

AP WORLD HISTORY

QUARTER 1 READING 5: ISLAM

Name: _____

Answer the following questions on a separate sheet of paper as you read. Be prepared to discuss the readings in class.

Reading 47: Koran

1. What is the vision of “paradise”? How does it relate to the reality of Arabia? (see “The Great Event”)
2. Give a description on how Jesus is viewed in the Koran. Is it similar or different from the version in the New Testament? (see “The Family of Imram”)
3. How were women seen in the excerpt? Is it the traditional patriarchal vision or different? Explain? (see “Women” and “The Light”)
4. Summarize the “The Cow” reading. What does it tell us about the practice of Islam and is it different from eastern religions such as Hinduism? Why or why not?

Reading 48: Hadith

1. What are some of the “Rules of War” for the participants in a Jihad?
2. How had the view of “the People of the Book” changed (from early Islam) in this reading?

Reading 49: Wills and Slaves

1. Why was the master given the option of “confiscating” a slave’s possessions after he/she had been freed?
2. What rights did slaves have according to the reading and why?
3. Why wasn’t a person who was in serious debt allowed to free their slaves?
4. How was the estate of a deceased person divided? What were some of the rules for the handling of slaves in an estate?
5. When were slaves not allowed to be freed and why?

Reading 50: Kai Kaus Reading

1. List the three “essentials” in purchasing a slave.
2. What are some of the jobs slaves do? Be Specific.
3. Why does Kaus argue that a slave who is going to work with women should be “sour-visaged”?
4. How does the reading show the variety of peoples found in the Islamic lands? Describe some of these peoples and what was Kaus’ assessment of them when it came to using and/or buying them as slaves?
5. Why does Kaus argue that you should never buy a “Arabic” speaking slave?

Your Question – Come up with one good discussion question of your own to use during our seminar next class.



The *Shahadah* (the Islamic Creed) written in Arabic calligraphy. The *Shahadah* is the first of the five “pillars of Islam” and, in English, translates to: “There is only one God, and Muhammad is his prophet.”

INSTITUTES AND CODE

Public prosecutions bear no resemblance to the other legal remedies of which we have been speaking. There is a great difference between them both in the mode in which they are begun and in that in which they are carried on.

They are called public, because generally any citizen may institute them.

Some public prosecutions are capital, some are not. We term capital those which involve the extreme punishment of the law, or the interdiction from fire and water, or deportation, or the mines. Those which carry with them infamy and a pecuniary penalty are public, but not capital.

Public prosecutions are instituted under the following laws. The Julian Treason Law, which subjects to its severe provisions all who attempt anything against the emperor or State. The penalty it inflicts is the loss of life, and the memory of the guilty is condemned even after his death.

Also the Julian Adultery Law, which punishes with death not only those who are guilty of adultery, but those who give themselves up to works of lewdness with their own sex. The same law also punishes the seduction without violence of a virgin, or of a widow of honest character. The penalty upon offenders of honorable condition is the confiscation of half their fortune, upon those of low condition, corporal punishment and relegation.

Also the Cornelian Murder and Lethal Weapons Law, which strikes with the sword of vengeance murderers and those who for the purpose of killing a man go armed with a lethal weapon. By the same law, poisoners are capitally condemned who by hateful arts use poisons or magic charms to kill men, or publically sell hurtful drugs.

Another law, the Pompeian Intrafamily Murder Law, inflicts upon the most horrible of crimes an unusual punishment. It provides, that anyone who has hastened the death of a parent or child, or of any other relation whose murder is legally termed parricide, whether he acts openly or secretly, and whoever instigates or is an accomplice in the commission of a crime, although a stranger, shall undergo the penalty of parricide. He will be punished, not by the sword, nor by fire, nor by any ordinary mode of punishment, but he is to be sewed up in a sack with a dog, a cock, a viper, and an ape, and enclosed in this horrible prison he is to be, according to the nature of the place, thrown into the sea, or into a river, that even in his lifetime he may begin to be deprived of the use of the elements, and that the air may be denied to him while he lives, and earth when he dies.¹

The Rise of Islam

Arabia in the sixth century A.D. was inhabited primarily in the southern area of Yemen, along the western slopes of the Hejaz Mountains, and along scattered desert oases. Large-scale international trade in dates and imported spices from Africa and India was made possible through the use of camel caravans. Religion was well

¹The fact that the dog could not see for ten days or so after birth symbolized the parricide's blindness to natural decency; the rooster's crowing symbolized arrogant pride; the viper symbolized treachery; the monkey's semi-human appearance symbolized having human attributes but not the right ones.

From the *Institutes of Justinian* with English introduction, trans., and notes by C. Sandars (London: Longmans Green and Co., 6th ed., 1878), Book IV, Title xviii, pp. 503–16, *passim*.

developed; the people worshipped the moon, planets, spirits, stone idols, and rocks.

The major center of religious worship and pilgrimage, however, was the city of Mecca. Within the city there was a sacred precinct containing a well, called the Zamzam, and the holy shrine, referred to as the Kaaba. A great variety of religions were connected with the Kaaba, which housed approximately 300 idols, including statues of Jesus.

Politically, the Byzantines and Persians, each of whom had launched several invasions to gain control of Arabia, were fierce competitors. Yet, despite these struggles, no major power had secured total domination of the independent peoples.

Muhammad (A.D. 570?–632) was born into the Kuraysh clan, which was one of the leading camel-caravan trading groups in Mecca. Unfortunately, before Muhammad's birth his father died. The child was left in the care of his mother until she, too, died when he was six. At this time, he was placed under the protection of his paternal uncle.

There is little information about Muhammad's life until 595, when he became an overseer for a wealthy, older caravan owner, a woman named Khadija. Muhammad did so well at his job that soon Khadija asked him to marry her; this marriage of convenience turned to true affection and lasted until Khadija's death in 619. After her death, Muhammad married many times, in each case to bind new converts to his religion. Despite his numerous marriages, Muhammad never had a son who lived beyond infancy; however, he later adopted a cousin as a foster son.

During the month of Ramadan (Fasting) in the year 610, Muhammad said he was called by God (Allah) to become his prophet. Through the messages of the Archangel Gabriel, which Muhammad received for the rest of his life, he formed the religion called Islam (meaning submission to the Will of God). Muhammad was instructed to preach the message of Allah to the Meccans. At first he was able to convert only members of his family and some young men in the city, while most Meccans resisted his teachings.

