

Misreading Slavery Law for Captivity Law

Fahime Shariati^{1*}, Tahere Rahimpour²

1. Assistant Professor, Faculty of Theology, Ferdowsi University of Mashhad, Mashhad, Iran.

2. Assistant Professor, Faculty of Theology, Ferdowsi University of Mashhad, Mashhad, Iran.

Received: 2022/10/20, Accepted: 2023/01/25

جایگزینی نادرست قانون برده داری به جای قانون اسارت

فهیمة شریعتی^{۱*}، طاهره رحیم پور^۲

۱. استادیار، گروه معارف دانشکده الهیات دانشگاه فردوسی مشهد، مشهد، ایران.

۲. استادیار، گروه معارف دانشکده الهیات دانشگاه فردوسی مشهد، مشهد، ایران.

دریافت: ۱۴۰۱/۰۷/۲۸؛ پذیرش: ۱۴۰۱/۱۱/۰۵

چکیده

Abstract

Islam's stance against inhuman traditions, such as slavery, was indirect and distinctive. It drew on strategies for adjusting attitudes, behaviors and emotions against slavery. Therefore, the claim that Islam has endorsed and legalized slavery is unfounded. It is because the laws stipulated in the Qur'an are not about slaves but about captives and their related rulings. It appears that Islam has not directly prohibited slavery due to the ineffectiveness of the coercive method, attempting to phase out this tradition progressively. In addition, other societies welcomed the indirect style more due to its lack of violence and compulsion.

Keywords: Islam, Slavery, Indirect Confrontation, Captivity.

قرآن کتابی برای هدایت تمامی انسان است بنابر این متن آن باید قابل استفاده در همه زمانها و مکان ها باشد. همواره ایرادات متعددی از جمله اشکال به تایید نظام برده داری به قرآن وارد شده است. حال آن که مقابله اسلام با برخی صور انحراف از جمله برده داری متفاوت و بطور غیر مستقیم بوده است. از جمله روشهای غیر مستقیم حذف، تغییر در نگرش، تغییر در رفتار و تغییر در عاطفه بوده است. این نظر که اسلام برده داری را پذیرفته است و آن را قانونمند کرده درست نیست. قوانین موجود در قرآن درباره اسیران است و بیانگر قوانین مربوط به آنان می باشد و این استراتژی خاص اسلام برای تبلیغ از یک سو و برای برحذر داشتن از مقابله علیه مسلمین از سوی دیگر بوده است. دلیل عدم مقابله مستقیم به شکل بیان حرمت شاید به علت عدم نیاز به شیوه قهری و استفاده حداکثری برای تبلیغ و خشکانیده شدن قطعی امر با راهکارهای غیر مستقیم بوده است.

کلمات کلیدی: اسلام، برده داری، مقابله، اسارت، قرآن انسان.

Introduction

According to the Britannica encyclopedia, Human rights refers to rights that belong to an individual or group of individuals simply for being human, or as a consequence of inherent human vulnerability, or because they are requisite to the possibility of a just society. Whatever their theoretical justification, human rights refer to a comprehensive continuum of values or capabilities thought to enhance human agency or protect human interests and so is declared to be universal, in some sense equally claimed for all human beings, present and future (Weston, 2021).

In simple words, human rights aim for a point where a human in society has specific rights to express his own opinions and have education and private and family life. Also, they must not be mistreated or wrongly punished by the state.

Since World War II, the term "human rights" came into parlance. After the founding of the United Nations in 1945 and the adoption by the UN General Assembly of the Universal Declaration of Human Rights in 1948, human rights replaced the phrase natural rights, which fell into disfavor in the 19th century in part because the concept of natural law (to which it was intimately linked) had become controversial with the rise of legal positivism. Legal positivism rejected the theory, long espoused by the Roman Catholic Church, that law must be moral to be law. The term human rights also replaced the last phrase of human rights, which was not

universally understood to include women's rights (Weston, 2021).

The concept of human rights must be traced initially to ancient Greece and Rome, where it was closely tied to the Stoics' doctrines, which held that human conduct should be judged according to and brought into harmony with the law of nature (Weston, 2021).

According to un.org (the worldwide website of the united nations), UDHR (universal declaration of human rights) has 30 Articles that every individual and every organ of society must keep this Declaration constantly in mind (Weston, 2021). In this paper, we mention five of UDHR's Articles in the field of slavery published by the united nations worldwide website.

Article#1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article #3: Everyone has the right to life, liberty and security.

