

The Concept Of Slavery In Islam

In the early stages, when humanity has not yet risen to the full appreciation of the reciprocal rights and duties of man; when laws are the mandate of one, or of a few, for the many; when the will of the strong is the rule of life and the guide of conduct; then the necessary inequality, social, physical, or mental, engendered by nature among the human race, invariably takes the form of slavery, and a system springs into existence which allows absolute power to the superior over the inferior. ¹ This paper quickly reviews the norms of slavery that had been practiced by different nations and generations throughout the world and then delves a bit deeper into the fundamental Islamic sources to investigate its place in the religion of Islam.

Introduction

Since the earliest days of man's struggles on this earth there have been conquerors and conquered, and it has ever been the privilege and right of the former to impose conditions which had to be complied with by the latter. Man, being the cleverer, though not the physical equal to many animals, gradually brought into subjection and applied to his use such powerful creatures as the horse, the camel, and the elephant. Being to a great extent a gregarious creature, man found he could combine with others and form societies which enabled him to undertake work quite beyond the power of any individual unit. When such societies or combinations began to multiply, it was inevitable that there should be conflicts for the possession of desirable things such as land, cattle, laborers, etc. In this way arose slavery. The conquered were used as chattels, they passed under the yoke of their masters and entered into a thralldom in which they lost their individuality, and there is no doubt they were often treated with all manner of ill-usage.

"The simple wish", says an author, "to use the bodily powers of another person as the means of ministering to one's own ease or pleasure, is doubtless the foundation of slavery, and as old as human nature." ²

Religions, civilizations, and legislations came into being; but there was no alteration, or even mitigation, as regards the main principles of slavery or the absolute power of the stronger over the weaker.

Pre-Islamic Slavery

Aristotle held slavery to be necessary and natural, and, under certain conditions, beneficial both to the slave and the master. After him, the Epicureans, the Stoics and other schools of thought in Greece, held the same opinion.

We might reasonably look to Moses with eagerness, and expect him to do something towards its abolition, seeing that he had found his own race drinking to the very dregs of misery and cruelty under the bondage of Egypt; and moreover, a part of his mission was

to liberate his people from slavery. But after they had been liberated, his laws meted out to others the same measure of slavery from which the Chosen People had been redeemed. Though the treatment accorded to slaves under the Hebrew Law was comparatively mild, nevertheless the subsequent bondage of the Jews, under Nebuchadnezzar and others, made them treat their slaves in the same way, as they had been treated by their captors. 3

Among the Jews, from the commencement of their existence as a nation, two forms of slavery were practiced. The Israelite slave, given into bondage as a punishment for crime, or for the payment of a debt, occupied a higher position than a slave of alien birth. The law allowed the former his liberty, after six years of servitude, unless he refused to avail himself of his right. But the foreign slaves, whether belonging to the people whom the Israelites had reduced into absolute helot age by a merciless system of warfare, or whether acquired in treacherous forays, or by purchase, were entirely excluded from the benefits of this arrangement, an arrangement made in a spirit of national partiality and characteristic isolation. 4

Slavery existed in its worst shape, alike in quality and quantity, when Jesus appeared. The introduction of Christianity into the Empire, affected slavery only so far as it regarded the priesthood. A slave could become free, by adopting monarchism if not claimed within three years. But in the relations of private life, slavery flourished in as varied shapes, as under the pagan domination. Slavery was pronounced as a constitution of the law of nature. Marriages between slaves were not legal, and between the slave and the free, they were prohibited under frightful penalties. One of the punishments was, if a free woman married a slave, she was to be put to death and the slave burnt alive. 5 The natural result was unrestrained concubinage, which even the clergy recognized and practiced.