Persecution of Muhammad and his small group of followers intensified. When he finally decided to leave Mecca, his Hegira (migration) took him to a small date-palm oasis called Yathrib (Medina), some two hundred and fifty miles north. Once in Yathrib, Muhammad became a political as well as a religious leader for his Muslims; as such, he resorted to

the time-honored tradition of raiding caravans that passed near Yathrib. These actions brought swift retaliation from Mecca, but the Meccans were never able to defeat Muhammad, whose prestige continually increased. Finally, the Meccans ended their opposition to Muhammad and allowed him into the city to perform the act of "pilgrimage" (or Hajj). Once inside Mecca, he cleansed the Kaaba of idolatry and rededicated it to the sole worship of Allah.

47 The Koran

The Koran is the Holy Scripture and basis of the Islamic religion. The work comprises 114 chapters (or suras) arranged according to their length, running from the longest to the shortest. The Koran is believed to be the word of God, transmitted by the Archangel Gabriel to the Prophet Muhammad. The Prophet, in turn, preached these messages, first in Mecca, then in Medina, to his small group of converts (Muslims). Only after Muhammad's death were the messages gathered together and given their final arrangement by the third caliph,¹ Othman.

The basic beliefs of Islam are drawn from contacts with both Jews and Christians and then adapted for the Arab peoples. Essential to the religion is the need for each person to submit to the one and only god, Allah. According to this religion, Allah knows and sees everything. He has determined each person's fate; however, lest one fall into fatalism, each person must account for his or her actions on the Day of Last Judgment.

Drawing upon the scriptures of the "Peoples of the Book" (Jews and Christians), Muhammad preached that Allah had described to his twenty-eight prophets—including Adam, Noah, Moses, John the Baptist, and Jesus—the method in which He was to be worshipped. However, Muhammad thought that the Jews and Christians had deliberately distorted the original messages. Muhammad claimed that the Koran was the most perfect guide for worshipping Allah, and that he was the final prophet or "Seal."

In the following Koranic selections, note the descriptions of Muhammad's call to God's Word, the Last Judgment, the Islamic view of the "Peoples of the Book," and the duties that each Muslim must follow. Today the Koran governs approximately 800 million lives.

¹*Caliph* means "Successor of the Apostle of God (Muhammad)." A caliph was the head of state, a judge, leader in worship, and commander of the army.

QUESTIONS TO CONSIDER

1. What are some of the basic beliefs and duties in Islam?
2. Although Islam, Judaism, and Christianity are monotheistic religions, how do they differ?
3. How did Arabia influence the depiction of Paradise in Islam?
4. How were women to be treated according to the Koran?

THE CLOT

In the Name of Allah, the Beneficent, the Merciful

1. Read in the name of your Lord Who created.
2. He created man from a clot.
3. Read and your Lord is Most Honorable,
4. Who taught (to write) with the pen,
5. Taught man what he knew not.
6. Nay! man is most surely inordinate,
7. Because he sees himself free from want.

THE FOOD

In the Name of Allah, the Beneficent, the Merciful

97. Allah has made the Kaaba, the sacred house, a maintenance for the people, and the sacred month and the offerings and the sacrificial animals with garlands; this is that you may know that Allah knows whatever is in the heavens and whatever is in the earth, and that Allah is the Knower of all things.

THE GREAT EVENT

In the Name of Allah, the Beneficent, the Merciful

1. When the great event comes to pass,
2. There is no belying its coming to pass—
3. Abasing (one party), exalting (the other),
4. When the earth shall be shaken with a (severe) shaking,
5. And the mountains shall be made to crumble with (an awful) crumbling,
6. So that they shall be as scattered dust.
7. And you shall be three sorts.

From *Holy Qur'an*, trans. M. H. Shakir (Elmhurst, NY: Tahrike Tarsile Qur'an, 1985), Surahs 96:1–7, 5:97, 56:1–44, 62:1–9, 3:45–71, 4:34, 24:31–32, 2:174–85, 187, 196–97, 219–20. Reprinted by permission of Tahrike Tarsile Qur'an, Inc.

8. Then (as to) the companions of the right hand; how happy are the companions of the right hand!
9. And (as to) the companions of the left hand; how wretched are the companions of the left hand!
10. And the foremost are the foremost,
11. These are they who are drawn nigh (to Allah),
12. In the gardens of bliss.
13. A numerous company from among the first,
14. And a few from among the latter.
15. On thrones decorated,
16. Reclining on them, facing one another.
17. Round about them shall go youths never altering in age,
18. With goblets and ewers and a cup of pure drink;
19. They shall not be affected with headache thereby, nor shall they get exhausted;
20. And fruits such as they choose,
21. And the flesh of fowl such as they desire.
22. And pure, beautiful ones,
23. The like of the hidden pearls:
24. A reward for what they used to do.
25. They shall not hear therein vain or sinful discourse,
26. Except the word peace, peace.
27. And the companions of the right hand; how happy are the companions of the right hand!

FRIDAY

In the Name of Allah, the Beneficent, the Merciful

9. O you who believe! when the call is made for prayer on Friday, then hasten to the remembrance of Allah and leave off trading; that is better for you, if you know. . . .

THE FAMILY OF IMRAM

In the Name of Allah, the Beneficent, the Merciful

45. When the angels said: O Mary, surely Allah gives you good news with a Word from Him (of one) whose name is the Messiah, Jesus son of Mary, worthy of regard in this world and the hereafter and of those who are made near (to Allah).
46. And he shall speak to the people when in the cradle and when of old age, and (he shall be) one of the good ones.
47. She said: My Lord! when shall there be a son (born) to me, and man has not touched me? He said: Even so, Allah creates what He pleases; when He has decreed a matter, He only says to it, Be, and it is.
48. And He will teach him the Book and the wisdom and the Torah and the Gospel.
49. And (make him) an apostle to the children of Israel: That I have come to you with a sign from your Lord, that I determine for you out of dust like the form of a bird, then I breathe into it and it becomes a bird with Allah's permission and I heal the

