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A Critique of the Exegesis of Verse 24 of Surah *al-Nisā'* by Translators and Commentators: Permissibility of Marriage with Married Captive Women of Disbelievers

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Abstract

The phrase "*Illā mā Malakat Aymānukum* (Except those your right hands possess)" in verse 24 of Surah *al-Nisā'* has been interpreted as permitting marriage with married captive women of disbelievers, as an exception to the prohibition of marriage with married women. The fundamental question is whether this translation, exegesis, and understanding of the mentioned verse has Quranic and historical support. The present study, using documentary and descriptive-analytical methods, aims to examine and clarifies the answer to this question in the verses of the Quran and historical reports, and arrives at the following findings: 1) The text and context of the Quranic verses regarding war and combat do not support such an interpretation; 2) There is no indication that "Except those your right hands possess" refers to prisoners of war; 3) Historical reports do not support the narratives cited by commentators; 4) Explicit rules regarding the treatment of prisoners of war in the Quran do not support this interpretation; 5) Considering the efforts of the Prophet of Islam (PBUH) towards the liberation of existing slaves in society, enslaving prisoners is contrary to this ethical practice of the Prophet (PBUH). The history of the Prophet's (PBUH) era can create a

fundamental change in the understanding of the verse that forms the basis of its interpretation. These types of translations and interpretations may have a post-analytical basis and be influenced by the era of Islamic conquests.

Keywords: Quran, History, Enslavement, Permissibility of Marriage with Married Captive Women.

Introduction

Marriage is a relative socio-cultural concept. Conventional (marriage) and unconventional forms of relationships between men and women find meaning within the context of a culture. The Quran legitimizes three types of relationships: permanent marriage (timeless), temporary marriage (time-bound), and "*Milk al-Yamīn,*" which is interpreted as "*Amah*" or "concubine," obtained through purchase, gift, and capture (*Sabī*). The victorious tribe in war would seize the property, men, and women of the defeated tribe as spoils and completely destroy their existence (Bahonar and Rafsanjani, 1967 AD/1347: 32). Women were divided among the warriors, who had the right to sexual gratification, even if they were married. Capturing women as slaves in wars and enjoying sexual relations without marriage was common among the tribes. This enjoyment took place without dowry or contract, because the concubine had no rights (Termenini, 1984: 30).

Verse 23 of Surah *al-Nisā'* addresses the prohibited degrees of marriage, and the beginning of verse 24, "*al-Muḥsanātu min al-Nisā'i illā mā Malakat Aymānukum*" (Lawful to you are all women, except those whom your right hand possesses), is interpreted by some translators like Khorramshahi and Fouladvand as referring to "Customary slave girls," while others like Ansariyan, Elahi Ghomeshei, Qara'ati, and Makarem Shirazi, interpret "*Mā Malakat Aymānukum*" as "Captive married women" and an exception to "*al-Muḥsanāt*: Free married women." Marriage to married women is forbidden except for married women of disbelievers who are captured by Muslims in war. Islam considers their capture (*Sabī*) as equivalent to "Divorce" and allows marriage to them after the completion of the waiting period (*'Iddah*), or treating them as slave girls. The justification given is that these women must return to the environment of disbelief, remain without a husband, or sever their relationship with their former husbands and have relationships with Muslims. The first option is against the educational principles of Islam, the second is unjust, and the third is the only correct and reasonable way that has been prescribed (Makarem, 1992 AD/1371 SH: 3, 333). Although the issue of slavery in Islam has been forgotten over time, it remains a

complex historical topic and a major excuse for raising doubts. The harsh image of the peace-loving face of Islam stems not only from the malice of those who sow doubt but also from such translations and interpretations.