The ratio of the free population to slaves in Italy between 146 BC and 235 CE was 1 to 3, their respective numbers being about 6,944,000 and 20,832,000. A freed man of the time of Augustus left as many as 4,116 slaves by his will. 6 The slave trade was carried on extensively everywhere. The very system of Roman life made slavery a most essential institution, and in the view of some, both natural and legitimate as well. Under the Roman Empire the master had absolute authority over his slaves, and could even put them to death at his will. The construction of roads, the cleansing of sewers and the maintenance of aqueducts were the common employment. Personal chastisements or banishments from the town house to rural occupations were among the lighter punishments. Employment in the mill, relegation to the mines or quarries, men and women in chains, working half-naked under the lash, guarded by soldiers, slaves brought to obedience to their masters by means of systematic terrorism, gladiatorial combats, fights with wild beasts in the amphitheaters, internment in subterranean cells or exposure to the inclemency of the weather, while fixed in dirty fish-ponds, slave maidens shockingly subjected to the brutality of their masters contributing to the impurities at that period and disgracing society; all these were common occurrences in Roman life.

Hadrian, who came to the throne in 117 CE, made a start by curtailing the sources of slavery, and forbidding the kidnapping and sale of children under penalty of death. He took from masters the power of life and death, and abolished the subterranean prisons. Even an emperor like Nero (54-68 CE) had already ordered the courts to receive complaints by slaves of ill-treatment. The relations between the slaves and their masters had begun to come more directly under the surveillance of law and public opinion. But the salubrious wave of reform, the mitigation of the harshness of treatment which the vile abuses of the institution had caused, was impeded when the Pagan rule gave way to the Christian regime. Constantine came and renewed some of the old practices abolished by Hadrian and others. Slavery again began to flourish, and continued so in Christendom for centuries. 7

In the case of India, the Aryan race on their invasion reduced the conquered inhabitants to a condition worse than slavery, so that the very shadow of the vanquished, who were called Sudra in their language, was held to bring a curse on those on whom the shadow happened to fall. 8

Slavery in the Recent Past

The hunting and stealing of human beings to make them slaves was greatly aggravated by the demand of the European colonies. Africa was the popular field for this man-hunting. The native chiefs engaged in forays, sometimes even on their own subjects, for the purpose of procuring slaves, to be exchanged for Western commodities. They often set fire to a village at night and captured the inhabitants when trying to escape. Thus all that was shocking in the barbarism of Africa was multiplied and intensified by this foreign stimulation.

Germany, France and Spain all participated in the slave trade. Captain John Hawkins was the first Englishman who engaged in the traffic. 9 The English slave-traders were at first altogether occupied in supplying the Spanish settlements, but afterwards they began to supply their own colonies. The trade in England remained exclusively in the hands of companies for a long time, but in the reign of William and Mary it became open to all subjects of the Crown, though large parliamentary grants were made to the African Company. 10

By the Treaty of Utrecht, the contract for supplying the Spanish colonies with negroes, which had previously passed from Dutch hands to the French, was transferred to Great Britain. In 1739 the contract was revoked; a circumstance that brought forth war with Spain. Between 1680 and 1700, 300,000 negroes were exported by the British African Company and other private adventurers. Between 1700 and the end of 1786, 610,000 were brought to Jamaica alone, the annual average to all the British colonies being 20,095. The British slave-trade was carried on principally from Liverpool, London, Bristol and Lancaster. The entire number of slave-ships sailing from these ports was 192, and in them space was provided for the transport of 47,146 negroes. In 1791 the number of European factories on the coast of Africa was 40; of these, 14 were English, 3 French,

15 Dutch, 4 Portuguese and 4 Danish. More than half the slave-trade was in British hands. Things went on till the middle of the eighteenth century, when public opinion became awakened against the ignoble trade. But it needed more than half a century to make that public opinion fully alive to the urgency of the question; and an enactment in 1811 brought the slave-trade to an end as far as the British Dominions were concerned. At the Congress of Vienna in 1814 the principle was acknowledged that the slave-trade should be abolished as soon as possible. In short, the slave traffic continued in various Christian countries up to 1850. 11

The Advent of Islam

Muhammad (570-632 CE) was the first man in the history of the world who felt commiseration for the slave class. He did so in a degree that was not even imagined by his predecessors in history; and Islam, his religion, was the first creed that made the liberation of slaves a matter of great virtue, and preached abolition of slavery. In fact, it changed the whole aspect of the world in this respect.