- blind and the leprous, and bring the dead to life with Allah's permission and I inform you of what you should eat and what you should store in your houses; most surely there is a sign in this for you, if you are believers.
50. And a verifier of that which is before me of the Torah, and that I may allow you part of that which has been forbidden you, and I have come to you with a sign from your Lord, therefore be careful of (your duty to) Allah and obey me.
51. Surely Allah is my Lord and your Lord, therefore serve Him; this is the right path.
52. But when Jesus perceived unbelief on their part, he said: Who will be my helpers in Allah's way? The disciples said: We are helpers (in the way) of Allah: We believe in Allah and bear witness that we are submitting ones.
53. Our Lord! we believe in what Thou hast revealed and we follow the apostle, so write us down with those who bear witness.
54. And they planned and Allah (also) planned, and Allah is the best of planners.
55. And when Allah said: O Jesus I am going to terminate the period of your stay (on earth) and cause you to ascend unto Me and purify you of those who disbelieve and make those who follow you above those who disbelieve to the day of resurrection; then to Me shall be your return, so I will decide between you concerning that in which you differed.
56. Then as to those who disbelieve, I will chastise them with severe chastisement in this world and the hereafter, and they shall have no helpers.
57. And as to those who believe and do good deeds, He will pay them fully their rewards; and Allah does not love the unjust.
58. This We recite to you of the communications and the wise reminder.
59. Surely the likeness of Jesus is with Allah as the likeness of Adam; He created him from dust, then said to him, Be, and he was.
65. O followers of the Book! why do you dispute about Abraham, when the Torah and the Gospel were not revealed till after him; do you not then understand?
66. Behold! you are they who disputed about that of which you had knowledge; why then do you dispute about that of which you have no knowledge? And Allah knows while you do not know.
67. Abraham was not a Jew nor a Christian but he was (an) upright (man), a Muslim, and he was not one of the polytheists.
68. Most surely the nearest of people to Abraham are those who followed him and this Prophet and those who believe and Allah is the guardian of the believers.
69. A party of the followers of the Book desire that they should lead you astray, and they lead not astray but themselves, and they do not perceive.
70. O followers of the Book! Why do you disbelieve in the communications of Allah while you witness (them)?

WOMEN

In the Name of Allah, the Beneficent, the Merciful

34. Men are the maintainers of women because Allah has made some of them to excel others and because they spend out of their property; the good women are therefore obedient, guarding the unseen as Allah has guarded; and (as to) those on whose part you fear desertion, admonish them, and leave them alone in the

sleeping-places and beat them; then if they obey you, do not seek a way against them; surely Allah is High, Great.

THE LIGHT

In the Name of Allah, the Beneficent, the Merciful

31. And say to the believing women that they cast down their looks and guard their private parts and do not display their ornaments except what appears thereof, and let them wear their head-coverings over their bosoms, and not display their ornaments except to their husbands or their fathers, or the fathers of their husbands, or their sons, or the sons of their husbands, or their brothers, or their brothers' sons, or their sisters' sons, or their women, or those whom their right hands possess, or the male servants not having need (of women), or the children who have not attained knowledge of what is hidden of women; and let them not strike their feet so that what they hide of their ornaments may be known; and turn to Allah all of you, O believers! so that you may be successful.
32. And marry those among you who are single and those who are fit among your male slaves and your female slaves; if they are needy, Allah will make them free from want out of His grace; and Allah is Ample-giving, Knowing.

THE COW

In the Name of Allah, the Beneficent, the Merciful

174. Surely those who conceal any part of the Book that Allah has revealed and take for it a small price, they eat nothing but fire into their bellies, and Allah will not speak to them on the day of resurrection, nor will He purify them, and they shall have a painful chastisement.
177. It is not righteousness that you turn your faces towards the East and the West, but righteousness is this that one should believe in Allah and the last day and the angels and the Book and the prophets, and give away wealth out of love for Him to the near of kin and the orphans and the needy and the wayfarer and the beggars and for (the emancipation of) the captives, and keep up prayer and pay the poor-rate; and the performers of their promise when they make a promise, and the patient in distress and affliction and in time of conflicts—these are they who are true (to themselves) and these are they who guard (against evil).
178. O you who believe! retaliation is prescribed for you in the matter of the slain; the free for the free, and the slave for the slave, and the female for the female, but if any remission is made to any one by his (aggrieved) brother, then prosecution (for the bloodwit) should be made according to usage, and payment should be made to him in a good manner; this is an alleviation from your Lord and a mercy; so whoever exceeds the limit after this, he shall have a painful chastisement.
183. O you who believe! fasting is prescribed for you, as it was prescribed for those before you, so that you may guard (against evil).
184. For a certain number of days; but whoever among you is sick or on a journey, then (he shall fast) a (like) number of other days; and those who are not able to do it

may effect a redemption by feeding a poor man; so whoever does good spontaneously it is better for him; and that you fast is better for you if you know.

185. The month of Ramadan is that in which the Quran was revealed, a guidance to men and clear proofs of the guidance and the distinction; therefore whoever of you is present in the month, he shall fast therein, and whoever is sick or upon a journey, then (he shall fast) a (like) number of other days; . . .
187. It is made lawful to you to go into your wives on the night of the fast; they are an apparel for you and you are an apparel for them; Allah knew that you acted unfaithfully to yourselves, so He has turned to you (mercifully) and removed from you (this burden); so now be in contact with them and seek what Allah has ordained for you, and eat and drink until the whiteness of the day becomes distinct from the blackness of the night at dawn, then complete the fast till night, and have not contact with them while you keep to the mosques; . . .
196. And accomplish the pilgrimage and the visit for Allah, but if you are prevented, (send) whatever offering is easy to obtain, and do not shave your heads until the offering reaches its destination; but whoever among you is sick or has an ailment of the head, he (should effect) a compensation by fasting or alms or sacrificing; then when you are secure, whoever profits by combining the visit with the pilgrimage (should take) what offering is easy to obtain; but he who cannot find (any offering) should fast for three days during the pilgrimage and for seven days when you return; these (make) ten (days) complete; this is for him whose family is not present in the Sacred Mosque, and be careful (of your duty) to Allah, and know that Allah is severe in requiting (evil).
219. They ask you about intoxicants and games of chance. Say: In both of them there is a great sin and means of profit for men, and their sin is greater than their profit. And they ask you as to what they should spend. Say: What you can spare. Thus does Allah make clear to you the communicants, that you may ponder.
220. On this world and the hereafter. And they ask you concerning the orphans. Say: To set right for them (their affairs) is good, and if you become co-partners with them, they are your brethren; and Allah knows the mischief-maker and the peacemaker; and if Allah had pleased, He would certainly have caused you to fall into a difficulty; surely Allah is Mighty, Wise.