Article #4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article #7: All are equal before the law and are entitled, without any discrimination, to equal protection. All are entitled to equal protection against any discrimination in violation of this Declaration and any incitement to such discrimination.

Article #23: Everyone has the right to work, free choice of employment, just and favorable work conditions and protection against unemployment.

Article 18 of the Universal Declaration of Human Rights (UDHR) says we all have the right to our own beliefs, to

have a religion, to have no faith, or to change it. "The state must guarantee freedom of religion, which implies dealing with all of them on an equal footing." (United Nations Human Rights). The relation between religion and human rights is complex and inextricable; the Qur'an includes the right to life and peaceful living and the right to own, protect, and have property protected by Islamic economic jurisprudence. The Qur'an also contains rights for minority groups and women and regulations of human interactions between one another to the extent of dictating how prisoners of war ought to be treated.

The Qur'an is a book for the guidance of all human beings. Not limited to any particular time and space, it was revealed by an unparalleled and all-knowing entity divine to the Prophet. Therefore, its principles and foundations are more sublime and progressive than the laws drafted by human beings. In addition to undisputed verses, there are ambiguous verses in the Qur'an. One such ambiguity is associated with the rules of slavery, based on which some have accused Islam of supporting slavery. Using a historical-analytical method, this article seeks to investigate this accusation. As far as the critique of slavery in Islam is concerned, it is necessary to distinguish between the rules of captivity and the laws of slavery in earlier societies. Without such distinction, other Qur'anic regulations regarding new problems such as employment could also go unnoticed so that humans fall into the abyss of modern slavery while attempting to unchain themselves from

traditional slavery. The notable point is that in the Qur'an, some of the words that convey meanings of slavery and servitude also have other applications. Hence, "What the right hand possesses" can impart different purposes, such as wage earners, subordinates, or dependents.

1- Distinguishing valuation from the stipulation of rulings and obligations

One of the distinctive features of the Islamic legal system is that it guides humans toward the ultimate goal of creation, perfection. In this school, man grows closer to God in light of his willful and voluntary actions. Accordingly, from the perspective of Islam, men and women have the same values as humans, but they are not equal in terms of obligations and rights. This distinction, rather than suggesting discrimination in valuation, seeks to regulate and control relationships between men and women in the family and society so that they can be guided towards the ultimate goal of creation, i.e., proximity to God, despite the conflict of interests. The Prophet (PBUH), in his awakening Mission in Mecca, held distinctive approaches to the traditions and values of the society. He strongly condemned some traditions (killing babies) and adopted a steady and indirect policy to fight others (e.g. slavery) because these customs were institutionalized and relatively common among the people. Therefore, the legislation of jurisprudential rulings was vital to meet the needs of people still in the grips of the Ignorant Age's traditions. However, this legislation, different from the validation of those traditions, represented a progressive

policy to uproot the false cultures of the time. Therefore, in evaluating the Islamic legal system, the philosophy of the religious legislation cannot be overlooked. The same is true for slavery. Slaves made up a large share of pre-Islamic Arab society, so the absence of rights and obligations for slaves in Islamic society wreaked havoc on their life. For this reason, despite Islam's claim about the equality of human beings and their valuation (both free and captive humans) based on piety and faith (Verily, the most honored of you in the sight of Allah, is (he who is) the most righteous of you. And Allah has full knowledge and is well acquainted with all things; Hujurāt, verse 13), jurisprudential and narrative scripts have defined rules and obligations for male and female slaves.

2. Distinguishing the laws of slavery from captivity:

After declaring the principle of equality in creation, Islam stresses the principle of human freedom and liberty. Imam Ali (AS) says: "People are all free except those who admit to being salve." In his farewell pilgrimage (Sheikh Tūsī, 1406), Holy Prophet asserted, "O people, indeed your Lord is unique as are your forbearers" (Yaqoubi, 1999). In the social system of Islam, there is no mechanism for enslaving free human beings. For this reason, there is a section in jurisprudential texts called "Itq" which means the liberation of human beings, but there is no entry for "Regh" or slavery. The Prophet (PBUH) notes: "Never should you say my slave and my maid, but rather my son and my daughter (Muslim, 1420).

Nonetheless, in response to the question about why slavery and servitude rules have been discussed in the Qur'an, it should be borne in mind that these rules apply to captives and not slaves. Islam does not permit any forms of slavery unless for prisoners of war. Two essential points must be noted to resolve the conflict between slavery and the principle of equality of human beings in Islam. First, the law's title should be changed from the rules of slavery to the regulations of captivity because prisoners were put to work in the homes of Muslims as a punishment or a strategy for mending their ways. Moreover, the proper treatment of the captives by Muslims (as ordered by Islam) attracted them to Islam and laid the ground for their liberation. It is said that Prophet (PBUH) not only released his slaves, Abu Rafi and Salmi but also married them. He freed all of his servants so that there were no maids and slaves left behind when he passed away (Bukhari, 1407).