Muhammad was neither a man of dreams nor a visionary. He was a man of action, and knew how to work rightly in the world. He would not confine himself to orations and homilies; he would survey the whole situation; he would appreciate all the obstacles in his way; and would then adopt means efficacious enough to bring out the best results. The problem of slavery and its abolition confronted him as the most stupendous task ever coped with by single individual efforts. Slavery was a most popular institution upheld by usage and past civilization everywhere. It supplied a most valuable form of property. It was interwoven with various aspects of the then social life, and its abolition would strike at the very foundation of the social fabric. Besides, the institution was in some respects not without redeeming features, and therefore could not be dispensed with totally. Among its various sources, war was perhaps the most prominent, which still has not left the human race. In olden days the males of the defeated camp were killed and mutilated; later on they were taken as slaves, and this was not a bad substitute for slaughter and mutilation. Indemnity, or captivity, came to be regarded as the natural demand of a conqueror from the vanquished; and modern civilization upholds it as well. But the inhuman treatment awarded to captives everywhere in the pre-Islamic world made war-bondage identical with slavery. War-prisonership was indispensable, but something was needed to better the condition of the captives in order to save them the indignity which the very word "slave " in itself has always conveyed.

In other words, if the institution of war-bondage was a necessary appendage to human society, then some step must be taken that might ennoble such bondsmen in the eyes of their captors.

The Quranic Terminology for a Slave

The Quran, to begin with, abolished all kinds of slavery, with the sole exception of the bondage that resulted from fighting, provided that fighting was in self-defence. In other

words, a Muslim has been forbidden, under the clear teaching of the Quran, to make others his slaves. He may make prisoners of others, but only in a self-defensive fight. In order to make distinction between the two viz. the slave and the war-captive, the Quran does not style the latter with *abad*, the Arabic Equivalent of the word "slave". "Those whom your right hands possess" is the term used by the Quran to designate that class. It not only defines the exclusive mode in which a man could be brought under a Muslim's bondage, but it shows also that a Muslim's bondsman is not a slave, but a fallen foe, otherwise his equal, and that he should either be ransomed or set free out of favor; and the latter was the course which was in most cases adopted by the Prophet himself, as will be shown later.

When the Quran and the Prophet use the word *abad* i.e. slave, as regards persons in bondage, it should be remembered that the reference in such case is only to such as were already in bondage under the old custom. As to the liberation of such bondsmen, this presented a difficulty of a very intricate nature. The immediate abolition of slavery was likely to cause many and far-reaching complications.

Abolition of Slavery by Islam

The slave class possessed no wealth. They had neither house nor property, neither trade nor learning. Their immediate emancipation would have produced a class of penniless vagabonds and indolent beggars. The task of Islam was not only to secure freedom for those already in slavery, but to make them useful members of society. And the Holy Prophet was quite alive to the situation.

Consider the amount of money that England and other countries had to pay in order to bring the slave-trade to an end. Muhammad, on the other hand, was not the owner of gold and silver, but he seemed to have possessed an inexhaustible treasure of the soul and mind; and he did in this respect that which the wealth itself could not do.

A wise man once said: "It is always easy to imagine perfection, but it is only possible to achieve improvement." Islam, first of all, recognized a common descent, abode as well as return for all men, master and slave alike: "You are all sons of Adam and Adam was created from dust" ¹² and stressed that there was no superiority for a master over his slave merely because of his being a master. Whatever superiority there was, it rested on piety, as the Quran says: "O mankind, surely We have created you from a male and a female, and made you tribes and families that you may know each other. Surely the noblest of you with Allah is the most dutiful of you. Surely Allah is Knowing, Aware." ¹³ Likewise Muhammad was also reported to have said: "There is no superiority for an Arab, nor for a black man over a red one, nor for a red over a black man save due to piety". Islam came and told the masters that they should be fair and good in their dealings with the slaves, as the Quran lays: "And be good to the parents and to the near of kin and the orphans and the needy and the neighbor of (your) kin and the alien neighbor, and the companion in a journey and the wayfarer and those whom your right hands possess. Surely Allah loves not such as are proud, boastful." ¹⁴

It stressed the fact that the true relationship between the master and his slave was not one of slavery and over-lordship, nor of subjection or objection but that of kinship and brotherhood, as the Prophet insisted: "They are your brothers whom Allah has put under your authority, so if Allah has put a person's brother under his authority, let him feed him from what he eats and clothe him from what he wears, and let him not overburden him with work, and if he does overburden him with work, then let him help him." 15 It was on this authority that Abu Huraira, on seeing a man riding a horse and his slave trudging along after him, said to the man: "Get him seated on the horse behind you, for, surely he is your brother, and his soul is similar to yours".