48 Sayings (Hadith) Ascribed to the Prophet: Holy War

Hadith, or sayings, are one source of Islamic law. They are stories or sayings connected with Muhammad's life, which were, and are, used to justify actions in the past and present. Each hadith is connected with the Prophet or one of his Companions through a narrative story that passed from one person to another over the centuries.

The following selection concerns the undertaking of a *Jihād*, or Holy War, in which every *amir* (a political-military leader) should participate. It describes the motivations for the undertaking, the duties and actions of a good warrior, and prohibitions against certain unacceptable actions in warfare.

QUESTIONS TO CONSIDER

1. What will be the rewards for a warrior of the faith?
2. How are polytheists, women, and children to be treated and why?
3. Compare a Jihād with a Christian Crusade. What are the similarities and differences?

Jihad is incumbent upon you with every amir, whether he be godly or wicked and even if he commit major sins. Prayer is incumbent upon you behind every Muslim, be he godly or wicked and even if he commit major sins. Prayer is incumbent upon you for every Muslim who dies, be he godly or wicked and even if he commit major sins.

Paradise is under the shadow of swords.

Where the believer's heart shakes on the path of God, his sins fall away from him as the fruit falls off a date palm.

If anyone shoots an arrow at the enemy on the path of God and his arrow reaches his enemy, whether it hits him or misses, it is accounted equal in merit to liberating a slave.

He who draws his sword in the path of God has sworn allegiance to God.

If anyone ransoms a prisoner from the hands of the enemy, I am that prisoner.

He who fights so that the word of God may prevail is on the path of God.

He who dies fighting on the frontier in the path of God, God protects him from the testing of the tomb.

The unbeliever and the one who kills him will never meet in Hell.

God sent me as a mercy and a portent; He did not send me as a trader or as a cultivator. The worst of the community on the Day of Resurrection are the traders and the cultivators, except for those who are niggardly with their religion.

A day and a night of fighting on the frontier is better than a month of fasting and prayer.

The best thing a Muslim can earn is an arrow in the path of God.

He who equips a warrior in the Holy War for God has the same reward as he, while the warrior's reward is not diminished.

He who when he dies has never campaigned or even intended to campaign dies in a kind of hypocrisy.

Fight against the polytheists with your property, your persons, and your tongues.

Swords are the keys of Paradise.

A sword is sufficient witness.

God wonders at people who are led to Heaven in chains.

A campaign by sea is like ten campaigns by land, and he who loses his bearings at sea is like one who sheds his blood in the path of God.

Every prophet has his monasticism, and the monasticism of this community is the Holy War in the path of God.

If a campaigner by sea is seasick, he has the reward of a martyr; if drowned, of two martyrs.

In Islam there are three dwellings, the lower, the upper, and the uppermost. The lower is the Islam of the generality of Muslims. If you ask any one of them he will answer,

"I am a Muslim." In the upper their merits differ, some of the Muslims being better than others. The uppermost is the *jihad* in the cause of God, which only the best of them attain.

Will you not ask me why I laugh? I have seen people of my community who are dragged to Paradise against their will. They asked, "O Prophet of God, who are they?" He said, "They are non-Arab people whom the warriors in the Holy War have captured and made to enter Islam."

Shoot and ride! Of the two, I would rather have you shoot than ride. Anything in which a man passes his time is vain except for shooting with his bow, training his horse, or dallying with his wife. These three things are right. He who abandons archery after having learned it is ungrateful to the one who taught him.

Accursed be he who carries the Persian bow. Keep to the Arab bow and to the lances by which God gives you power in these lands and gives you victory over your enemy.

Learn to shoot, for what lies between the two marks is one of the gardens of Paradise.

Warfare is deception.

The Muslims are bound by their stipulations.

The Muslims are bound by their stipulations as long as these are lawful.

Of any village that you come to and stay in, you have a share, but of any village that is disobedient to God and His Prophet, one-fifth of it belongs to God and His Prophet and the rest is yours.

Treat an Arab as an Arab and a half-breed as a half-breed. The Arab has two shares and the half-breed one.

Kill the old polytheists, but spare the young ones.

If you find a tithe collector, kill him.

Go in the name of God and in God and in the religion of the Prophet of God! Do not kill the very old, the infant, the child, or the woman. Bring all the booty, holding back no part of it. Maintain order and do good, for God loves those who do good.

Why are some people so bent on killing today that they even kill children? Are not the best of you the sons of idolators? Do not kill children! Do not kill children! Every soul is born with a natural disposition [to the true religion] and remains so until their tongue gives them the powers of expression. Then their parents make Jews or Christians of them.

Expel the Jews and the Christians from the Arabian peninsula.

Accept advice to treat prisoners well.

Looting is no more lawful than carrion.

He who loots is not one of us.

He has forbidden looting and mutilation.

He has forbidden the killing of women and children.

He who flees is not one of us.

The bite of an ant is more painful to the martyr than the thrust of a weapon, which is more desirable to him than sweet, cold water on a hot summer day.

Commentaries on Islamic Law and Culture

Islam developed during the lifetime of the Prophet Muhammad not only as a religion in the sense of a way of worship and a systematic elaboration of the relationship between man and his creator; through the circumstances of its incubation, it also evolved as a social and political institution that claimed divine authority for the regulation of relations between

man and man, believer and nonbeliever. The Koran, the revealed word of God, was the prime and unchanging authority. The early generations of Muslims could also recall decisions made by the Prophet, whose teachings were considered a supplement to and commentary on the divine text. Soon, however, as the community of Islam expanded and embraced former subjects of Byzantium, Sassanid Iran, and others as far west as Spain and as far east as India that belonged to many different nations and cultures, the need arose to formalize the social teachings of Islam and to unify its rituals.

