

# BONDAGE (SLAVERY)

( From "The Spirit of Islam" )

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" And as to your slaves, see that ye feed them as ye feed yourselves  
and clothe them as ye clothe yourselves." —THE PROPHET

SLAVERY in some of its features has been aptly compared with polygamy. Like polygamy, it has existed among all nations, and has died away with the progress of human thought and the growth of a sense of justice among mankind. Like polygamy it was the natural product of passion and pride so strongly marked in certain phases of the communal and individual development. But unlike polygamy, it bears from its outset the curse of inherent injustice.

In the early stages, when humanity has not risen to the full appreciation of the reciprocal rights and duties of man; when laws are the mandates of one, or of the 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. <sup>1</sup> This complete subserviency of the weak to the strong has helped the latter to

<sup>1</sup>-Comp. throughout L'Influence des Croisades sur L'Etat des Peuples de L'Europe, by Maxime de Choiseul D'Aillecourt, Paris, 1809.

escape from the legendary curse laid on man - "In the sweat of thy face shalt thou eat bread till thou return to the ground", and allowed them to employ the leisure thus acquired in congenial pursuits. "The simple wish", says the author of ancient Law, "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".<sup>2</sup>

The practice of slavery is co-eval with human existence. Historically, its traces are visible in every age and in every nation. Its germs were developed in a savage state of society, and it continued to flourish even when the progress of material civilisation had done away with its necessity.

The Jews, the Greeks, the Romans, and the ancient Germans,<sup>3</sup>—people whose legal and social institutions have most affected modern manners and customs, — recognised and practised

<sup>2</sup>-Maine, Ancient Law, p. 104

<sup>3</sup>-Caesar (De Bell. Gall. lib. VI), Tacitus (De Moribus German. cap. 24, 25), and Pothier (De stat. Servor. apud Germ. lib. i.) all testify to the extreme severity of German servitude.

both kinds of slavery, praedial servitude as well as household slavery.

Among the Hebrews, from the commencement of their existence as a nation, two forms of slavery were practised. 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 helotage 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.<sup>4</sup> The lot of these bondsmen and bondswomen was one of unmitigated hardship. Helots of the soil or slaves of the house, hated and despised at the same time, they lived a life of perpetual drudgery in the service of pitiless masters.

Christianity, as a system and a creed, raised no protest against slavery, enforced no rule, inculcated no principle for the mitigation of the evil. Excepting a few remarks on the disobedience of slaves,<sup>5</sup> and a general advice to masters to give servants their due, the teachings of Jesus, as portrayed in the Christian

4—Lev. XXV. 44, 45.

5—1 Tim. IV. 1, 2.

traditions, contained nothing expressive of disapproval of bondage. On the contrary, Christianity enjoined on the slave absolute submission to the will of his or her proprietor. It found slavery a recognised institution of the empire; it adopted the system without any endeavour to mitigate its baneful character, or to promote its gradual abolition, or to improve the status of slaves. Under the civil law, slaves were mere chattels. They remained so under the Christian domination. Slavery had flourished among the Romans from the earliest times. The slaves, whether of native or of foreign birth, whether acquired by war or purchase, were regarded simply as chattels. Their masters possessed the power of life and death over them. But that gradual improvement which had raised the archaic laws of the Twelve Tables to the comprehensive code of Hadrian, did not fail to introduce some amelioration in the condition of the slaves. In spite, however, of the changes which the humanity of the wisdom of the emperors had effected in the old laws, the person of the slave was absolutely subject to the will of the master. Each magnate of the empire possessed thousands of slaves, who were tortured and subjected to lashings for the most trivial of faults.

The introduction of the religion of Jesus into Europe affected human chattelhood only in its relation to the priesthood. A slave could become free by adopting monachism, if not claimed within three years.<sup>6</sup> But in other respects,

slavery flourished as much and in as varied shapes as under the pagan domination. The Digest, compiled under a Christian emperor, pronounced slavery a constitution of the law of nature and the code fixed the maximum price of slaves according to the professions for which they were intended. Marriages between the slave and the free were prohibited under severe penalties.<sup>7</sup> The natural result was unrestrained concubinage, which even the clergy recognised and practised.<sup>8</sup>

Such was slavery under the most advanced system of laws known to the ancient world. These laws reflected the wisdom of thirteen centuries, and towards the close of their development had engrafted upon themselves some faint offshoots of the teachings of one of the greatest preceptors of the world.