There are two opposing views regarding the enslavement of war captives in Islam: The first view denies enslavement, considering only capturing as prisoners of war as valid, subject to certain conditions. "We do not find anywhere in the tradition of the Prophet (PBUH) and the Imams (AS) that they treated captives as slaves. In the wars in which the Prophet himself participated, he practically used one of the two rulings: "*Mannan* (Freeing) or *Fidā'* (Ransom)." Apparently, there is no precedent anywhere that the Prophet of God actually took slaves" (Motahari, 2013 AD/1393 SH: 19 and 64-65) and no captives of women and men were enslaved during the time of the Prophet (PBUH) (Subhani, 1984 AD/1363 SH: 2, 27-29). The Prophet's (PBUH) Sharia and some of the actions of Muslims throughout history are distinguishable. During the conquests, Muslims, contrary to the recommendations of Islam and its leaders, excessively engaged in the slave trade and enslavement (Yaqubi, 1983 AD/1362 SH: 29) and abandoned adherence to the laws of Sharia and the commands of the religion of Islam. Therefore, the actions of the Islamic world are something other than the religion of Islam (Muḥaqiq Dāmād, 2004 AD/1383 SH: 3).

The second perspective, held by some translators and commentators of verse 24 of Surah *al-Nisā'*, supports enslavement. The primary basis for this view is the narration of *Abī Saʿīd al-Khudrī*, which states that Muslims, in the Battle of *Awṭās* (*Ḥunayn*), captured women of the polytheists and intended to have sexual relations with them. The Prophet's (PBUH) herald announced: "Do not have sexual relations with pregnant women until they give birth, and do not have sexual relations with non-pregnant women until they are cleansed." (Ṭabrisī, 1952 AD/1372 AH: 3-4, 49) Considering that there is no explicit statement in the verse regarding enslavement, the purpose of this research is to examine the interpretation of war captives being enslaved based on this verse, and to investigate and clarify the

fundamental question: "Are these translations, interpretations, and understandings of the verse supported by Quranic and historical evidence, or not?" This issue has been critically examined based on a documentary and descriptive-analytical method, relying on explicit Quranic rules regarding captives, historical reports, the Prophet's (PBUH) ethics, and an examination of the narration. Considering the recorded nature of the Prophet's (PBUH) military expeditions and detachments, historical reports are the most important source for examining such interpretations.

1. Research Background

Limited research has been conducted in the field of the rights of war captives in Islam. Zereshki and Parvin (1399 AH) in their article entitled "A Research Article on the Legal Analysis of War Captives from the Perspective of Islam and Muslim Jurists," consider Islam and the Prophet (PBUH) as advocates of respecting human rights and dignity, compassion, love, and mercy, and prohibit aggressive warfare, revenge, and animosity in warfare with captives, considering them to possess human rights and enslavement to be contrary to human dignity. Farahmand, Haeri, and Fakhla'i (2021 AD/1400 SH) believe that in the verses, narrations, and the Prophet's (PBUH) and Imams' (A.S.) traditions, there is no defensible reason for endorsing enslavement. The legislation of rulings concerning slaves does not mean endorsing the system of slavery and enslavement, but rather to organize the existing situation and, in the next step, to improve the deplorable situation of slaves in society and to liberate them.

Arab Abouzaydabadi (2006 AD/1385 SH) in his article entitled "Slaves from Ignorance to Islam (Historical Analysis and Examination)" refers to the backgrounds and causes of slavery and the backgrounds and factors of the liberation of slaves in early Islam, and how the Ahl al-Bayt (AS) treated slaves. The above articles are generally about slavery in Islam.

The present study critically examines the translation and interpretation of verse 24 of Surah *al-Nisā'* concerning the enslavement of prisoners of war on the one hand, and the

permissibility of marriage to captive married women on the other. Its main focus is the issue of enslaving female prisoners and sexual enjoyment with married women.

2. Conceptual Analysis

In this section, I will address four categories: the concept of a slave, the concept of *Milk al-Yamīn,* the opinions of commentators, and the point of contention regarding "*al-Muḥṣanāt*" (chaste women) and "*Illā mā Malakat Aymānukum*" (Except those whom your right hands possess).