49 Wills, Slave Emancipation, and Clientship

The evolution of Islamic law took place largely in the second and third centuries of Islam (ca. A.D. 750–950), and a number of distinct systems emerged based on the teachings of various scholars. By a self-selecting process, these were eventually reduced (among Sunni Muslims) to four law schools, each of which was considered to be equally authoritative. To the Koran and the sayings of the Prophet—the Hadīth (diligently amassed in written collections)—were added a number of other subsidiary principles—notably analogical reasoning—and by the fourth century of Islam (A.D. tenth century), we see the appearance of manuals enunciating agreed positions on all the main issues in ritual, personal status (marriage, divorce, inheritance, etc.), commercial transactions, and criminal and moral law (e.g., theft, adultery, drinking intoxicating liquors). The *Risāla* of Ibn Abī Zayd, a jurist of Qayrawan (modern Tunisia) who died in A.D. 996, is one such manual. It reflects the views of the law school of Malik ibn Anas (d. 797), which is dominant in North and West Africa and the upper Nile valley. As with the Jewish Talmud, the Islamic law manuals have been commented upon by later generations of scholars, and the commentaries themselves have been further elucidated by other scholars. This is reflected in the first selection by the use of square brackets []. In the second selection, the brackets reflect explanatory words of the translator, who thus, in effect, becomes yet another commentator.

Slavery was an ancient institution in the Middle East, and Islam acknowledged its validity while mitigating its effects. Neither the Koran nor the law speaks about enslavement as such, although it came to be agreed that prisoners taken in a war waged on behalf of the faith—a *Jihād*—could be made slaves. The Koran stresses kind treatment to slaves and enumerates ways for their emancipation, and this is echoed in the Prophetic *Hadīth* (see Reading 48). The law books devote a section to emancipation and to clientship—the lingering bonds of attachment of a slave to

the master's family after emancipation—but otherwise deal with slaves' rights and disabilities only incidentally under appropriate sections, such as marriage, pilgrimage, punishments, and so on, the slave generally having only half the rights of a free people and, often, suffering only half the penalties.

QUESTIONS TO CONSIDER

1. In what ways might a slave have gained his or her freedom?
2. Did slaves have any legal rights under Islamic law?
3. Was it possible for slaves to acquire property?

It is fitting that he who has something to bequeath should draw up a will. There can be no bequest in favor of an heir. Bequests come out of the disposable one-third of the estate. Any bequests exceeding the one-third should be given back [to the designated heirs], unless they authorize otherwise. The specified emancipation of a slave is to be dealt with before proceeding to bequests. [A declaration that] a slave is to be emancipated on the owner's death made when the owner was in good health takes precedence over a declaration made when he was [gravely] ill referring to emancipation or other [dispositions regarding the slave such as being given as a gift or a charitable donation]. It also takes precedence over the payment of outstanding alms-tax (*zakāt*) which a man decides to pay off from his estate. Such latter payments come out of the disposable third and take precedence over other bequests. A declaration of emancipation on the owner's death made when the owner was in good health, however, takes precedence.

If the disposable one-third is insufficient [to cover all the bequests made], the legatees whose bequests have no precedence the one over the other, take proportionate shares. A man may annul a legacy, whether it involves emancipation or any other matter.

The formula for declaring a slave free upon the master's death is: "You are *mudabbar*." or "You are free after my demise." After this the master cannot sell him or give him away. The master may make use of the slave's services until he dies, at which point the slave is free. The master may confiscate his slave's possessions, so long as the slave is not [gravely] ill. The master may have sexual relations with his female slave, but he may not do so with one to whom emancipation has been promised after a stated lapse of time, nor can he sell her. However, he may enjoy her labor and he has the right to confiscate her possessions, provided the time of her emancipation is not close.

When a master dies the value of his *mudabbar* slave is considered part of the disposable one-third, whereas the value of a slave to be emancipated after a fixed lapse of time is reckoned as a part of the total estate. The slave with whom a contract of emancipation has been agreed remains a slave while he owes any portion [of the agreed price of his freedom]. A contract may be drawn up stipulating any sum of money agreed upon by the master and the slave, to be paid in installments, either few or many. If the slave becomes unable to pay, he becomes a simple slave again. What the master has taken from him [by way of installments] may lawfully be retained [by

From the *Risāla* of Ibn Abī Zayd al-Qayrawānī with the commentary of Abū 'l-Ḥasan al-Malikī and the supercommentary of 'Alī al-Ṣa'īdī al-'Adawī, Cairo: Muṣṭafā al-Bābī al-Ḥalabī, 1937, ii, 177–99. Ed. and trans. John O. Hunwick, Professor of History, Northwestern University.

the master]. If a slave refuses [to acknowledge his insolvency] only the civil authority has the power to declare him insolvent [unilaterally] after first granting him a respite [during which he might become solvent].

The offspring of a woman [other than by her master] assume her status, whether she is a slave with whom a contract of manumission has been drawn up, a *mudabbar* slave, or one to be emancipated after a fixed lapse of time, or one who has been given as a pledge. The child born to an *umm walad* (i.e., a slave woman who has already borne her master's child) fathered by someone other than her master shares his mother's rights and disabilities [if born after she became *umm walad*].

A slave's possessions belong to him, unless the master confiscates them from him. If the master frees him unconditionally or contractually and does not exclude the slave's possessions [from such emancipation], then the master cannot confiscate them.

A master may have sexual relations with a female slave under contract of manumission. Any offspring fathered by a male or born to a female slave under contract of manumission partakes in the contract with them and becomes free at the time of their emancipation.

It is permissible to draw up a contract of emancipation with a group [of slaves], but none of them becomes free until all have paid [the price of] their freedom. A slave under contract of emancipation cannot free his own slave or dissipate his wealth until he attains freedom; neither may he marry or travel to a distant destination without his master's permission. Should he die [before paying for his freedom in full], having a child, the child takes his place and pays from the [dead slave's] wealth whatever sum remains outstanding [in the emancipation contract], this now being considered a debt whose repayment has fallen due. [If anything remains], those of his sons conjoined with him [in contractual freedom] inherit the surplus. If the wealth the slave leaves is insufficient to pay off the contractual debt of emancipation, the slave's offspring, if they are adult, should work to pay off the debt by installments. If they are minors and the legacy of their deceased slave father is insufficient to pay the installments up to the time when they will be old enough to work, they are immediately returned to unconditional slavery. If [the slave under contract of emancipation dies] having no offspring conjoined with him in the contract, his master inherits him [even if his estate is greater than his debt].