The tradition of adoring and freeing slaves was also promoted in the society by Ah al-Bayt following the demise of the Prophet (PBUH), which was also instructive for non-Muslims. As stated by Kulainī, Imam Sadeq (AS) once sent one of his slaves to care for something. He was late, so Imam had to go after him only to find him asleep. Imam sat on his side and started fanning him until he woke up (Kāshānī, 1426).

The large number of people who entered the house of the Shiite Imams as captives, and in light of their guidance, turned into faithful and loyal advocates of Islam, reflects Islam's humane and rational policy in treating slaves. People such as Abu Rafi, Omm-

e Ayman, Omm-e Salame, Malik ibn Anas, Zayd ibn Haritha, Fedha Khadema, Qanbar and others came to the house of the Infallibles (AS) as slaves but transformed into scholarly and political elites of their time under their paternal care and training.

In general, it can be posited that restricting slavery by formulating fair laws on the one hand and creating fertile grounds for its progressive abolition, on the other hand, improved the situation of slaves in Islamic and non-Islamic societies. Moreover, as long as the flag of war and carnage was raised in the world, even if Islam prohibited slavery, human societies would inadvertently face a flood of captives. Therefore, Islam devised a strategy to manage this human potential so that both the body and the spirit of the slaves could be trained in the shadow of the divine teachings. However, this was only possible with compassion and kindness and the liberation of slaves.

It should be noted that rules and regulations governing captives could improve the situation of slaves who had been illegally acquired. Thus, Islam set out these principles as both a means of tackling the plight that the slaves and maids went through and a strategy for regulating the situation of prisoners of war because past social laws fell short of ensuring the human rights of prisoners of war. Thus, in response to the question about the non-rejection of slavery by Islam, it should be noted that Islam has repudiated slavery. Still, the religious legislation of captivity in holy texts has given rise to the assumption that Islam has embraced slavery.

Now, on account of the words such as "Omm-e, fatyāt" and "mā malekat Aymānikum" in the Qur'an, some have concluded that God has endorsed slavery. It should be argued that only in one verse does God put the honor of a believing slave over an unbeliever; otherwise, there is no single verse that backs slavery. In response to those who interpret "Melk Yamin" as slavery, it should be noted that this term directly applies to recruiting prisoners of war, which was relatively common in all societies.

3- Primary and secondary rules

In Islam, Jihad is divided into two types: primary and defensive. In the preliminary stage, which is exclusive to the era of the Infallible, the Muslims take the initiative in waging war. Defensive jihad, however, is obligatory if Muslims are under invasion (Tabatabay, 1415). Given the occultation of the Infallible Imam, in case of encroachment on the borders of Muslim countries, only defensive jihad is mandatory (Mirsharifi, 1438). Suppose captives are taken on this battlefield according to the secondary rules. In that case, they are not required (as was the case in the early days of Islam) to serve in the Muslim family because the rulers can amend the Islamic rules in keeping with the interests of the society and the spirit of the time. Today, one of these secondary rules is abolishing the rule about the prisoners of war's service. In the Iran-Iraq war, prisoners were exempted from work and service.

4- Prohibition of slavery manifestation in Islam

Freedom of man is one of the principles of the Qur'an (Sheikh Tūsī, 1406). Hence, taking slaves through plundering, coercion and deception has been condemned in Islam. Moreover, the creditor has no right to claim the debtor and his children in exchange for non-payment. Islam also does not consider poverty a license to sell human beings and bans the ownership of homeless children and infants.

Islamic views of prisoners are, however, different from slaves. Islam has prescribed special laws for the captives to punish the opponents of Islam on the one hand and to provide the prisoners a haven in the house of their guardian and master. With this security, they could be trained under the Islamic government and start their independent life after liberation. Therefore, the approach of Islam contributes to the socialization of slaves.

