

## An Examination of Slavery in Islamic Jurisprudence: Insights from the Hanafi School of Law

Dr. Ahmad Hassan

*Associate Professor, Department of History, Government Mian  
Muhammad Nawaz Sharif Associate College, Sargodha*

### Abstract

This paper is a descriptive analysis of the idea of slavery, under the case study of Hanafi School of Islamic jurisprudence. Although world has moved on a lot from the slavery as an institution but slavery has transformed itself into new frames whether it is bonded labor or the human trafficking. In this new context the question about the place of slavery in Islam becomes more important and critical to be addressed. This paper argues that Islam as a religion was introduced in the Arab region where slavery was much abused and victimized but Islam upgraded the social status of slaves and intensely focused on kind behavior with them. This research also maintains that Islam as a religion gradually developed a societal structure that can sustain without the institution of slavery. Qualitative methodology along with primary sources has been used in this research.

**Key Words:** Freedom, Hanafi School of Law, Islam, Rights, Slavery

### Introduction

It's not easy to imagine or think about the past with the eyes or ideas of present. Same is the case with the institution of slavery, which was a normal thing for the people in past times but is inhuman for present day approach. So, when we see rules, regularizing institution of slavery in Islam, we wonder that how come a religion of peace and kindness can promote such inhuman activity. Quranic verses and hadiths about slaves, or the incidents about the

enslavement of war prisoners in prophetic (PBUH) era leaves a common person with a feeling of uneasiness. But if we have a look on historical context of the institution of slavery the things start becoming understandable. The tyrannical and harsh treatment with slaves in Arab, Egyptian or Greco-Roman culture during pre-Islamic era or the rules regarding enslavement and slaves in the Bible or other religions makes the concept of slavery in Islam very clear.<sup>1</sup> Quran and hadiths are mainly dealing with the issue of kind treatment with slaves and are focused on various ways or methods of manumission of slaves. We can't find even a single verse about enslavement of free men or women.<sup>2</sup> It was Islamic religion that first time dealt slaves as human beings and asked to treat them like a person himself wants to be treated. As far as the abolishment of slavery is concerned, perhaps it was so much absorbed in the society that at once abolishment itself would have become an injustice to slaves because one can't upgrade someone's status with a single judgment. They would have become more vulnerable for not being accepted as slaves neither as free men. So, the social milieu that Islam emerged in where slavery was a mainstay, Islam addressed slavery extensively, assuming its existence as part of society but viewing it as an exceptional condition and restricting its scope.

Islam has offered slaves the rights that have no precedent in any other religion. In Surah An-Nisaa, Allah Almighty says:

“And be good to parents and to kinsmen and orphans and the needy and the close neighbor and the distant neighbor and the companion at your side and the wayfarer and to what your right hands possess (i. e. slaves). Surely, Allah does not like those who are arrogant, proud.”<sup>3</sup>

This verse is dealing with parents, kinsmen, orphans, neighbors, companions and slaves in the same way, which highlights the socially upgraded status of slaves, so that they could be later on equalized with common people in society. Similarly, holy prophet (PBUH) said:

“Your brothers, your servants, Allah has placed them under your authority. So, whoever's brother is under his authority, he

should feed him from what he eats and clothe him from what he wears. Do not burden them with what over empowers them, and if you burden them, help them.”<sup>4</sup>

At another place holy prophet (PBUH) said:

“The one who is harsh to his slaves will not enter paradise.” Companions asked: “O Messenger of Allah! Did you not inform us that this Ummah is the Ummah with the most slaves and orphans?” He (PBUH) replied “Yes! So honor them as you honor your children and feed them from what you eat...”<sup>5</sup> And he (PBUH) also said: “Whoever slaps his slave or strikes him, its compensation is to free him.”<sup>6</sup> These hadiths very clearly indicate the value and status of slaves in Islam. This paper is an effort to understand the status of slaves in Hanafi jurisprudence as Hanafi School of law is the major sect in Sunni Islam. It will discuss in detail the ways of treatment with the slaves, the status of female slaves in Muslim society under Hanafi law and the ways of manumission.