Whoever fathers a child from his female slave has the right to continue having sexual relations with her for the rest of his life and she is freed out of his total estate after his death. She cannot be sold, nor can her master demand service from her, nor can he hire out her services to others, though he may demand service and hire out the services of a child of hers from another man [born after she became *umm walad*]. Such a child shares its mother's status and becomes free when she does. Whatever she aborts which is recognized to be a child [by the testimony of midwives] causes her thereby to become *umm walad*. The master's protestations of *coitus interruptus* shall be of no avail if he denies paternity but admits having had sexual relations with her. If he claims that he had her declared free of pregnancy [before purchasing her] and did not thereafter have sexual relations with her, then the offspring to which she gives birth will not be considered his.

A man so deeply in debt [that he has no inheritance to leave] may not free a slave. If a man partially frees his slave [either a fraction of him or a particular limb, for example], the slave's freedom is to be made complete [by judicial decree]. If another person has a share in the slave, the one who freed a portion of his half shall pay the price of his partner's share according to the value of the slave on the day he took the action and [both halves of the slave having been emancipated] the slave shall be free. If a man

who freed a part of his half of the slave does not have the means to pay his partner's share, the partner's half of the slave remains enslaved.

Whoever punishes his slave by disfiguring him in an obvious fashion, e.g., by amputating a limb, is compelled to free the slave.

If any of the following relatives of a man come into his possession as a slave, they are to be freed without compensation: one or both parents, a son or daughter, the child of a son or daughter, a grandfather or a grandmother, a full brother or a half-brother. If a pregnant woman is emancipated her foetus is emancipated along with her.

The following categories of slave are not to be freed when emancipation is a religious obligation [in expiation of unintentional homicide]: one who is already a *mudabbar*; one who is already in a contract of emancipation; anyone who belongs to a similar category, such as an *umm walad* or a slave to be freed at the expiry of a fixed term; a blind slave, a slave with an amputated hand [or leg, or finger or toe]; any slave in a similar condition [e.g., paralysed or disfigured]; a non-Muslim slave. It is not permissible for a minor to emancipate a slave, nor for anyone who is a ward [by reason of mental illness] to do so.

Patronage belongs to the one who emancipates and it cannot be sold or given away. If a man frees the slave of another, patronage devolves upon the owner of the slave [not the one who emancipated him]. Patronage does not go to the man at whose hands a slave converts to Islam; it goes to the [community of] Muslims. If a woman emancipates a slave she becomes that slave's patron. She is also the patron of those attracted to this status, such as the child [of the freed slave] or [the slave's] slave. A woman does not inherit from a slave whom her father, her son or her husband, etc. freed. The inheritance of a slave [who is emancipated with the formula: "You are like a camel] set free to roam" belongs to the community of Muslims. Patronage goes to the closest of the agnates of the dead man. If he leaves two sons they jointly inherit patronage of a client of their father. If one of these sons dies leaving two sons, the patronage goes back to the other brother rather than to the sons. If one of the two sons dies and leaves a male child, then the other dies leaving two children, the patronage is shared by these three equally.

50 Kai Kaus, "Scientific Physiognomy and the Purchase of Slaves"

Slavery was a part of most ancient and many modern societies until the nineteenth century. Slaves inherited their status and were regularly bought and sold on the domestic market, although war captives frequently became slaves and a fair amount of kidnapping by professionals, who could easily sell their human wares to dealers in foreign countries, introduced new slaves to the markets. Slaves were common in Islamic society, where they were used as domestic servants, as guardians of harem women, or as specially trained soldiers. They were sometimes used as field workers, but much less frequently than the victims of the later Atlantic–West African slave trade, who were later, at its height, taken by the hundreds of thousands annually to labor on the plantations and in the mines of the New World.

The following selection is by an eleventh-century ruler of several provinces on the south shore of the Caspian Sea, Kai Kaus, from his guidebook for princes, considered a classic of Persian literature. In it he gives advice on subjects as diverse as love, astrology, and polo. Here he suggests the qualities a buyer should look for in purchasing both black and white and male and female slaves.

QUESTIONS TO CONSIDER

1. What were the qualities a person should look for when buying slaves?
2. How is this article an example of racial or ethnic stereotyping?
3. From the author's description of how to apply it, what does physiognomy involve? Do people occasionally use something like it in our own day in making statements about types of humans?
4. Both this writer and St. Thomas Aquinas (see Reading 69) use the term "science" generally in a way we probably would not. How is our modern notion of "science" different from theirs?

When you set out to buy slaves, be cautious. The buying of men is a difficult art; because many a slave may appear to be good, who, when regarded with knowledge, turns out to be the opposite. Most people imagine that buying slaves is like any other form of trading, not understanding that the buying of slaves, or the art of doing so, is a branch of philosophy. Anyone who buys goods of which he has no competent understanding can be defrauded over them, and the most difficult form of knowledge is that which deals with human beings. There are so many blemishes and good points in the human kind, and a single blemish may conceal a myriad good points, while a single good point may conceal a myriad faults.

Human beings cannot be known except by the science of physiognomy and by experience, and the science of physiognomy in its entirety is a branch of prophecy that is not acquired to perfection except by the divinely directed apostle. The reason is that by physiognomy the inward goodness or wickedness of man can be ascertained.

Now let me describe to the best of my ability what is essential in the purchasing of slaves, both white and black, and what their good and bad points are, so that they may be known to you. Understand then that there are three essentials in the buying of slaves; first is the recognition of their good and bad qualities, whether external or internal, by means of physiognomy; second is the awareness of diseases, whether latent or apparent, by their symptoms; third is the knowledge of the various classes and the defects and merits of each.

With regard to the first requirement, that of physiognomy, it consists of close observation when buying slaves. Whoever it may be that inspects the slave must first look at the face, which is always open to view, whereas the body can only be seen as occasion offers. Then look at eyes and eyebrows, followed by nose, lips and teeth, and lastly at the hair. The reason for this is that God placed the beauty of human beings in eyebrows, delicacy in the nose, sweetness in the lips and teeth and freshness in the skin.

To all these the hair of the head has been made to lend adornment, since [God] created the hair for adornment.