2.1. Concept of Slave

Amah means female slave or enslaved woman (Azarnoush, 2007 AD/1386 SH: 16), *'Abd* means slave, servant, attendant, and valet (Azarnoush, 2007 AD/1386 SH: 417). *'Abd* has two meanings: 1) Slave, servant, bought servant, owned person; 2) Follower, adherent, and devotee (Zarmohammadi, 2024 AD/1403 SH: 2181). Therefore, there are two categories of meanings for *'Abd* and *Amah*. *Amah*: 1) Maid, female slave, house worker, and female attendant; 2) *Amah* meaning female slave or enslaved woman. *'Abd* is also similar: 1) Worker, servant, valet, and page; 2) Serf, slave, and owned person. These two terms may have similarities in concept but are different in instance and rights. *'Abd* and *Amah* in Arabic, and *Barda* and *Kanīz* in Persian, indicate the complete deprivation of all rights from an individual, such that the individual is considered owned. While the rest of the terms, according to an agreement, indicate an individual serves someone else and can cancel the contract. For example, *Asmā Bint 'Umays*, *Abū Bakr*'s wife, was a servant of Lady Fatima (AS) during his caliphate. *Anas ibn Mālik* was the servant of the Prophet (PBUH) for ten years (Mursī Ṭāḥūn, 2013: 1, 444). A slave is the property of another and lacks any rights in law and social custom, while a serf enjoys some inalienable rights, and the master's power over a serf is unlimited and limited over a serf (Batamour, 1991 AD/1370 SH: 210-211). Slavery is an extreme form of a class system and inequality based on the ownership of humans as property.

A slave lacks any rights, while a serf or serf has minimal rights (Giddens, 1995 AD/1374 SH: 219-220). *Ibn Khaldūn* also distinguishes between a slave and a serf, believing that serf and servants were employed in service to aristocratic families through *Wala'* (loyalty/patronage) and alliance, and their position changed over time (like the Barmakids in the Abbasid court) (Ibn Khaldūn, 1955 AD/1375 AH: 1, 257). These individuals were serf, not slaves.

2.2. Milk Yamīn (Possession of the Right Hand)

"*Aymān*" is derived from the root (*Y-M-N*) and is the plural of "*Yamīn*," meaning right direction, right hand, blessing, ability, and oath. People would join their right hands when making agreements and oaths, and it was metaphorically applied to female slaves (Maʿlūf, 1983 AD/1362 SH; Zamakhsharī, 1983 AD/1404 AH: under the root (y-m-n)). "*Yamīn*" is a metaphor for the direction of good, power, and oath, and its plural forms are "*Aymān*" (with a *Fatha* on the *Alif* and a *Ḍamma* on the *Mīm*) and "*Aymān*." People would place their right hands together and take oaths when making agreements (Ṭurayḥī, 1947 AD/1367 AH: under the root (Y-M-N)). In the tribal system, there was no central security and power, so alliance was an important custom for establishing security. Giving refuge to the weak was a commendable trait, a sign of the power, chivalry, and generosity of a powerful individual or tribe. Neighborhood was an interpersonal agreement, and co-oathing was a group and tribal agreement. A strong tribe would give refuge to a weak tribe (Miqdād, 1987 AD/1408 AH: 1, 48-49). "*Jiwār*" (protection) was between individuals or an individual and a tribe. A poor, weak, and orphaned man or woman would be under the protection of a strong and wealthy individual, family, or tribe. "*Malakat*" in the phrase "*Malakat Aymān*" is a past tense verb indicating the occurrence of an action in the past. Before Islam, families would place their sons or daughters, or themselves, under the protection of wealthy and powerful individuals. "*Aymān*" is used in the Quran in two senses: 1) Oaths, covenants, and agreements (al-Māʾidah: 108, 53. al-Qalam: 39. al-Tawbah: 12, 13. al-Naḥl: 92 and 93, etc.); 2) Right direction (al-Aʿrāf: 17). "*Milk al-Yamīn*" means

obedient, under command (Zarmohammadi, 1982 AD/1403 SH: 3200), power, and possessions (Azarnoush, 2007 AD/1386 SH: 658). Considering the multiple meanings of "*Aymān*," restricting its interpretation and application exclusively to female slaves and bondwomen is prioritizing the figurative over the literal, as some lexicographers have pointed out. Even if "*Mā Malakat Aymān...*" meant a male or female slave before Islam, it underwent a conceptual transformation after Islam and was no longer simply deprived of free will, becoming more like a servant. For this reason, the servant could enter into an agreement with their master for their freedom (al-Nūr: 33).