### **Muslim Jurisprudence**

There are two main sects of Muslim:

1: Sunnis

2: Shias

There are four school of jurisprudence among the Sunnis:

1: Hanafi

2: Maliki

3: Shafai

4: Hanbali

Similarly, there are three main schools in Shias:

1: Athna Asharias<sup>7</sup>

2: Ismailyas<sup>8</sup>

3: Zaidyas<sup>9</sup>

### **Imam Abu Hanifa (699-767 CE)**

Imam Abu Hanifa, whose real name was Numan bin Thabit was born in Kufa, Iraq during the reign of Ummayyad caliph Abd al Malik Ibn al Marwan. Imam Abu Hanifa was taught by and trained under the most learned scholars

of his time at Makkah and Madina. His most famous and extended work is Al Fiqah Al Akbar, some other books attributed to Imam Abu Hanifa's name are Al Fiqah Al Absat and Kitaab Al Athaar. In 763, Al Mansur the Abbasid monarch offered Imam Abu Hanifa the post of Chief Judge but he refused and remained independent. Imam Abu Hanifa utilizes Qiyas (analogical reasoning) as method of legal reasoning.<sup>10</sup>

### **Hanafi School of Law**

Hanafi School of law is the first distinctive Sunni School of Law established by Imam Abu Hanifa. Two of Imam Abu Hanifa's disciples, Abu Yusuf (d. 798) and Al-Shaybani (d. 805) compiled and organized their master's teachings.<sup>11</sup> Hanafi School of law was favored and followed by Abbasid dynasty. Imam Abu Yusuf was raised to the status of Chief Judge of the Abbasid Empire by Caliph Harun ur Rashid. Some of the most famous Hanafi Jurists and text-writers and their works are:

Jam'aa-al-Kabir and Jam'aa-as-Saghir by Imam Mohammad (d. 805)

Adab-ul-Kazi by Abu Bakr Ahmed ibn Omar al-Khassaf (d. 874)

Mukhtasar-ut-Tahawi by Abu J'aafar Ahmed ibn Mohammed-at-Tahawi (d. 933)

Mukhtasar-al-Kuduri by Abu Hussain ibn Ahmed Muhammed (d. 1036)

Al-Muhit by Abu Bakr Muhammad as-Sarakhsi (d. 1090)

Hedaya and Badaia-al-Mubtada by Burhan-ud-din Ali ibn Abu Bakr al-Marghinani (d. 1196)

Durrur-ul-Akham by Mulla Khusru (d. 1478)

Multaka-ul-Abhar by Sheikh Ibrahim ibn Mohammed al-Halabi (d. 1549)

Fatawai Alamgiri by Aurangzeb Alamgir (d. 1707)<sup>12</sup>

Hujjat Allah al-Balighah by Shah Waliullah Dehlavi (d. 1762)

### **Slavery in Hanafi Fiqh**

In Hanafi fiqh many jurists have written extensively not only interpreting Imam Abu Hanifa but also adding in some of the concepts or theories of the school. But work with special reference to slavery was really hard to find, as in the modern times the issue of slavery has not been taken as relevant to jurisprudence as it was in the past. In colonial times the stigma that was

related to the issue of Islam and slavery made it inevitable to research the real place of slavery in Islam. So, we find the works of Syed Abul Aala Maududi explaining the issue of slavery with special reference to Hanafi Fiqh. According to Syed Abul Aala Maududi at the time of advent of Islam two types of slavery were prevalent; one was to enslave the free people of some certain areas like Africa's or Americas, and the other was war captives.<sup>13</sup> First type of slavery was completely prohibited by Islam as Holy Prophet has clearly said:

“One who sells a free man and enslaves him, I will myself be the witness against him on the Day of Judgment.”<sup>14</sup>