You must, consequently, inspect everything. When you see beauty in the eyes and eyebrows, delicacy in the nose, sweetness in the lips and teeth and freshness in the skin, then buy the slave possessing them without concerning yourself over the extremities of the body. If all of these qualities are not present, then the slave must possess delicacy; because, in my opinion, one that is delicate without having beauty is preferable to one that is beautiful but not possessed of delicacy.

The learned say that one must know the indications and signs by which to buy the slaves suited for particular duties. The slave that you buy for your private service and conviviality should be of middle proportions, neither tall nor short, fat nor lean, pale nor florid, thickset nor slender, curly-haired nor with hair overstraight. When you see a slave soft-fleshed, fine-skinned, with regular bones and wine-coloured hair, black eyelashes, dark eyes, black eyebrows, open-eyed, long-nosed, slender-waisted, round-chinned, red-lipped, with white regular teeth, and all his members such as I have described, such a slave will be decorative and companionable, loyal, of delicate character, and dignified.

The mark of the slave who is clever and may be expected to improve is this: he must be of erect stature, medium in hair and flesh, broad of hand and with the middle of the fingers lengthy, in complexion dark though ruddy, dark-eyed, open-faced and unsmiling. A slave of this kind would be competent to acquire learning, to act as treasurer or for any other [such] employment.

The slave suited to play musical instruments is marked out by being soft-fleshed (though his flesh must not be over-abundant, especially on the back), with his fingers slender, neither lean nor fat. (A slave whose face is over-fleshy, incidentally, is one incapable of learning.) His hands must be soft, with the middles of the fingers lengthy. He must be bright-visaged, having the skin tight; his hair must not be too long, too short or too black. A slave of this kind will swiftly acquire a delicate art of whatever kind, particularly that of the instrumentalist.

The mark of the slave suited for arms-bearing is that his hair is thick, his body tall and erect, his build powerful, his flesh hard, his bones thick, his skin coarse and his limbs straight, the joints being firm. Shoulders must be broad, the chest deep, the neck thick and the head round; also for preference he should be bald. The belly should be concave, the buttocks drawn in and the legs in walking well extended. And the eyes should be black. Any slave who possesses these qualities will be a champion in single combat, brave and successful.

The mark of a slave suited for employment in the women's apartments is that he should be dark-skinned and sour-visaged and have withered limbs, scanty hair, a shrill voice, little [slender] feet, thick lips, a flat nose, stubby fingers, a bowed figure, and a thin neck. A slave with these qualities will be suitable for service in the women's quarters. He must not have a white skin nor a fair complexion; and beware of a ruddy-complexioned man, particularly if his hair is limp. His eyes, further, should not be languorous or moist; a man having such qualities is either over-fond of women or prone to act as a go-between.

The mark of a slave who is callous [insensitive] and suited to be a herdsman or groom is that he should be open-browed and wide-eyed, and his eyelids should be flecked with red. He should, further, be long in lips and teeth and his mouth should be wide. A slave with these qualities is extremely callous, fearless and uncivilized.

The mark of the slave suited for domestic service and cookery is that he should be clean in face and body, round-faced, with hands and feet slender, his eyes dark inclining

to blue, sound in body, silent, the hair of his head wine-colored and falling forward limply. A slave with these qualities is suitable for the occupations mentioned.

Each then, should have the essential characteristics which I have recounted. But I will also mention the defects and virtues which should be known in respect of each separate race. You must understand that Turks are not all of one race, and each has its own nature and essential character. Amongst them the most ill-tempered are the Ghuzz and the Qipchaqs; the best-tempered and most willing are the Khutanese, the Khallukhis, and the Tibetans; the most active are the Tatars and the Yaghma, whereas the laziest of all are the Chigil.

It is a fact well-known to all that beauty or ugliness in the Turks is the opposite of that in the Indians. If you observe the Turk feature by feature [he has] a large head, a broad face, narrow eyes, a flat nose, and unpleasing lips and teeth. Regarded individually the features are not handsome, yet the whole is handsome. The Indian's face is the opposite of this; each individual feature regarded by itself appears handsome, yet looked at as a whole the face does not create the same impression as that of the Turk. To begin with, the Turk has a personal freshness and clearness of complexion not possessed by the Indian; indeed the Turks win for freshness against all other races.

Without any doubt, what is fine in the Turks is present in a superlative degree, but so also is what is ugly in them. Their faults in general are that they are blunt-witted, ignorant, boastful, turbulent, discontented, and without a sense of justice. Without any excuse they will create trouble and utter foul language, and at night they are poor-hearted. Their merit is that they are brave, free from pretense, open in enmity, and zealous in any task allotted to them. For the [domestic] establishment there is no better race.

Slavs, Russians, and Alans are near in their temperament to the Turks, but are more patient. The Alans are more courageous than the Turks at night and more friendly disposed towards their masters. Although in their craftsmanship they are nearer to the Byzantines, being artistic, yet there are faults in them of various kinds; for example, they are prone to theft, disobedience, betrayal of secrets, impatience, stupidity, indolence, hostility to their masters, and escaping. Their virtues are that they are soft-natured, agreeable, and quick of understanding. Further, they are deliberate in action, direct in speech, brave, good road-guides, and possessed of good memory.

The defect of the Byzantines is that they are foul-tongued, evil-hearted, cowardly, indolent, quick-tempered, covetous, and greedy for worldly things. Their merits are that they are cautious, affectionate, happy, economically-minded, successful in their undertakings, and careful to prevent loss.

The defect of the Armenians is that they are mischievous, foul-mouthed, thieving, impudent, prone to fight, disobedient, babblers, liars, friendly to misbelief, and hostile to their masters. From head to foot, indeed, they incline rather towards defects than to merits. Yet they are quick of understanding and learn their tasks well.

The defect of the Hindu is that he is evil-tongued and in the house no slave-girl is safe from him. But the various classes of the Hindus are unlike those that prevail amongst other peoples, because in other peoples the classes mingle with each other, whereas the Hindus, ever since the time of Adam (Upon whom be peace!), have practiced the following custom: namely, no trade will form an alliance with any outside it. Thus, grocers will give their daughters only to grocers, butchers to butchers, bakers to bakers, and soldiers to soldiers.

Each of these groups therefore has its own special character, which I cannot describe one by one because that would entail a book in itself.