This indicates that he has minimal rights and authority. Now, we must consider: who can be the subject of "Except those your right hands possess..."? 1) It is possible that it refers to the conventional and common slave girls in society; many commentators, such as *Allamah Ṭabāṭabā'ī*, confirm this; 2) It is possible that it refers to newly converted Muslim women who fled from Mecca to Medina; Muslims, by paying the expenses of their polytheistic husbands and gaining their consent, could marry them (Surah Muhammad: 4), which is also one of the opinions in the commentaries; 3) It is possible that it refers to single women, who lived alongside Muslims under a contract, and marriage to them was very easy and inexpensive; the verse allows marriage to them. The topic of discussion in verse 23 and the beginning of verse 24 is also marriage. This interpretation is consistent with commentator's views 1-3-2 and 3-3-2.

2.3. Commentators' Opinions

In the interpretation of "*al-Muḥṣanāt*" (protected women) and "*Illā mā Malakat Aymānukum*" (Except those your right hands possess), five viewpoints can be presented, and none are generally preferred. In this section, I will briefly mention them and critique the fifth viewpoint.

2.3.1. The meaning of "*Muḥṣanāt*" is free women, even if they are not married, and the meaning of "*Mā Malakat Aymānukum*" is to take

possession of a woman through marriage or purchase (slave girl) (Ibn Jawzī, 2001 AD/1422 AH: 1, 390).

2.3.2.   The meaning is that one cannot marry married women, except for slave girls who have husbands, because buying them is equivalent to divorce (Ṭūsī, n.d.: 3, 162; Ṭabrisī, 1952 AD/1372 AH: 5, 51), the buyer can have sexual relations with her. A person can marry his slave girl to his slave, then order him to abstain from her, then have intercourse with her after *Istibrā'* (checking for pregnancy), then return her to her previous husband without the need for a new marriage (Ṭabāṭabā'ī, 1970 AD/1390 AH: 4, 267; 'Ayyāshī, 1960 AD/1380 AH: 1, 232; Qummī, 1943 AD/1363 AH: 1, 135).

2.3.3. The meaning of "*Muḥṣanāt*" is chaste women, and the meaning of "*Mā Malakat*" is to take possession of chaste women through marriage and ownership. This view is based on the opinions of *'Umar*, *Sa'īd ibn Jubayr*, and *Abū al-'Ālīyah* (Ṭūsī, n.d.: 3, 163; Ṭabrisī, 1943 AD/1363 AH: 5, 51). The fundamental flaw with this view is that if the attribute has meaning, then unchaste women should not be forbidden.

2.3.4.   This verse concerns Muslim women who migrated with the Prophet (PBUH) and whose husbands had not yet converted to Islam and Muslims married them. Then their husbands migrated, and Muslims were forbidden from marrying them. This view is also based on a narration from *Abū Sa'īd al-Khudrī* (Tha'labī, 2001 AD/1422 AH: 3, 285).