With the establishment of the Western and Northern barbarians on the ruins of the Roman empire, besides personal slavery, territorial servitude scarcely known to the Romans, became

6—Comp. Milman, Latin Christianity Vol. I p. 358

7—One of the punishments was, if a free woman married a slave, she was to be put to death and the slave burnt alive. Comp. the splendid though apologetic chapter of Milman on the subject, Latin Christianity, Vol. II.

8—Comp. Milman, Latin Christianity, vol. II. p. 369; and also Du Cange, Concubina.

general in all the newly settled countries. The various rights possessed by the lords over their vassals and serfs exhibited a revolting picture of moral depravity and degradation.<sup>9</sup> The barbaric codes, like the Roman, regarded slavery as an ordinary condition of mankind; and if any protection was afforded to the slave, it was chiefly as the property of his master, who alone, besides the States, had the power of life and death over him.

Christianity had failed utterly in abolishing slavery or alleviating its evils. The Church itself held slaves, and recognised in explicit terms the lawfulness of this baneful institution. Under its influence the greatest civilians of Europe had upheld slavery, and have insisted upon its usefulness as preventing the increase of pauperism and theft.<sup>10</sup>

9—Comp. De Choiseul, and also consult on this subject the comprehensive chapter of Stephen's Commentaries on the Laws of England, bk. II. pt. I chap. 11. One of the miserable and disgusting privileges possessed by the Lord was designated in Britain the custom or culiage, which was afterwards commuted into a fine. This custom, as has been correctly supposed, gave rise to the law of inheritance, prevalent in some English counties, and known by the name of Borough English.

10—Pufendorff, Law of Nature and Nations, bk. VI c. 3, s. 10; Ulricus Huberus Praelect Jur. Civ. L. I. tit. 4, s. 6; Pothier, De statu servorum; and Grotius, De Jure Bell., L. II. c. 5, s. 27

And it was under the same influence that the highly cultured Christians of the Southern States of North America practised the cruellest inhumanities upon unfortunate beings whom they held as slaves, — many of their own kith, — and shed torrents of blood for the maintenance of the curse of slavery in their midst. The least trace of the blood of an inferior race, however imperceptible, subjected the unfortunate being to all the penalties of slavery. The white Christian could never legitimatise the issue of his illicit connection with his negro slave-women. With her he could never contract a legal union. The mother of his illegitimate children and her descendants, however remote, could be sold by his legitimate white issue at any time. Christianity failed to grasp the spirit of its Master's teachings in regard to the equality of man in the sight of God.

Islam recognises no distinction of race or colour; black or white, citizens or soldiers, rulers or subjects, they are perfectly equal, not in theory only, but in practice. In the field or in the guest-chamber, in the tent or in the palace, in the mosque or in the market, they mix without reserve and without contempt. The first Muezzin of Islam, a devoted adherent and an esteemed disciple, was a negro slave. To the white Christians, his black fellow-religionist may be his equal in the kingdom of heaven, but certainly not in the kingdom of this world; in the reign of Christ, perhaps, but not in the reign of Christianity. The

law may compel him, a larger humanity with torrents of blood may force him to give his black brother civic rights, but the pride of race and colour acknowledges no equality, and even in the house of God a strict separation is observed.

The Islamic teachings dealt a blow at the institution of slavery which, had it not been for the deep root it had taken among the surrounding nations and the natural obliquity of the human mind, would have been completely extinguished as soon as the generation which then practised it had passed away.

It has been justly contended that, as the promulgation of the laws, precepts, and teachings of Islam extended over twenty years, it is naturally to be expected that many of the pre-Islamic Institutions, which were eventually abolished, were, at first, either tacitly permitted or expressly recognised.<sup>11</sup> In one of these categories stood the usage of slavery. The evil was intertwined with the inmost relations of the people among whom Mohammed flourished. Its extinction was only to be achieved by the continued agency of wise and humane laws, and not by the sudden and entire emancipation of the existing slaves, which was morally and economically impossible. Numberless provisions, negative as well as positive, were accordingly introduced in order to promote and accomplish a gradual

11—Tahzeeb-ul-Akhlaq  
(15th Rajab, 1288), p. 118.

enfranchisement. A contrary policy would have produced an utter collapse of the infant commonwealth.