5- Islam is founded upon peace

Salam (meaning peace and health) is one of the names of God Almighty and the slogan of Muslims. The greatest act of worship by Muslims (prayer) also concludes with Salam. The Qur'an has also chanted this slogan (Peace is an excellent thing) (Tawba, 9: 6). During the life of the Prophet (PBUH), Mecca was never the scene of any battle and jihad was not still legislated. By God's command, the prophet invited the people to Islam through wisdom, preaching and arguments in Mecca (Nahl, 16: 125) because the primary concern of the Prophet (PBUH) was education and establishment of order among the members of society. Twelve years after Bi'tha, due to the persecution of infidels and polytheists,

the Prophet left Mecca for Medina. However, the prosecutors did not leave the Muslims alone after the migration and imposed a raft of wars on them. As it is obligatory in all divine religions to defend against the invasion of the enemy, the Qur'an also legislated the ruling of jihad against anti-Islamists. In all wars, the Prophet (PBUH) advised his commanders to adhere to the divine and human principles and strictly forbade the slaying of women, children and older men (Ālmilī, 1412). Since the second year of the Hijrah (2 AH), about 27 battles broke out between Muslims, pagans and infidels, most of which ended without any casualties or capturing prisoners of war. The prophet eschewed war and bloodshed as much as possible and never took the initiative to start a fight during his mission as the messenger of God (Hassan-Ebrahim-Hassan, 1997).

According to God's command (But if the enemy inclines towards peace, do thou (also) incline towards peace), the Prophet (PBUH) was anxious to foster peace and stability (Ibn-Hisham, 1998). As such, in the constitution of Medina, He stipulated the acceptance of peace as a fundamental principle (Anfal, 208). In Hudaibiyah, when the Quraysh proposed peace, contrary to the demands of the Muslims, he welcomed this treaty with open arms. The tradition of the Prophet was founded upon peace and an invitation to peace. As the Qur'an states: (O ye who believe! Enter into Islam wholeheartedly!) (Baqara, 208; (Hassan-Ebrahim-Hassan, 1997).

5.1 The law of immunity and sanctuary

In Islam, the emphasis is on peace and reconciliation, and jihad has been legislated as a tactic to counter sedition, ensure security, and protect the lives and property of Muslims. Immunity (Aman), one of the laws closely associated with peace, has been stipulated in Islamic jihad. It offers an opportunity for the seekers of truth to gain insight and save their life on the battlefield. This rule was also effective in preventing bloodshed and violence to some extent. Ahmad Rashid and Wahabeh Zahili contend that the Islamic system first introduced the law of immunity, which did not exist in other systems.

According to the explicit instruction of the Qur'an, if one of the polytheists seeks refuge in the Muslims, he should be granted asylum. The Qur'an says, (If one amongst the Pagans asks thee for asylum, give it to him, so that he may hear the word of Allah; and then escort him to where he can be secure. That is because they are men without knowledge). Tabrisi adds a footnote to this verse: "This immunity is because they are not aware of the faith and its underlying reasons. Thus, they are given shelter to listen to the words of God and contemplate" (Tabrisi, 1415). In the law of Islamic Jihad, if someone from the weakest and lowest classes of society gives shelter to the enemy, his asylum is respected and must be recognized. Women are no exception to this law. Zainab, the daughter of the Messenger of God (PBUH), gave shelter to her husband, Abul as ibn Rab, and the Prophet respected and acknowledged her refuge (Yaqoubi, 1999). Also, in the conquest of Mecca, the Prophet signed and recognized the

asylum of Omm-e Hānī, the daughter of Abu Talib (AS).

From the Islamic perspective, war and jihad are the last resort. The Prophet was missioned to eradicate war and bloodshed. Therefore, God has constrained battles in various ways, banning them in the four months of Rajab, Dhil Qa'dah, Dhil Hajah and Muharram. That is, battles are prohibited in a third of each year. He also considered it as a collective duty that was only obligatory once a year.

5.2 The law of captivity

Capturing enemy forces is one of the inevitable but unpleasant aspects of war. Pre-Islamic Arabs used to slay their captives. In those days, forgiving prisoners was humiliating because this pardon was granted by someone in a position of power (Salem, 2001). It should be noted that in the time of the Prophet, not every prisoner was conscripted. In some battles, prisoners of war were released. For example, in the Invasion of Banu Qunayqā', in which the Prophet pardoned all the Jews of Banu Qunayqā', who were in the captivity of the Muslims, but they were ordered to leave Medina. Mas'udi has noted that more than four hundred men from Banu Qunayqā' were released. In the case of the Hudaibiyah peace agreement, several infidels were arrested and captured by Muslims, but the Prophet (PBUH) pardoned and freed all of them.