With a mark of deference to the feelings of the slaves, the Holy Prophet used to emphasize: "Let no one of you say, when addressing his bondsman, 'Abdi' (my slave) or 'Amti' (my maid-servant), but let him say, 'my young man', 'my young maid' or 'my young boy'." 16

In order to raise the status of the class, the Prophet laid special stress upon the good breeding and education of slave-girls. The Holy Prophet said: "If a man has a slave-girl in his possession and he instructs her in polite accomplishments and gives her a good education, without inflicting any chastisement upon her, and then frees her and marries her, he shall be rewarded with a double reward." 17

High positions were not denied to slaves and freedmen. The Prophet gave his own cousin, the noble lady Zainab, in marriage to his freedman Zaid and made his son Usama Bin Zaid the commander of an army.

Emancipation of Slaves

It has just been mentioned that the immediate emancipation of the slaves would have brought more harm to them than benefit, keeping in view the conditions which that class throughout the world then labored. Slaves neither owned any property nor had skill in any handicraft which might afford them a means of livelihood. It was necessary that they should be taught some method of getting a living, and upon this vital necessity the Prophet laid special stress. With this we pass on to the next stage; the stage of actual enfranchisement.

In the first stage Islam gave spiritual enfranchisement to slaves. It gave them back their humanity and taught that from the stand point of a common origin they enjoyed a status similar to that of their masters and that it was the external circumstances alone that had deprived them of their freedom, preventing them thereby from participating directly in the social life of the community. But for this only point of difference, there was no other difference between slaves and masters as far as their rights as human beings were concerned. But Islam did not stop short there, as the great fundamental principle of it, is the achievement of perfect equality among all men making everyone of them equally free. 18 Therefore it proceeded to bring about the actual freedom of the slaves by three important means:

Voluntary emancipation by the masters (Al-Itq)

Writing for their emancipation (Mukatabah)

For the expiation of sins

Al-Itq: Voluntary Emancipation of Slaves

As to the first of these (i.e. Al-Itq) it was a voluntary act on the part of the master to set a slave at liberty. The practice was greatly encouraged by Islam and the Holy Prophet himself in this regard also provided the best example for his followers. He freed all the slaves he had. His companions followed his example, Abu Bakr in particular, spending large sums of money on buying off slaves from the idolatrous chiefs of Quraish to set them free later on. Besides this the slaves were also bought out of the Public Exchequer whenever there was some money to spare for this purpose so as to set them free.

Muhammad preached the religion of liberating slaves and made their emancipation a virtue of great merit. We read the following in the Quran:

“It is not righteousness that you turn your faces towards the East and the West, but righteous is the one who believes in Allah, and the Last Day, and the angels and the Book and the prophets, and gives away wealth out of love for Him to the near of kin and the orphans and the needy and the wayfarer and to those who ask and to set slaves free and keeps up prayer and pays the poor-rate; and the performers of their promise when they make a promise, and the patient in distress and affliction and in the time of conflict. These are they who are truthful; and these are they who keep their duty.” 19

And pointed out to him the two conspicuous ways? But he attempts not the uphill road; And what will make thee comprehend what the uphill road is? (It is) to free a slave, or to feed in a day of hunger an orphan nearly related, or the poor man lying in the dust.” 20

The Quran lays down that a part of the public funds should be spent in purchasing the freedom of the slaves: “(Zakat) Charity is only for the poor and the needy, and those employed to administer it, and those whose hearts are made to incline (to truth), and (to free) the captives, and those in debt, and in the way of Allah and for the wayfarer; an ordinance from Allah. And Allah is Knowing, Wise.” 21