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 service; 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.<sup>12</sup> He also provided that sums should be advanced to the slaves from the public treasury to purchase their liberty. In certain contingencies, it was provided that the slave should become enfranchised without the interference and even against the will of his master. The contract or agreement in which the least doubt was discovered, was construed most favourably in the interests of the slave, and the slightest promise on the part of the master was made obligatory for the purposes of enfranchisement. He placed the duty of kindness towards the slave on the same footing with the claims of "kindred and neighbours, and fellow-travellers, and wayfarers"; encouraged manumission to the freest extent, and therewith the gift of "a

12—Quran XXIV 33

portion of that wealth which God hath given you"; and prohibited sensual uses of a master's power over the 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 Mohammed'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.

The Lawgiver ordained, that a fugitive fleeing to the territories of Islam should at once become enfranchised; that the child of a slave woman should follow the condition of the father, while the mother should become free at his death; that the slave should be able to contract with his master for his emancipation; and that a part of the poor-tax should be devoted to the ransom of those held in bondage. The masters were forbidden to exact more work than was just and proper. They were ordered never to address their male or female slaves by that degrading appellation, but by the more affectionate name of "my young man", or "my young maid"; it was enjoined that all slaves should be dressed, clothed, and fed exactly as their masters and mistresses. Above all, it was ordered that in no case should the mother be separated from her child, nor brother from brother, nor father from son, nor husband from wife, nor one relative from another.<sup>13</sup>

(No. 13 Footnote P. T. O.)

In the moral rules laid down for the treatment of those then in bondage, the Arabian Teacher did not prescribe the reciprocal duties of master and slave in the one-sided manner so often visible in other creeds.<sup>14</sup> With a deeper and truer knowledge of human nature, he saw that it was not so needful to lay down the duties the weak owes to the strong, as those the strong owes to the weak. In Islam no discredit is attached to the status of slavery. It is an accident, and not, as in the civil law and patristic Christianity, "a constitution of nature." Zaid, the freedom of the Prophet was often entrusted with the command of troops and the noblest captains served under him without demur; and his son, 'Osama was honoured with the leadership of the expedition sent by Abu Bakr against the Greeks. Kutb-ud-din, the first king of Delhi, and the true founder, therefore, of the Musulman empire in India, was a slave. The slavery which was allowed in Islam had, in fact, nothing in common with that which was in vogue in Christendom until recent times, or with American slavery until

13—I see no need of quoting authorities on these points, as they are admitted facts. But may refer the curious reader to the traditions collected in the Mishkat, the Sahih of Bukhari, and the Bihar ul-Anwar. The latter contains the noblest monument of generosity and charity practised by the Prophet's immediate descendants.

14—See Col. III. 22; 1 Tim. VI. 1.

the holy war of 1865 put an end to that curse.

In Islam the slave of to-day is the grand vizier of to-morrow. He may marry, without discredit, his master's daughter, and become the head of the family. Slaves have ruled kingdoms and founded dynasties. The father of Mohmud of Ghazni was a slave. Can Christianity point to such records as these? Can Christianity show, in the pages of history, as clear, as humane an account of her treatment of slaves as this?

From all that we have said it is abundantly clear that the Legislator himself looked upon the custom as temporary in its nature, and held that its extinction was sure to be achieved by the progress of ideas and change of circumstances. The Koran always speaks of slaves as "those whom your right hands have acquired", indicating thus the only means of acquisition of bondsmen or bondswomen. It recognised, in fact, only one kind of slavery—the servitude of men made captives in bonafide lawful warfare, Jihad-i-Sharai. Among all barbarous nations the captives are spared from a motive of selfishness alone,<sup>15</sup>

15—Comp. Milman, Latin Christ. Vol. II, p. 387. The ancient jurists based the right of enslaving the captive on the prior right of killing him. In this they are followed by Albericus Gentilis (De Jur. Gent. Cap. de Servitude); Grotius and Pufendoriff, Montesquieu, indeed, was the first to deny this mythical

in order to add the wealth of the individual captor, or of the collective nation, by their sale-money or by their labour.<sup>16</sup> Like other nations of antiquity, the Arab of the pre-Islamic period spared the lives of his captives for the sake of profiting by them. Mohammed found this custom existing among his people. Instead of theorising, or dealing in vague platitudes, he laid down strict rules for their guidance, enjoining that those only may be held in bond who were taken in bonafide legal war until they were ransomed, or the captive bought his or her own liberty by the wages of service. But even when these means failed, an appeal to the pious feelings of the Moslem, combined with the onerous responsibilities attached to the possession of a slave, was often, enough to secure the eventual enfranchisement of the latter. Slave-lifting and slave-dealing patronised by dominant Christianity,<sup>17</sup> and sanctified by Judaism,

right of killing a captive, unless in case of absolute necessity, or for self-preservation. And this the author of the Spirit of Laws denied, because of his freedom from the thralldom of the church.