### **Issue of enslavement in Hanafi Fiqh**

Since ancient times the biggest or main source of slaves was war, and it was taken as a plea that instead of killing the war captives it's better to enslave them. In Quran Surah al-Anfal is directly dealing with war affairs but is not very much related to the issue of war captives. Verse 67 and 70 are dealing with the war prisoners but as this surah was revealed after battle of Badr, so scholars have taken those verses within the context of Badr incident and have not generalized.<sup>15</sup> The verse that is directly dealing with war captives is verse 4 of Surah Muhammad. It says:

“So, when you meet in battle those who disbelieve, smite their necks until when you have routed them completely, then tie fast the bonds (by making them prisoners), thereafter set them free either by grace or by ransom, till the war lays down its burden.”<sup>16</sup>

In simple words this verse means that war prisoners could be treated in two ways, either they could be released against ransom or without any payment. But as it contradicts with the real practice of that times in which war prisoners were enslaved by the Holy Prophet even so it is assumed by some scholars that this verse was revealed with the reference of battle of Badr and was abrogated later on. In Hanafi interpretation this verse is authorizing Holy Prophet with the right to decide about war captives. Allama Mahmood Aalusi, a famous Iraqi Hanafi scholar has written in his exegesis of Quran, Rooh al-Ma'ani, that there is a difference of opinion about prisoners. A

majority of the ulema (scholars) hold that the Imam has the authority and he may kill them if he likes provided, they had not embraced Islam. The Prophet has killed Uqbah ibn Abu Mu'ayt, Tu'aymah ibn Adi, and Nadr ibn al-Harith.<sup>17</sup> Another scholar Hafiz Abu Bakr Jassas al-Hanafi has written that Allah has commanded his Prophet to gain supremacy on the land and give a thrashing to the disbelievers and belittle them. This command was given when Muslims were few and the idolaters were well equipped with weapons and had a large army. But when the idolaters were defeated and they were humiliated through fighting and killing it become proper to let them live. Hence it is obligatory that this command should be valid when Muslims find themselves in the same condition as they were in the initial days of Islam.<sup>18</sup> So these two references make it very clear that according to Hanafi school of law enslavement of war prisoners is allowed and is the right of the head of the state that whether the prisoners should be enslaved or be freed with or without taking ransom. But it's the only source of slavery allowed in Islam and enslaving anyone else than a war captive is strictly prohibited. And even the enslavement is within the context of enemy's power, means if the enemy is strong enough to fight again than treating him harshly is allowed to curb his power but if the enemy is weak enough that he can't rose against you again than its recommended to treat him graciously. In the context of Surah Muhammad verse 4, another Hanafi scholar Allama Syed Rashid Raza discussed in his al-Wahi al-Muhammadi that Muslims have been authorized in this verse to release prisoners without seeking compensation or by asking for ransom. We can base the prohibition to take new slaves on this verse, for; to give a choice between two possibilities is to say that a third choice, enslaving anyone is not allowed. But the practice of making slaves is deeply rooted in all people and it is most harmful and disadvantageous that other people enslave our prisoners while we set theirs free. Nevertheless, we are more kind and just in our treatment to slaves than any of others. At the same time, it is clear that the verse does neither describe the limitations, nor disallow in plain words the taking of slaves. Hence this verse is not an absolute proof of prohibition of slavery. Rather the matter depends on the

deduction of the holders of government who may release prisoners without ransom if they deem it reasonable, or ask for ransom if they choose.<sup>19</sup> Through this discussion it's evident now that in Islam there is no obligation to enslave war prisoners. It's all up to the political and economic condition of the state, and it's the head of the state who is supposed to decide about enslaving war captives or not. In Hanafi fiqh the above-mentioned prestigious scholars are on consensus about the enslavement of war prisoners. Now the question arises about the rights of those people who were slaves. What would be their social status? How they would be treated by their masters? Would they be slaves forever? What are the means through which they can get back their freedom? The next discussion is going to answer these questions.

