four cases, the performance of the formal ceremony of marriage is unanimously admitted to be indispensable, but in the fourth case most of the Muslim theologians do not think it to be essential. The sum and substance of their argument is that as the master has the right of ownership over his female slave, that right is legally a substitute for marriage, and, therefore, in the case of the master desiring to enter into conjugal relations with his female slave, the formal ceremony of marriage is considered unnecessary, because the moral and social protection of the parties as well as the protection of the line of progeny that are meant to be secured by a formal marriage are equally secured by the legal relationship that exists between the owner and the owned.

FEMALE PRISONERS OF WAR

WITH regard to those women also who take an active part in the war against Muslims and are taken captives on the battle-field, Islam sanctions a similar exceptional arrangement according to which the Muslims are permitted to enter into conjugal relations with those of the women prisoners whose guardians do not soon arrive to secure their freedom by means of ransom or who do not themselves make demand for emancipation under the system of *Mukatabat* which has already been explained. The object of this exceptional arrangement is that the morals of the women prisoners as well as of those who capture them may not be spoiled, and that society may be protected from vice and corruption. From history it appears that great wars are generally followed by the prevalence of immorality, for, on the one hand, such wars result in the preponderance of women over men, and on the other, men lose much of their power of self-control owing to the heavy strain which the hardships of war exert on their nerves. Therefore, during and after a war there is very often a tendency towards laxity of morals, and as Islam puts the question of the preservation of individual and national morality above all other considerations, therefore, it was necessary that it should have ordained special precautionary measures as a safeguard against such corruption. Hence, on the one hand, an exceptional system of plural marriages was permitted and on the other, Muslims were allowed to have conjugal relations

with such women as might be taken prisoners in wars waged against Islam, provided of course their guardians did not come to get them ransomed, nor did the captive women themselves apply for freedom under the law of *Mukatabat.* This permission was given as an exceptional measure, so that the morals of the women prisoners might not be spoiled, nor might they become the means of spreading immorality among their captors. But in order to guard against progenial confusion, it was stipulated that before entering into conjugal relations with their female prisoners, the Muslims must first make sure that they were not in the family way. (1)

This system might appear strange to the devotees of the present-day civilisation, but if the reasons for which such exceptional arrangements were permitted, be fully taken into consideration, then at least in the eyes of those who have learnt to sacrifice other considerations for the sake of safeguarding individual and national morality, it will become clear that under the circumstances in which this system was introduced, it was a necessary step meant as an exceptional measure for the moral welfare of society. Moreover, it should not be forgotten that the way to emancipation through the system of *Mukatabat* was open to every female prisoner. With regard, therefore to a woman who did not avail herself of this system it would be inferred that she was herself desirous of severing her connection with her former relations and living as a member of the Muslim society. In that case, it was in no

(1) *Tirmizi*, Abwab Al-Siyar, p. 296.

way objectionable that a Muslim should have entered into conjugal relations with her.

It may be asked why women were taken captives at all so that it became necessary to take such exceptional measures for the protection of society against moral evils. The answer to this question is that in those days it was a general practice in Arabia that women participated in war in large numbers and sometimes they took part even in actual fighting though generally their duty was to exhort the soldiers to fight and remain firm on the battle-field. There was no reason therefore that such women should have been exempted from imprisonment. If women can be imprisoned for criminal offences, and their imprisonment is considered lawful in every country and by every nation, why should not a warrior woman be taken captive on the battle-field? Moreover, as the enemies of Islam in those days did not hesitate to take Muslim women as prisoners and keep them as their bondmaids, and during the early wars, those wicked men had particularly declared their determination to capture and enslave Muslim women and enter into conjugal relations with them, (1) so the God of Islam who if He is meek is also a jealous God, permitted the Muslims to meet out to their enemies a similar, if not quite the same, treatment, so that they might be brought to their senses, and might not be emboldened in the commission of outrageous acts against Muslims.