However, the best of them, people benevolent, brave or skilled in commerce, are [respectively] the Brahman, the Rawat and the Kirar. The Brahman is clever, the Rawat brave, and the Kirar skilled in commerce, each class being superior to the one after. The Nubian and the Abyssinian are free of faults, and the Abyssinian is better than the Nubian because many things were said by the Prophet in praise of the former.

These then are the facts concerning each race and the merits and defects of each.

When you buy a slave, you must take and lay him down, press him on both sides and watch closely that he has no pain or swelling. If he has, it will be in the liver or spleen. Having looked for such hidden defects, seek further for the open ones, such as smells from the mouth and nose, hardness of hearing, hesitation in utterance, irregularity of speech, walking off the road, coarseness of the joints, and hardness at the base of the teeth, to prevent any trickery being practiced on you.

When you have seen all that I have mentioned and have made certain, then if you should buy, do so from honest people, and so secure a person who will be of advantage to your household. As long as you can find a non-Arab do not buy an Arabic-speaking slave. You can mould a non-Arab to your ways, but never the one whose tongue is Arabic. Further, do not have a slave-girl brought before you when your appetite is strong upon you; when desire is strong, it makes what is ugly appear good in your eyes. First abate your desires and then engage in the business of purchasing.

Never buy a slave who has been treated with affection in another place. If you do not hold him dear, he will show ingratitude to you, or will flee, or will demand to be sold, or will nourish hatred in his heart for you. Even if you regard him with affection, he will show you no gratitude, in view of what he has experienced elsewhere. Buy your slave from a house in which he has been badly treated, so that he will be grateful for the least kindness on your part and will hold you in affection. From time to time make your slaves a gift of something; do not allow them to be constantly in need of money in such a way that they are compelled to go out seeking it.

Buy slaves of a good price, for each one's value is in accordance with his price. Do not buy a slave who has had numerous masters; a woman who has had many husbands and a slave who has had many masters are held in no esteem. Let those you buy be well-favored. And when a slave truly desires to be sold, do not dispute with him, but sell; when a slave demands to be sold or a wife to be divorced, then sell or divorce, because you will have no pleasure from either.

If a slave is deliberately (and not through inadvertence or mistake) lazy or neglectful in his work, do not teach him under compulsion to improve; have no expectation of that, for he will in no wise become industrious or capable of improvement. Sell him quickly; you may rouse a sleeping man without a shout, but a dead body cannot be roused by the sound of a hundred trumpets and drums.

Provide for your slaves in such fashion that they will not escape, and treat them that you would have well, as benefits your dignity; if you have one person in good condition it is better than having two in ill condition. Do not permit your male slave to take to himself in your household someone whom he calls "brother," nor permit slave-girls to claim sisterhood with each other; it leads to great trouble. On bond and free impose the burdens which they are able to bear, that they may not be disobedient through sheer weakness. Keep yourself ever adorned with justice, that you may be included amongst them that are honored as such.

The slave must recognize your brother, sister, mother or father as his master. Set no store by the slave who always, when called to any work, demands to be sold and never has any fears with regard to being bought and sold; you will gain nothing good

from him. Change him quickly for another, seeking out one such as I have described. Thus you will achieve your purpose and suffer no troubles.

51 Circumcision of Men and Women

This reading—on circumcision—reflects Muslims' concern with ritual purity and conformity to Prophetic practice. The attitude displayed toward excision for women, however, seems more centered in male chauvinism than in a concern for ritual purity. Though it is less obligatory than male circumcision, it continues to be widely practiced in the Muslim world and—at least in Africa—in many non-Muslim cultures.

QUESTIONS TO CONSIDER

1. Why is circumcision practiced in Islam?
2. Why do other civilizations practice circumcision?

Text: Circumcision is a *sunna*—Prophetic practice—obligatory for men, while excision for women is an ennoblement.

Commentary: “*Obligatory*”—that is “confirmed” because of the saying of the Prophet in the two Authentic Collections [of al-Bukhārī and Muslim]: The natural state [of a man comprises] five things: circumcision, shaving of the pubic hair, clipping the mustache and plucking the hair of the armpits. Circumcising on the day of birth or on the seventh day is disapproved unless there is fear for the child's health, since that is the custom of the Jews. It may be done [prematurely] if the child is sick and it is feared he may die. There are conflicting views over whether a boy who is born without a foreskin should be operated upon.

Supercommentary: “*The natural state . . . five things.*” i.e., the qualities whereby a man is perfected so that he displays the finest characteristics. His statement: “*should be operated upon*”: one view is that whatever there is to be cut should be cut. Others said not.

Commentary: There are conflicting views over whether an adult who becomes a Muslim should be circumcised, if he fears this might be injurious to his health. Whoever fails to be circumcised without any excuse or reason is not permitted to be an imam—leader of communal prayer—or to give formal testimony.

Supercommentary: One of the commentators said: “It is forbidden to look at the genitals of an adult, or an adolescent or a boy who has attained puberty and no forbidden

act should be committed in order to carry out a sunna.” It would appear, therefore, that [the adult convert to Islam] should circumcise himself, since the man who has attained the age of legal responsibility is bound to do what will make his Islam complete. You are aware that circumcision makes a man's Islam complete. The same applies to a slave who is purchased after he attains puberty or who is adolescent. His statement “*is not permitted to be an imam*” lacks authority since [the accepted view of] the law school is that for an uncircumcised man to be imam is [merely] disapproved of [not forbidden].

Commentary: Excision is removal of excess [flesh] from the woman's vulva.

Supercommentary: Ibn ʿUmar said: “Excision is taking away some part of the protuberance [which lies] between the two labia.”

Commentary: “*An ennoblement*”—that is to say, a Sunna like the circumcision of men. It brings back fluid to a woman's face and makes intercourse more pleasant for the husband.

Supercommentary: His statement: “*That is to say, a Sunna*” lacks authority. The reliable view is that it is [merely] “preferred.” His statement: “*It brings back fluid to a woman's face*” appears to mean that fluid was in the face and then disappeared and was brought back by excision. However, this is not so. The meaning of its bringing back fluid to the face is that [excision] gives rise to a glamorous appearance in the face, to its glowing and shining.

Final Remark: Should an hermaphrodite be circumcised or not? Ibn Nāji said not, since on principle it is better to forbid something than to allow it, i.e., the hermaphrodite should not have either or both of its genitals operated upon.