### **Laws for manumission in Hanafi Fiqh**

There are 29 verses in the Holy Quran about slaves, mostly of Madina period basically dealing with the legal status of slaves in the society and there are several verses dealing with the manumission. In Surah al-Baqarah Allah Almighty says:

“...but virtue is of him who believes in Allah and the Last Day, and the angels, and the Book (Divine revelation), and the Prophets; and gives his wealth, for the love of Him to the kindred, and to orphans, and the needy and the wayfarer, and to those who ask, and to those who set slaves free, and (of him who) establishes this Salah and pays Zakah...”<sup>20</sup>

At another place Allah Almighty says:

“And what will make you realize what the steep is? It is the freeing of a slave or giving food on a day of hunger...”<sup>21</sup>

The above-mentioned verses reveal the significance of freeing a slave. In the first reference freeing of a slave has been discussed as an equal to establishing Salah and Zakah and in the second reference the price of rising high spiritually or in other words getting Jannah is to free your slave or feed someone. As a well-known hadith of Holy Prophet says:

“If anyone emancipates a soul, Allah will set free from hell a part of his body for every limb of the slave.”<sup>22</sup>(Bukhari and Muslim) The jurists have concluded on the bases of above-mentioned verses and hadith that

emancipating a slave is more meritorious than all other charities. Even a Shafi'ite scholar Allama Abdul Wahab al-Sharani judged the importance of emancipation of slaves above prayer and fasting within the context of Surah al-Baqarah.<sup>23</sup> While Hanafi scholar Allama Muhammad Aalusi has contradicted in his *Rooh al-Ma'ani* with the opinion of Allama al-Sharani that this verse gives more importance to emancipation of slaves than Salah and Fasting. He comments that merely placing something ahead is not evidence of its excellence but there is no doubt that it is one of the reasons of its excellence.<sup>24</sup> There are certain ways of emancipation of slaves which will be discussed in the next discussion. Islam encourages emancipation of slaves and there are certain conditions under which manumission is compulsory. These conditions range from *mustahab* (Recommended) to *Wajib* (Obligatory). Through *ataq*, which means power of granting immediate and unconditional freedom, a master can emancipate his slave. *Kaffarah* (atonement) is the foremost means of emancipation. For the murder of a Muslim, a *dhimmi* or an opponent with whom the treaty is enforced, it is *wajib* to set free a Muslim slave along with the payment of blood money to the family of the sufferer.<sup>25</sup> There are some minor crimes like expiation of oath, breaking fast, slapping or beating your slave, solar or lunar eclipse and expiation of *zihar*, for which emancipation of slaves is *mustahab*. Similarly, emancipation is not just bound with the atonement of sins but there are some other ways like if a slave woman becomes mother of her master's child, she will become *umm-e-walad* and is considered free and her child is also free and considered the responsibility of the master for his or her upbringing. So, Islam is trying to facilitate slaves and bring up their status close to the free people so that later on this institution could be abolished with creating any social or economic gap. Now the next question is about the master-slave relation in Hanafi Fiqh. What are the rights and duties of slaves and masters in Hanafi Fiqh?

### **Rights of Slaves and Hanafi Fiqh**

As we have previously discussed that Islam has first time given slaves the status of human being as compared to other religions or cultures of that time. So, there are some rights which are same as free men which have been given to

slaves. Some basic rights of slaves are discussed in the next lines according to Hanafi Fiqh.

- **Retribution of a Slave**

The life of a slave is as important as of any other free man according to the Holy Quran:

“And therein we prescribe for them: a life for a life. . . .” (4-45)<sup>26</sup>

And another verse says:

“Equitable retribution concerning the slain is prescribed for you, the free man for the free man and the slave for the slave and the female for the female.” (2-178)<sup>27</sup>

All the Hanafi scholars including Imam Abu Hanifa have consensus about the interpretation of the above-mentioned verses that if anyone oppresses anyone then revenge will be taken from him and there is no exception in the command, for the free man or a slave.<sup>28</sup> But if a master murders his slave, then according to Hanafi Fiqh he is not liable to retribution because he, himself is the heir of his slave.<sup>29</sup>