Those who have some knowledge of military emergencies are aware that it often becomes necessary to take

(1) *Abu Daud*, Chapter relating to Banu Nadhir.

retaliatory actions in wars, and this is why military law is alway different from civil law. The taking of women as war prisoners was similarly an unavoidable sequence of the then prevailing conditions and there was no helping it ; and when women began to be taken captives and when the enemies of Islam considered it lawful to treat Muslim women in any way they pleased, it was necessary that some extraordinary law should have been promulgated in order to restrain the enemy from his excesses. Now, however, the non-Muslims do not treat the Muslimgs in the way in which their predecessors did, and if a woman is ever taken captive, she is treated by them as a State prisoner, hence according to the fundamental rule laid down in the Quran, it is no longer lawful for the Muslim to take non-Muslim women of a belligerent nation as prisoners or if they are at all captured, to put them under the custody of individuals, thus giving the practice a semblance of slavery. (1)

If there should arise in anybody's mind the doubt as to why the Law of Islam gives with regard to one and the same matter one commandment for one time and another commandment for another the answer is that it is a merit rather than a demerit, for if we carefully consider this matter, we shall find that this very circumstance is an evidence of the Law of Islam being a perfect and universal one, for it shows that in the Islamic law, the change of circumstances has been fully taken into consideration. This is why that while some laws which form the basis of the Islamic code have been laid down in a rigid form which admits of no alteration, there are other

(1) *Chashma-i-Ma'reft*, p. 245.

commandments which have either been given in alternative forms in view of the changing conditions or which, having been made flexible, admit of new but valid interpretations under different circumstances. It is to this fact that the Quran refers when it says :—

"God has revealed this Book in a way that some of its verses are *Muhkam* or rigid, that is they are fundamental and apply alike to all cases; while there are other verses which are *Mutashaibhat*, that is, they are of flexibe nature, assuming different but mutually resembling forms under different conditions ; in other words, they are capable of bearing different interpretations to suit different cases, none of the interpretations being contradictory to the others." (1)

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(1) 3:9.

CONCLUSION

TO sum up, the teachings of Islam about slavery fall under two main heads :—

Firstly, the teachings whitch relate to that class of people who had already been fettered in the shackles of slavery, and whose manners and habits had consequently become degraded in the extreme. They were leading servile lives and had wholly lost that spirit of freedom which enables a man to lead an independent life in this world. The programme adopted by Islam with regard to these people was that they should first be uplifted morally and socially, and as their condition improved, they should be set at liberty ; and Islam so arranged that when these slaves were liberated their liberty was true and real and not merely nominal and spectacular. This programme was carried into effect under State supervision so that there could be no laxity or negligence in this respect.

Secondly, those fundamental teachings which Islam gave with regard to slavery as such. According to these teachings the enslavement of any free man or woman was strictly forbidden. It is true that in certain cases the prisoners of war were deprived of their liberty, but that was only a retaliatory and a temporary step, and when we go into the details of this system, we find that it was not slavery in the true sense of the term but was really a sort of imprisonment, and even this practice is not allowed by Islam in the present times, for now the system of State

prisons has been introduced and the opponents of Islam no longer make slaves of Muslim captives, nor distribute them among their individuals but keep them as State prisoners. It would, therefore, be unlawful for the Muslims as well to commit their prisoners to individual custody and thus give their action a semblance of slavery.

I must conclude my article with the extremely beautiful and most beloved words of the Holy Prophet, the last words spoken by him in this world of matter. Ali son of Abu Talib, and Anas son of Malik, both eminent companions of the Holy Prophet and Ummi Salma, wife of the Holy Prophet, report as follows :—

"The last words that the Holy Prophet was heard to say, when he was in the agony of death, and his soul was fluttering to leave his mortal frame, were, 'Stick fast to the prescribed Prayers and to my injunctions with regard to slaves'.' (1)

When the Holy Prophet spoke the above words, there were before him his devoted wives who had been the companions of his life and who had remained signally faithful to him in times of privation and hard hardship. There also were his beloved daughter and her children and others that were near and dear to him. There, too, were the faithful *Muhajirin*, the refugees from Mecca, in whose devoted companionship he had passed the troubled days of his life. The loyal *Ansar*, the helpers of Medina, who watered the plant of Islam with their blood, were also near

(1) *Ibn Majah*, Abwab Al-Wasiyyat; Nasai and Mashad Ibn Hanbal as quoted by Jami Al-Saghir, vol. II, p. 42.

him. And that was a time after which the Holy Prophet was to have no other earthly opportunity of making any communication to his followers, and he also full knew that the words of advice uttered by him on that occasion would carry the greatest weight with his relations, friends and followers. Yet he did not turn his eyes to any of these. And what was that to which his thought turned? It was to the down trodden slave that his thought was directed in the last moments of his life and that thought made him forgetful of all other earthly connections. Ah! What a friend, what a benefector of slaves that God gave to the world, but alas, the world knew him not! *And our last words are that all praise is due to Allah the Lord and Master of the universe.*