In the Einah Ibn Hassan, the tribe of Bani al-Anbar drew their swords on the collector of charity and engaged in a clash. In this battle, 11 men, 11 women and 30 children were captured. The Prophet ordered them to be kept in the

house of Ramla, the daughter of Harith. However, when the elders of the tribe came over to the Messenger of God (PBUH) to deliver the captives, he freed all the prisoners. In some cases, in a bid to mend the ways of the infidels, the Prophet distributed the captives among the Muslim families. Sometimes, like in the battle of Bani al-Mustalaq, all the prisoners were released on the occasion of Muhammad's marriage to Juriyah, the daughter of the chief of the tribe (Ibn-Hisham, 1998)

The Qur'an permitted the female prisoners of war to do domestic work and engage in marital relations in the form of permanent or temporary marriage contracts. Still, male captives were entrusted with tasks such as protection of figures, military service, agriculture, or trade.

In Islam, the emphasis is on peace and reconciliation. The law of immunity has been legislated to employ war and jihad as tools to counter sedition, prevent aggression, provide security, dismantle obstacles and prepare the ground for invitation and propagation of Islam.

Immunity is also one of the progressive and humanistic factors accounted for and legislated in the Islamic Jihad. It provides an opportunity for the seekers of truth who want to convert to the religion of God with profound insights and survive the battlefield. More importantly, it averts unnecessary bloodshed (Tabrisi, 1415)

It is explicitly stated in Qur'an that if any infidels seek refuge in Muslims, they must be given refuge and immunity. The Qur'an says: "If any of the polytheists seeks asylum from you,

grant him asylum until he hears the Word of Allah. Then convey him to his place of safety. That is because they are a people who do not know" (Tawba, 9:6).

Islam, however, took extraordinary measures to bring an end to this process in a gradual manner.

6- The progressive actions of Islam

Some may wonder why the Qur'an has not explicitly banned slavery to demonstrate its strong opposition to this practice. The Prophet's (PBUH) confrontation with the pre-Islamic slavery movement was a progressive battle, as it sought to critique the punishments and abrogate them. On the other hand, it constrained slavery with various restrictions and, at the same time, paved the way for the liberation of slaves. Therefore, slavery should be distinguished from the rules governing captivity because captivity is subject to and dependent on war, but slavery is one of the conventional human systems. It should be kept in mind that sometimes compulsory actions against a misleading and erroneous tradition would not be practical but should be clandestinely and progressively uprooted that habit. In particular, in cases where it can appear in diverse forms and instances. Islam has adopted a gradual and indirect strategy to counter the system of slavery.

6.1- Equal Valuation of humans

Islam was the religion to declare that slaves should not be equaled to animals and objects and granted them human rights. It also prohibited insults, humiliation and harassment of the slaves. As a result, the situation of slaves in Islamic lands improved. Many of these slaves attained their rights;

some gained promotions and secured lofty political, social and commercial positions. A case in point is Salman Farsi and Sohaib Rumi, who ruled over Egypt and Shamāt, respectively (Mirsharifi, 1438).

In Islam, prisoners of war were treated as part of the family, so women were not required to wear the hijab in front of slaves. The slaves were short of wives to their master and could sleep with him (Ahzab 33:55).

Also, while in most tribes and divine religions, marrying slaves was forbidden and the perpetrators were harshly punished, some of the mothers of the Imams (as) were originally slaves. The prophet (PBUH) made a covenant of brotherhood with some slaves and free people (Ibn Sa'd, 1405). He married his cousin, Zainab bint Jahsh, to one of his freed slaves Zayd ibn Haritha (Ibn-Hisham, 1998). William Phillips elaborated on the Muslim marriage to slaves: "the Muslim's marriage to slave women was fairly common, and the children born of this wedlock were free men. The Qur'an states that marrying a pious slave woman is preferable to marrying an infidel free woman" (Baqara, 221)

6.2 Ways to liberate the slaves in Islam

Islam has taken a particular interest in the liberation of slaves, considering it a vital worship act. The Prophet and the Infallible Imams (AS) were pioneers in freeing the slaves and persuaded others to do so. The Commander of the Faithful, Imam Ali (AS), bought a thousand slaves and set them free for the contentment of God (Kulainī, 1407).