- **Right to Marry**

A slave has the right to marry like any other free man, as the Holy Quran says:

“And wed the spouseless among you, and the righteous ones among your male and female slaves.” (24:32)<sup>30</sup>

Now this verse clearly indicates that slave is allowed to marry, but the question rises here that whether a slave can marry as many times as any free person can? So, according to Maliki fiqh yes, a slave can marry four times as a free person can but in Hanafi and Shafai fiqh a slave can marry only twice. The reason behind this jurisdiction is given by Shah Waliullah in Hujjat Allah Baligah that a slave is under another person’s authority and cannot bear the responsibility of feeding and clothing four women.<sup>31</sup>

- **Slave’s Food and Dressing**

Islam has clearly emphasized on just dealing with slaves. Holy Prophet (PBUH) has said very forcefully on an occasion:

“Your slaves are your own. Feed them what you eat and clothe them what you wear.” (Ibn e Saeed)

Companions of holy Prophet so strictly followed these instructions that we know about that famous incident that when Byzantine Empire was defeated by Muslim army and Hazrat Umar (RA) entered the city of Rome his slave was sitting on the camel and he was on foot. It is reported about Hazrat Ali (RA) that once he gave some dirhams to his slave to buy two pairs of garments of different value. When they were brought to him, he gave the pair more valuable to the slave saying, “You are more worthy of a good dress than I am because you are young and love beauty while I have grown old.”<sup>32</sup>

- **Kind Treatment to Slaves:**

Holy Quran asks its followers to be kind on slaves in Surah al-Nisa:

“And worship Allah, and associate nothing with Him, and be kind to parents and the near kinsfolk and to orphans, and to needy, and to the neighbor who is stranger, and to companions at your side, and to the wayfarer and to those whom your right hand possess: Surely Allah loves not such as are arrogant and boastful.” (4:36)<sup>33</sup>

This verse depicts the importance of kind conduct with slaves as it is mentioned with parents, neighbors and companions whom we give the most important place in our lives. Islam has not only given them the right to be behaved well but they have been bestowed with many other facilities like education in Islamic state. Even many precedents could be found of the companions of Holy Prophet, educating their slaves. Hazrat Umar appointed some of the war prisoner slaves to the school during his caliphate.<sup>34</sup>

### **Hanafi Fiqh and Female Slaves**

Now as we have discussed some of the most important rights that are given to the slaves according to Hanafi Fiqh, we specifically need to shed some light on the dealing with female slaves. Because it is the most controversial issue that why it is allowed to men to have intimacy with their female slaves or concubines without performing nikah? Or if it is allowed to men than why not a mistress can have intimate relations with her male slave? On the other

hand the war captive women who were free women before the war are female slaves after war, which seems to be sheer injustice. Why Islam has allowed such mal-practice to be continued? Before war if a woman was married and after war if she is enslaved than is it justified that any soldier of the victorious army can get intimated with her? These are the questions Syed Abul Aala Maududi has tried to answer in detail in his Tafhimat. In answering the first question Maulana Maududi took references from Surah al-Nisa, Surah Mominoon and Surah al-Ahzab. I will just mention one of those verses:

“O Prophet, indeed We have made lawful to you your wives to whom you have given their due compensation and those your right hand possesses from what Allah has returned to you (of captives) ...” (33:50)<sup>35</sup>