2.3.5.   The intent is that one cannot marry married women except for non-Muslim women who are taken captive. Islam considers their captivity as a divorce and allows marriage with them after the waiting period (*'Iddah*) is over, or to treat them as slave girls (Makarem, 1992 AD/1371 SH: 3, 333; Ibn Juzay, 1995 AD/1416 AH: 1, 186). The main basis for this view is the narration of *Abū Sa'īd al-Khudrī*, who says: "The verse was revealed concerning the captives of *Awṭās*, and the Muslims intended to have relations with the captive women while they had husbands in *Dār al-Ḥarb* (territory of war)." When the verse was revealed, the Prophet's (PBUH) herald announced that they should not have relations with pregnant women before they give birth

and with non-pregnant women before *Istibrā'* (one menstrual cycle). *Abū Saʿīd* also narrated in another way that in the battle of *Awṭās*, a young woman fell to my lot. I was taking her away when she raised her head and pointed to a man, saying, "He is my husband." God revealed this verse, and we considered them lawful for ourselves (Māturīdī, 2003 AD/1424 AH: 3, 106). Some have said that the intention is for infidel women who are captured in war without their husbands and are not pregnant. But if they are captured with their husbands, they remain in their marriage (Khorramdel, 2005 AD/1384 SH: 1, 149).

2.4. Point of Contention

The point of contention is the fifth view from the interpreters, who, based on the narration of *Abū Saʿīd* about the captives of the Battle of *Awṭās*, consider it permissible to enslave married infidel captive women and marry them after the end of the waiting period, or to take them as slave girls, and their captivity is considered as a divorce.

3. Critique and Review of the Fifth View

The interpretation that capturing women and taking them into slavery in verse 24 of Surah *al-Nisā'* is subject to criticism from various aspects. The most important sources for criticizing this interpretation are the verses of the Quran about prisoners of war and historical reports. Alongside these two important sources, the ethical conduct of the Prophet (PBUH) and the critique of *Abū Saʿīd*'s narration will be supporting arguments.

3.1. The Quran and Enslavement of Captives

The Quran explicitly states the prohibition of taking captives in the heat of battle (al-Anfāl: 67), the taking of captives once the war subsides, and the freeing of captives after the end of the war either as a favor or in exchange for ransom (Muhammad: 4, al-Baqarah: 85), and it does not suggest a third option. The phrase "Those whom your right hands possess" in verse 24 of Surah *al-Nisā'* cannot refer to female war captives for the following reasons: The word "Captive" and its derivatives appear in five verses (al-Aḥzāb: 26, al-Insān: 8, al-

Anfāl: 67 and 70, and al-Baqarah: 85), and none of them mention enslavement. In the narrative texts, a third option is presented: choosing between paying ransom or being killed. The very status of being an "*Amah*" or a female slave permits the owner any form of sexual gratification without requiring marriage or dowry, whereas verses 23 and 24 of *al-Nisā'* are about marriage, and instructing about sexual gratification with female slaves is redundant. *Mursī Ṭāḥūn* claims that before Islam, slave-taking was common among tribes through various means such as war, buying and selling, and borrowing to pay debts. Islam did not explicitly abolish slave-taking, but instead adopted gradual measures for freeing slaves, promoting freedom and preparing them psychologically and mentally to pave the way for physical freedom. With the advent of Islam, many rules changed. Defensive war, aggression, and transgression were prohibited (al-Baqarah: 190), compulsion to change beliefs was forbidden (al-Baqarah: 256), peace and reconciliation were the default, and war and aggression were the exception (al-Anfāl: 61), and all forms of genocide, destruction and burning of farms, cities, settlements, trees, and violation of the sanctity of women were prohibited. *Mursī*, while acknowledging slave-taking in Islam, discusses the differences in Islamic rules, saying that Muslims' treatment was generous, merciful, and out of compassion and kindness. Enjoying a woman collectively was not permitted and was exclusive to her owner (Mursī Ṭāḥūn, 2013: 3, 212). It seems that *Mursī Ṭāḥūn* has confused enslavement with ownership. These two are distinct. There is no verse in the Quran about enslaving prisoners of war. Islam has not only closed the door to enslavement, but has also provided ways to free existing slaves through *Mukātabah* (contract of manumission), atonement for religious duties, *Zakāt*, and so on. *Mursī* himself quotes a narration from *Ibn Qayyim*: "The Prophet (PBUH) never enslaved a free person." (Mursī Ṭāḥūn, 2013: 3, 214)