Imam Sajjad (as) did not punish his erring and misbehaving slaves during Ramadan. He only noted down their misconduct in a special notebook. Then, on the last night of Ramadan, he would have brought them together, opened the notebook, and summoned all servants one by one, pointing out their faults until they confessed to their wrongdoing. Then he stated, "I forgive you all. Will you forgive me?" In response, slaves and maids said, "We forgive you, our Lord, but you did not do anything wrong!" Then, Imam asked them to begin praying, "O God. Show mercy to Ali ibn Hussein as He exonerated us and delivered him from the fire as He freed us from servitude". At this time, the Imam, with tears in his eyes, whispered: "O God, Amen. You are the Lord of the Worlds." Then he added, "You can go now. You are all free men". On the day of Eid al-Fitr, Imam gave them enough gifts to meet their needs. The fourth leader of the Shiites never retained his slaves for more than a year and released them on Eid al-Fitr.

The Messenger of God (PBUH) related: "Whoever frees a servant, God will protect one organ of his body against the fire [of the Inferno] for each organ of the servant's body" (Āmilī, 1412).

According to the Shari'a, sometime Qur'an has recommended the emancipation of slaves and, in other cases, has enforced it, as discussed below.

6.2.1 The Law of Mokatabah

A slave can work for his owner under a contract to pay for his freedom (Najafi, 2019).

6.2.2 The law of alms

Buying and freeing slaves by wealthy people is one way to pay zakat. (Tawba: 60.)

6.2.3 Law of Atonement

According to the law of atonement, a slave could be freed to compensate for one's faults and sins.

a. Manslaughter. The Qur'an says, "One who kills a man of faith by mistake must free a believing slave. (Nisā', 2:92.) Imam Sadegh (AS) noted, "The blood atonement suggests that in case a man kills a believer intentionally, he is obliged to submit himself to the avenger of blood; however, if they pardon him, he must free a slave for two consecutive months and feed sixty impecunious people (Ālmilī, 1412).

B. Oath breaking. If one violates his oath, he must make atonement: feed ten needy people, provide them with clothes, or free a slave. (Mā'ida, 89)

C: Zihar. The Qur'an says: "Those who repudiate their wives by zihar and then retract what they have declared shall set free a slave before they may touch each other (Mujādila, 3)

D: Intentional breaking of fasting in Ramadan. The atonement for this sin is to release a servant, fast for two months or feed sixty needy people (Muslim, 1420)

E: Breaking religious offering. If you vow to make a religious offering for your wish to come true but fail to keep your pledge, you must free a slave (Mufid, 1413).

F. Breach of the covenant: If you make a covenant with God but fail to keep your covenant, you must make atonement, which according to different religious scholars, is the same as atonement for breaking the fast of

Ramadan or breaking an oath (Musawi al-Khomeini, 1435)

G: Impatience in the suffering of loved ones. If a man tears his garment up at the death of his wife or child, or a woman scratches her face or cuts her hair when mourning for a deceased loved one, they must make atonement equal to the atonement of breaking the fast of Ramadan, Zihār, or breaking an oath (Sheikh Tūsī, 1406).

6.2.4 The law of mastery

If a slave maid gives birth to a child from her master, the woman will be free after her master's death. This woman is called "the mother of the child." It is not permissible to sell this woman into slavery, and she would eventually be released by her child inheritance (Ibn Hanbal, 1416)

6.2.5 Transference law

Whoever shares the ownership (Abi Dāwūd, 1420) of a slave with others, when deciding to abandon his share, must buy the percentage of his partners and free that slave (Abi Dāwūd, 1420).

6.2.6 The law of mastering relatives

A Muslim cannot own his relatives. If one buys one of these relatives, s/he will be immediately freed from slavery (Abi Fazel, 1410).

6.2.7 Law of Tannkīl (punishment)

If one beats his slave or maims him, he must set him free for the contentment of God. The Messenger of God (PBUH) asserts, "The atonement of slapping or beating a servant is to set that servant free

It is reported that a man who had castrated his slave was brought to Imam Ali (PBUH). Imam released the slave and punished his master, saying, "If one mutilates his slave, we will set

that slave free and punish his master severely" (Āmilī, 1412).

6.2.8 The law of leprosy and blindness

If a slave has leprosy and goes blind, he is set free. The Prophet (PBUH) asserts. "If a servant goes blind, he will no longer be captive. Also, when a slave contracts leprosy, s/he will be set free (Sheikh Tūsī, 1406).

6.2.9 The law of obedience to the parental supremacy

The descendants of slaves whose father or mother is free shall be free in compliance with the principle of human freedom and the power of liberty (Mohaqqiq al-Helli, 1437)

6.2.10 Law of Tadbir

If a master decides to free his slave or maids after his death by asserting, "You shall be free after my death," the slave shall be set free by a third of his master's property (Najafi, 2019).