Taking reference from this verse Maulana Maududi validates not only to possess female captives as concubines but having intimate relations with them is also permitted.<sup>36</sup> He further discusses the issue that since ancient times it was a tradition to enslave war captives whether male or female so Islam could not simply overrule this tradition. Because doing so would have created certain gaps like non-Muslims still enslaving Muslim women and Muslims letting their women to get back to their families would have closed the way to barter back Muslim women. So, it was the socio-economic need of the time to not only enslave those women but to bound them in an intimate relation. These women could have created chaos in the society if they were not tied into the relation with Muslim men. Answering the second question Maulana Maududi refers that every verse dealing with the issue of intimacy with slaves is briefing men not women which means in Quran there is no order about women mistresses to be physically intimate with their slaves.<sup>37</sup> On the other hand according to Maulana Maududi moral corruption is taken as a curse for women in a society but for men it is not a stigma. Women are supposed to be loyal and clean from all corruptions while men are not as bound to this criterion. But if a slave is manumitted then a free woman can marry him and, in its reference, there is a famous incident of Hazrat Zainab (RA)'s marriage with a freed slave of holy Prophet (PBUH) Hazrat Zaid (RA). The third question is answered by Maulana Maududi with referring to the context of

practices of ancient times and other religions in which female slaves were forced to adultery and other crimes.<sup>38</sup> After being enslaved, to fulfill their physical desires it was compulsory to allow Muslim men to have intimate relations with female slaves. Islam has not only strictly prohibited from such activities but has also bestowed these women with some rights. As in the Holy Quran Allah Almighty says:

“And do not compel your slave girls to prostitution, if they desire chastity, to seek the temporary interests of public life...” (24:33)<sup>39</sup>

The last question is also answered by Maulana Maududi by referring to the fact that instead of living with non-Muslim husband it's far more favorable for them to live with a Muslim master. It will not only strengthen their baggage for the Day of Judgment but will also make their lives prestigious and righteous in this world.<sup>40</sup> With answering all the above questions Maulana Maududi has made very clear the status of female slaves in Hanafi Fiqh.

### **Conclusion**

All the above discussion has made some of the points very clear. First is that Islam has no doubt given much more in the category of rights to slaves as compared to prevalent practices of that time. Secondly the source of enslavement was so much limited that it was quite evident that in near future slavery would exist no more which actually happened during pious caliphate. Thirdly Hanafi School of Law, as in other issues too, is very much focused on Quran and Hadiths and appreciates critical thinking on the issues whether it's about emancipation of slaves or female slaves or any other. Fourth other than Imam Abu Hanifa many extended jurists and text writers interpreted the Fiqh according to their wisdom and needs of the time. That's why we witness such diversity in Hanafi'ites about slavery. And last but not the least there are some serious concerns about basic human rights issues when we talk about slavery in Islam but perhaps, we need to keep aside the parameter of presentism to understand the dogma of slavery in its own context.