16—Comp. Milman, Hist. of Jews, Vol. III p. 48

17—After the massacre of Drogheda by Cromwell, and the suppression of the insurrection in Ireland, the English Protestants sold the Irish, men and women, wholesale to the colonists in Virginia, pennsylvania, and other plaeces. The same was done after Monmouth's rebellion.

were utterly reprobated and condemned. The man who dealt in slaves was declared an outcast of humanity. Enfranchisement<sup>18</sup> of slaves was pronounced to be a noble act of virtue. It was forbidden in absolute terms to reduce Moslems to slavery. To the lasting disgrace of a large number of professed Moslems it must be said, however, that, whilst observing, or trying to observe the letter, they have utterly ignored the spirit of the Teacher's precepts, and allowed slavery to flourish (in direct contravention of the injunctions of the Prophet) by purchase and other means. The possession of a slave, by the Koranic laws, was conditional on a bona fide struggle, in self-defence, against unbelieving and idolatrous aggressors, and its permission was a guarantee for the safety and preservation of the captives. The cessation of the state of war in which the Moslem community was at first involved, from the animosity of the surrounding tribes and nations, would have brought about the extinction of slavery by a natural process—the stoppage of future acquisition and the enfranchisement of those in bondage. However, whether from contact with the demoralised nations of the East and West, and wild races of the North, or from the fact that the baneful institution was deeply rooted among all classes of society, many Moslems, like the Christians and the Jews, recognised

18—According to an authentic and well-known tradition from Hazrat Imam Jafar-as-Sadik (Bihar - ul - Anwar).

slavery, and to some extent do so even now. But the wild Turkoman, or the African Arab, who glories in slave-lifting, is no more a representative of Islam than is a barbarous Gaucho, who revels on the savage prairies of South America, of Christianity. Like polygamy, the institution of slavery, prevalent universally among mankind at some stage or other of their growth, has, at least among the nations which claim to be civilised, outlived the necessities which induced its practice, and must sooner or later become extinct. It will be seen, therefore, that Islam, did not "consecrate" slavery, as has been maliciously affirmed but provided in every way for its abolition and extinction by circumscribing the means of possession within the narrowest limits. Islam did not deal capriciously with this important question. Whilst proclaiming in the most emphatic terms the natural equality of human beings, it did not, regardless of consequences, enfranchise the men and women already in bondage, which would have only been productive of evil in a world not then ripe for that consummation of human liberty, moral and intellectual.

The mutilation of the human body was also explicitly forbidden by Mohammed, and the institution which flourished both in the Persian and the Byzantine empires was denounced in severe terms. Slavery by purchase was unknown during the reigns of the first four Caliphs. There is at least no authentic record of any slave having

been acquired by purchase during their tenure of the office. But with the accession of the usurping house of Ommeyya a change came over the spirit of Islam. Mauwiyah was the first Musulman sovereign who introduced into the Moslem world the practice of acquiring slaves by purchase. He was also the first to adopt the Byzantine custom of guarding his women by eunuchs. During the reigns of the early Abbassides, the Shiah Imam Jafar as-Sadiq preached against slavery.

The time is now arrived when humanity at large should raise its voice against the practice of servitude, in whatever shape or under whatever denomination it may be disguised. The Moslems especially, for the honour of their great Prophet, should try to efface that dark page from their history - a page which would never have been written but for their contravention of the spirit of his laws, however bright it may appear by the side of the ghastly scrolls on which the deeds of the professors of the rival creeds are recorded. The day is come when the voice which proclaimed liberty, equality, and universal brotherhood among all mankind should be heard with the fresh vigour acquired from the spiritual existence and spiritual pervasion of fourteen centuries. It remains for the Moslems to show the falseness of the aspersions cast on the memory of the great and noble Prophet, by proclaiming in explicit terms that slavery is reprobated by their faith and discountenanced by their code. ★