6.2.11 The law of slave's antecedence in conversion to Islam

If a slave living with his master in the land of infidels converts to Islam before migrating to the land of Islam ahead of his master, the slave shall be free (Al Jaba Al-Āmilī, nd).

6.2.12 The Law of Slave's Heritage

If a deceased man has no heir but his slave, the slave shall be freed by his master's property and bequeath from him (Sheikh Tūsī, nd).

6.3 Islam's leniency to slaves

The merciful God has exempted the hard-working and suffering servants from jihad, Hajj Friday prayers and the payment of Zakat (Āmilī, 1412). There is also punishment mitigation in some cases. For example, in adultery, the slaves' punishment is half as severe as that of free people, and if a slave Zihār his wife, the atonement would be half

the atonement made by a free man (Nisā', 25).

The Qur'an presents compassion to slaves and maids as a noble deed equaling to the benevolence to parents: "Worship Allah and do not ascribe any partners to Him, and be good to parents, the relatives, the orphans, the needy, the near neighbor and the distant neighbor, the companion at your side, the traveler, and your slaves (Nisā', 36) The Prophet (PBUH) has also stressed this point, "The slaves! The slaves! The slaves! Feed them what you eat, and dress them in your outfit.

The Messenger of God (PBUH) notes, "It is the servant's right to access decent food and garment, and he should be tasked with a job that fits his ability.

Imam Sajjad (AS) freed one of his maids so that he could marry her. Abdul Malik ibn Marwan, Khalifa, upon hearing this news, wrote a letter to the Imam, slamming him for ignoring all women of Quraysh, who were of equal stature and betrothing them could bring him glory and noble children, and espousing a slave (Kulainī, 1407).

Conclusion

A glance at the approach of the Qur'an, which proposes piety as the only yardstick of the supremacy of people over each other, and (Ibn-Hisham, 1998) introduces oppression and tyranny as the antithesis of faith, manifests that the issue of slavery has been rejected in the Qur'an. The few rulings regarding slavery are related to the prisoners of war, a subset of slavery laws in the traditional Arab system. Hence, this issue should not be attributed to slavery, as it represents one of the post-war social rulings.

A study of the verses about these social rules and the Prophet's tradition suggests that the solutions proposed to abolish the slavery system is designed progressively so that slavery is gradually wiped out so that with the emancipation of slaves and maids, their descendants would be free as well. Adopting a coercing approach to the slaves, who made up a large portion of society, would fuel their hostility against Islam and threaten the life of slaves who were part of the merchants' property.

A deeper analysis of the Qur'an's stance on this issue suggests that it could be evaluated from three behavioral, attitudinal and emotional perspectives. These tripartite stances offer solutions in each area, which can also aid in improving other sites. For instance, the nature of the dynamic pose, i.e., considering the needs of a human being and putting them ahead of you, changes one's attitude toward other human beings. Also, the attitudinal approach to other people helps amend your ways. Accordingly, three progressive stances, attitudinal, behavioral and emotional, can be effective in phasing out the slavery system.

The analysis of the Qur'anic solutions in dealing with the slavery issue alone can be a criterion for extracting rules associated with employment, which calls for a separate exhaustive discussion. Confusing the laws governing the prisoners of war with the laws of slavery can wreak havoc on an epistemological system of the Qur'an. On the one hand, it is at odds with the verses that value human freedom and self-respect. On the other hand, it

overlooks social and cultural measures hidden in Qur'anic verses on slaves, essentially a kind of political stance and propaganda tricks.

References

- The Holy Qur'an.
 Abi Dāwūd, S. I. (1420 AH). Sunan Abi Dāwūd, Cairo: Dar Al-Hadith.
 Abi Fazel (1410 AH). Discover the Mysteries, Qom: Islamic Publications.
 Al Jaba Al-Āmilī, Z. A.-D. (nd). Al-Rawdah Al-Bahīa fī Sharh Al-Lum'at Al-Dimashqīyya, Beirut: Dar Al-Ālam Al-Islam.
 Ālmilī, S. A.-H. (1412 AH). Tafsīl Wasā'il al-Shī'a, Qom: Āl al-Bayt Foundation for the Revival of Heritage.
 Bukhari, A.-J. M. (1407 AH). Sahih Bukhari, Beirut: Dar Ibn Kathir.
 Kulainī, A. J. (1407 AH). Usūl Al-Kafī, Tehran: Dar Al-Kutub Al-Islamiyyah.
 Hassan-Ebrahim-Hassan (1997). Political History of Islam [translated by Abolqasem Payandeh], Tehran: 9th edition, Javidan Publications.
 Ibn Sa'd, M. (1405 AH). Tabaqāt al-Kubrā, Beirut.
 Ibn Hanbal, A. B. (1416 AH). The Musnad of Imam Ahmad Ibn Hanbal, Lebanon: The Resala Foundation.
 Ibn-Hisham (1998). The Prophetic Biography: Investigation of Ahmad Shams al-Din, Beirut: Ibn Hisham.
 Kāshānī, F. (1426 AH). Al-Mahajah al-Baydā, Qom: Qom Teachers Association.
 Mirsharifi, A. (1438 AH). The Fate of a Captive in Islam, Tehran: Samt.
 Mufīd, M.-i.-e. M. (1413 AH). Al-Muqna'a, Qom: World Congress of Sheikh Mufid.
 Muhaqiq al-Hellī, J. I. (1437 AH). Shari'i al-Islam, Qom: The Islamic Heritage Center.,
 Musawi al-Khomein, R. T. (1435 AH). Tahriralvasila, Tehran: Publishing Foundation.