### **References**

- <sup>1</sup> A comparison of *Bible* and *Quran* about the rights of Slaves makes it clear that Islam has first time given so many rights to slaves. Similarly in ancient Greco-Roman empires savage and brutal treatment with slaves was a common practice and scholars like Aristotle took slavery as something natural.
- <sup>2</sup> Maulana Saeed Ahmad, *Slavery in Islam*, trans. by Rafiq Abdur Rehman, (Karachi: Darul-Ishaat, 2000), 55.
- <sup>3</sup> Surah An-Nisaa, *The Holy Quran*, verse: 36.
- <sup>4</sup> Al-Bukhari transmitted it in *Kitab al-Iman, Bab al-Ma'asi min Amr al-Jahiliyyah* (1:9) and in *Kitab al-Itq, Bab Qawl al-Nabi al-'Abid Ikhwanukum* (1:346).
- <sup>5</sup> Ibn Majah transmitted it in *Kitab al-Adab, Bab al-Ihsan ila al-Mamalik* (1:271).
- <sup>6</sup> Abu Dawud transmitted it in *Kitab al-Adab, Bab Haqq al-Mamluk* (2:703).
- <sup>7</sup> They believe in twelve Imams. They are subdivided into two groups: Usuli and Ikhbari.
- <sup>8</sup> They are further split into Khojas and Bohras.
- <sup>9</sup> They are mostly found in Yemen and Saudi Arabia.
- <sup>10</sup> Mohammah Hameedullah Kan, *The School of Islamic Jurisprudence: A Comparative Study*, (New Delhi: Kitab Bhavan, 1991), 141.
- <sup>11</sup> Syed Ameer Ali, *Commentaries on Mahomedan Law*, (New Delhi: Kitab Bhavan, 1986), 17.
- <sup>12</sup> *Ibid.*, 25-30.
- <sup>13</sup> Syed Abul Aala Maudidi, *Tafhimat*, Part Two, (Lahore: Islamic Publications, 2013), 300.
- <sup>14</sup> Bukhari, *Kitab al-Bayyu*.
- <sup>15</sup> Maulana Saeed Ahmad, *Slavery in Islam*, (2000).
- <sup>16</sup> Surah Muhammad, *The Holy Quran*, (47-4).
- <sup>17</sup> For details see Allama Mahmood Aalusi, (1802-1854) *Ar-Rūh al-Ma'ūnī fī Tafsīri-l-Qur'āni-l-'Azīm wa Sab'u-l-Mathānī*.
- <sup>18</sup> Hafiz Abu Bakr Jassas al-Hanafī, *Ahkam al-Quran*, V-3, (Beirut: Dar ul Kutb al Ilmiya, 1994), 481.
- <sup>19</sup> Allama Syed Rashid Raza, *al-Wahi al-Muhammadi*, (Cairo: Matba'at al Manar, 1934), 254.
- <sup>20</sup> Al-Baqarah, *The Holy Quran*, verse: 177.
- <sup>21</sup> Al-Balad, *The Holy Quran*, verse: 12-14.
- <sup>22</sup> Maulana Saeed Ahmad, *Slavery in Islam*, Trans. (2000), 111.
- <sup>23</sup> Abdul Wahab al-Sha'rani, *al-Meezan al-Kubra*, V-2, Digital library India Item 2015.361041 (1862) 207.
- <sup>24</sup> For details, Allama Mahmood Aalusi, (1802-1854) *Ar-Rūh al-Ma'ūnī fī Tafsīri-l-Qur'āni-l-'Azīm wa Sab'u-l-Mathānī*.
- <sup>25</sup> Fouzia Farooq Ahmed, Slavery as a Social Reality in the Early Muslim State, Injunctions, Codification and Rationale, *Hamdard Islamicus*, Vol: 36, No. 3. (2013), 70.
- <sup>26</sup> Surah al-Ma'idah, *The Holy Quran*, verse: 45.
- <sup>27</sup> Surah al-Baqarah, *The Holy Quran*, verse: 178.
- <sup>28</sup> Maulana Saeed Ahmad, *Slavery in Islam*, Trans. (2000), 146.
- <sup>29</sup> Abu Bakr, Ibn-e-Arabi, *Ahkam al-Quran*, Vol: I, DKI, (2004), 159.
- <sup>30</sup> Surah al-Nur, *The Holy Quran*, verse: 32.
- <sup>31</sup> For details, Shah Waliullah (1703-1762), *Hujjat Allah Baligah*.
- <sup>32</sup> Hasan Ibrahim, *Tarikh al-Islam al-Siyasi*, Vol: I, (Beirut: Dar Al-Jalil, 2001), 234.
- <sup>33</sup> Surah al-Nisa, *The Holy Quran*, verse: 36.

<sup>34</sup> Ahmad Ibn-e-Yahya Al Bladhuri, *Futuh al-Buldan*, (Beirut: Dar al Nashar li al Jami'iyin, 1957), 149.

<sup>35</sup> Surah al-Ahzab, *The Holy Quran*, verse: 50.

<sup>36</sup> Syed Abul Aala Maudidi, *Tafhimat*, Part Two, (2013), 316.

<sup>37</sup> *Ibid.*, 324.

<sup>38</sup> Syed Abul Aala Maudidi, *Tafhimat*, Part Two, (2013), 317.

<sup>39</sup> Surah al-Noor, *The Holy Quran*, verse: 33.

<sup>40</sup> Syed Abul Aala Maudidi, *Tafhimat*, Part Two, (2013), 322.