Mukatabah: Writing for the Emancipation of Slaves

The second means whereby Islam brought freedom to slaves was that of Mukatabah i.e. the writing of freedom to a slave on his asking for it by the master in return for a certain amount of money agreed upon by both of them. The masters were enjoined to give good breeding and education to their slaves; and if any slave had demanded manumission, the master must yield to that demand, under certain conditions, as the Quran says: “And those of your slaves who ask for a writing (of freedom), give them the

writing, if you know any good in them, and give them of the wealth of Allah which He has given you". 22

By this institution of Mukatabah, Islam paved the way for the freedom of all those slaves who happened to desire their freedom and not passively wait for their masters' good will or piety to set them at liberty at their own convenience.

Though the practice of the master making such a contract with the slave prevailed before the advent of Islam, the important reform introduced by Islam was that, when a slave desired such a contract to be made, the master could not refuse it. Such a noble institution is laid down that if a slave asked for a writing of freedom, he was not only to be given that writing by the master, but he was also to be provided with money to purchase his freedom so that he might be able to make a start in life as a respectable person, the only condition being if you know any good in them, i.e., if he is fit for work and able to earn his livelihood. And, in addition, the duty was imposed upon the State of spending a part of the collection of the poor-rate for this object, 23 as already stated. So, the slave is not left alone to labor for his manumission. It is the duty of his master and other Muslims to assist him.

Besides manumission, there are other cases in which the emancipation of a slave is compulsory. To be beaten by his master resulted in the freedom of the slave. When a female slave was taken as wife by her master she was no more treated as a slave. When a slave was the common property of several masters, one such master could free him, paying the others to the extent of their shares. In such cases when a slave was freed someone was appointed as his patron (mowla), whose duty it was to provide the freed slave with the means of starting in the world, and to support him in his difficulties. The slave was called his freedman.

Manumission of Slaves for the Expiation of Sins

The Qur'an enjoined the atonement for some of the sins in the freeing of slaves. The Prophet also encouraged it for the reparation of any other sin one might commit. Islam prescribed that redemption for the killing of a believer by mistake was the freeing of a believing slave and paying blood money to his people: "And whoever kills a believer by mistake, he should free a believing slave, and blood money should be paid to his people." 24

The victim killed by mistake was a human being of whose services his people as well as the community were deprived without any legal justification, for which reason Islam prescribed that a compensation should be made to both parties his people and the society: his people getting a just blood money and the society another man to serve it in his place i.e., the newly freed believing slave. Thus the freeing of a slave meant bringing back to life a human being as a compensation for the one who was lost due to his being killed by mistake. As is clear from this, Islam views slavery as death or a state very much similar to it notwithstanding all those securities that it did provide for a slave. That

is why it eagerly snatched every opportunity to resuscitate this wretched class of human beings by restoring to them their liberty.

Similarly, in the case of physical harm or injury, expiation was explicitly laid down by the Prophet: "Whoever slaps his slave or beats him, his expiation is to manumit him." 25

Punishments for Maltreating a Slave

Other punishments were also announced in case of the maltreatment with the slaves. It was narrated By Abu Huraira that he heard Abu-I-Qasim (the Prophet) saying: "If somebody slanders his slave and the slave is free from what he says, he will be flogged on the Day of Resurrection unless the slave is really as he has described him." 26

It was also reported that: 'Uthman ibn 'Affan (the third caliph) tweaked the ear of a slave of his when he did something wrong, then he said to him after that: Come and tweak my ear in retaliation. The slave refused but he insisted, so he started to tweak it slightly, and he said to him: Do it strongly, for I cannot bear the punishment on the Day of Resurrection. The slave said: Like that, O my master? The Day that you fear I fear also.