- Muslim, I. A.-H.-H.-Q.-N. (1420 AH). Al-Sahih, Beirut: House of Revival of Arab Heritage.
- Najafi, M. H. (2019). Jawāhir al-Kalām, Tehran: Dar Al-Kutub al-Islamiyya.
- Sālim, A. A. (2001). Arab History before Islam [translated by Baghersadrina,] Tehran: Scientific and Cultural Publications.
- Sheikh Tūsī, M. b. (1406 AH). Refinement of Judgments, Tehran: Dar Al-Kutub al-Islamiyya.
- Sheikh Tūsī, M. b. (nd). The End, Qom: Qods.
- Tabātabā'ī, S. M. (1415 AH). Al-Mīzān fī Tafsīr al-Qur'an, Qom: Islamic Propagation Office.
- Tabrisī, F. b. (1415 AH). Majma 'al-Bayān fī Tafsīr al-Qur'an, Beirut: Lebanon, Dar al-Ma'rifah.
- United Nations Human Rights, o. o. (nd). www.ohchr.org.
- Weston, B. H. (2021). Britannica encyclopedia, Human rights.
- Yaqoubi, M. b. (1999). Tarikh Yaqoubi, Beirut, Dar Sader.
- Metaphor". Two Scientific Quarterly Journal of Linguistic and Rhetorical Studies. 8(16): 155-136.
- Zamakhsharī, Jārullāh (2001). Al-Kashāf. Second Edition. Beirut: Dar Ihyā' al-Turāth al-Arabi.
- Sayed Radī, Muhammad (1955). Talkhīs al-Bayān fī Mujāzāt al-Qur'an. Qom: publications of Basirati Library.
- Shirtūnī, Saeed (1416). Aqrab al-Mawārid. Tehran: Dar Al-Aswa.
- Shamisa, Sirous (2002). Bayan. Ninth edition. Tehran: Ferdows Publications.
- Sābūnī, Muhammad Ali (1998). Safwat al-Tafāsīr. Second edition. Beirut: Dar al-Fikr.
- Safavi, Cyrus (2018). An Introduction to Semantics. Sixth edition. Tehran: Sur-e Mehr Publications.
- Tabātabā'ī, Sayed Muhammad Hussein (1430). Al-Mīzān fī Tafsīr al-Qur'an. Qom: Manshūrāt Dhawi al-Qurbā.
- Zia' Azari, Shahriyar (2011). Metaphorical Grade. Tehran: Soroush Publications.
- Erfan, Hassan (1998). Karaneha (translation of Taftazani's brief description). Qom: Hijrat Publications.
- Qaderi, Qader (2013). Stylistics of Allegorical Metaphor in the Holy Qur'an. Iranian Journal of the Iranian Association of Arabic Language and Literature. 29: 21-45.
- Kochshan, Zeltan et al. (2014). An Applied Introduction to Metaphor (translated by Ebrahim Shirinpour). Tehran: Samt Publications.
- Mulla Sadrā, Mohammad Ibn Ibrahim (1983). Origin and Resurrection (translated by Ahmad ibn Mohammad Al-Husseini Ardakani). Tehran: Nash-e Daneshgahī Center.
- Hawks, Terence (2016). Metaphor (translated by Farzaneh Taheri). Sixth edition. Tehran: Markaz Publishing.

COPYRIGHTS



© 2022 by the authors. Licensee PNU, Tehran, Iran. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution 4.0 International (CC BY4.0) (<http://creativecommons.org/licenses/by/4.0>)