Abu Masood, one of the Ansar, the Medinite says: "I was beating a slave of mine, when I heard behind me a voice: ' Know, O Abu Masood, God is more powerful over thee than thou art over him.' I turned back and saw die Holy Prophet of God, and at once said : ' O Prophet of God, he is now free, for the sake of God.' The Holy Prophet said : ' If thou hadst not done it, verily fire would have touched thee'." 27

Ill-treatment of a slave was sufficient grounds for his enfranchisement; and some slaves would go so far as actually to create circumstances likely to excite the anger of their masters, in the hope of being ill-treated by them, thus gaining their freedom. It is related of Zain ulAbidin that he had a slave who seized a sheep and broke its leg, and he said to him: "Why didst thou do this? "The slave answered: "To provoke thee to anger". "And I," said he, "will provoke to anger him who taught thee; and he is Iblis (i.e. the Devil); go, and be free for the sake of God."

War-Captivity: A Temporary and the Only Permitted Form of Slavery in Islam

These ordinances were not meant to remain only in books, but they were translated into action. In the Meccan life of the Prophet no chances of making many slaves presented themselves. As mentioned earlier, his own slaves he released, and his friend and follower, Abu Bakr, freed a large number of his slaves and purchased a number in order to set them free. When the Prophet came to Medina and the conditions of warfare began, the following verse was revealed which totally abolished slavery of the old type and made war-captivity the only kind of slavery, if it may be called such, permissible in Islam: "It is not fit for a prophet to take captives unless he has fought and triumphed in the land." 28

The verse lays down the condition under which a person forfeits his liberty at the hand of another. In other words, the verse abolished slavery and allowed Muslims to make war-prisoners, and this only so long as the war lasted, as the following shows:

“So when you meet in battle those who disbelieve, smite the necks; then, when you have overcome them, make (them) prisoners, and afterwards (set them free) as a favor or for ransom till the war lay down its burdens.” 29

Here it is told that prisoners of war can only be taken after meeting an enemy in regular battle, and even in that case they must be set free either as a favor or after taking ransom. It was the former of these alternatives that the Holy Prophet adopted in most cases; for instance, in the case of the prisoners of the BaniMustaliq, in which a hundred families were set at liberty, and in the case of Hawazin, in which six thousand prisoners of war were released merely as an act of favor. Only in the case of the seventy prisoners taken at Badr is there mention of redemption having been taken, but this was when Islam was very weak and the powerful enemy was determined to crush it.

It must always be borne in mind that the Prophet was ever on the defensive in all his battles; he was forced to arms under compulsion and to protect his life, which was sought with ruthless pertinacity by His enemies. And it is apparent from these verses that from the teachings of the Prophet no Muslim is permitted to bring any person into slavery, and that Islam and the Quran give no countenance to anything like the institution of slavery.

Concluding Remarks

With reference to the unique pronouncements of Muhammad regarding the slaves, it may be quoted from Syed Ameer Ali:

"The Prophet exhorted his followers repeatedly in the name of God to enfranchise slaves, 'than which there was not an act more acceptable to God.' He ruled that for certain sins of omission the penalty should be the manumission of slaves. He ordered that slaves should be allowed to purchase their liberty by the wages of their services; and that in case the unfortunate beings had no present means of gain, and wanted to earn in some other employment enough for, that purpose, they should be allowed to leave their masters on an agreement to that effect.

He placed the duty of kindness towards the slave on the same footing with the claims of kindred and neighbors and fellow-travellers and wayfarers; encouraged manumission to the freest extent and therewith the gift of a 'portion of that wealth which God has given you'; and prohibited sensual uses of a master's power over a slave, with the promise of divine mercy to the wronged. To free a slave is the expiation for ignorantly slaying a believer and for certain forms of untruth. The whole tenor of Muhammad's teaching made 'permanent chattelhood ' or caste impossible; and it is simply an 'abuse of words'

to apply the word 'slavery,' in the English sense, to any status known to the legislation of Islam." 30

It should, however, be admitted that slavery has not yet died the natural death designed for it by Islam, and negroes are still to be seen in certain wealthy Arab houses; but responsibility for this will be found to lie at other doors, if once the question be dispassionately considered in the light of the facts given above. Islam abolished all the sources of slavery except war-captivity; that too on temporal basis i.e. to be made them free later as a favor or in exchange of ransom; and if, as it is reasonable to hold, this kind of bondage cannot properly be brought under the category of slavery, it is safe to assert that the Prophet Muhammad completely banished slavery from the Muslim lands.