Three hypotheses regarding verse 24 of Surah *al-Nisā'* are worth considering, which can, to the extent possible, alleviate ambiguity. 1) "*al-Muḥṣanāt*" refers to married women, and "*Mā Malakat Aymānukum*" (those whom your right hands possess) refers to

ordinary maids in society. The verse expresses the permissibility of proposing marriage to slave girls owned by others or married to others, or becoming a buyer to purchase and marry them, even if they have a husband or owner. This possibility is consistent if "*Mā Malakat*" means slave. *Majma' al-Baḥrayn*, under "Except those your right hands possess" in verse 24 of Surah *al-Nisā'*, raises the following assumptions: It is said that "*Qīla*" (it is said) refers to a slave girl whom her master has married off to his slave; he has the right to separate her and enjoy her sexually. 2) The reference is to newly converted Muslim women who have fled from *Dār al-Kufr* (the abode of disbelief) and have husbands, and are under the protection of a Muslim: "O! you who have believed, when the believing women come to you as emigrants, examine them. Allah is most knowing as to their faith. And if you know them to be believers, then do not return them to the disbelievers; they are not lawful [wives] for them, nor are they lawful [husbands] for them. But give the disbelievers [husbands] what they have spent. And there is no blame upon you if you marry them when you have given them their due compensation (al-Mumtaḥanah: 10). Faith is tantamount to divorce, and a Muslim can marry the newly converted Muslim woman by paying the expenses of the previous (disbelieving) husband. 3) There is also a reasonable possibility that "*al-Muḥṣanāt*" refers to wealthy married women for whom marriage was expensive, and "*Mā Malakat Aymānukum*" refers to widows, orphans, and fatherless girls who lived in the homes of Muslims according to an agreement, and it was possible for a Muslim to marry them at a lower cost, who were also called servants and maids in common parlance, and colloquially, slaves. According to the author of the article, these three interpretations are consistent with the data of the Quran, history, and the prophetic tradition, and inconsistent with slavery. The Quran states: "So when you meet those who disbelieve [in battle], strike [their] necks until, when you have inflicted slaughter upon them, then secure their bonds, and either [confer] favor afterwards or ransom [them] until the war lays down its burden." (Muhammad: 4)

The verse presents two general approaches: 1) Bestowing favor

and granting free release to prisoners, as occurred in many wars; 2) Ransom (*Fidā'*) meaning compensation or indemnity, which could be: 1) Spiritual (teaching), 2) Financial payment, 3) Prisoner exchange, 4) Reconciliation with the tribe, 5) Service contract, 6) Marriage for the sake of freedom (these women are widows or virgins, not currently married), 7) Killing if deserved. No other option exists in the explicit and implicit meaning of the verses. *Al-Bayḍāwī* writes in his commentary: "The prisoners were brought before the Prophet (PBUH) and distributed among the Muslims, who were advised to treat them kindly. The prisoners lived in the homes of the companions or in the mosque." (Mursi Ṭāḥūn, 2013: 1, 481)

Considering that no specific center was responsible for the care of the prisoners and they needed attention, they were distributed among the Muslims, not for sexual enjoyment, but rather the Muslim, with the permission of the Prophet (PBUH), would apply one of the above methods. The care and maintenance of prisoners was the responsibility of the general Muslim population if the government was unable to provide it (Zereshki and Parvin, 2019 AD/1399 SH: 20). The concluding phrase of the verse, "When the war has laid down its burdens," is a very key point. War ends only when all its issues are resolved.

3.2. Historical Narratives and Enslavement of Captives

The Prophet's (PBUH) *Ghazwas* (battles where the Prophet participated) and *Sarāyās* (expeditions where the Prophet did not participate) are recorded in history: 1) In eight *Ghazwas*, encounters occurred (Ibn Kathīr, 2004: 1, 471), and in many *Sarāyās*, there was no conflict (cf. Ibn Kathīr, 2004: 1, 472-610). 2) In some wars, women and children were taken prisoner, including the Battle of *Ḥunayn* or *Awṭās*. Commentators consider the Battle of *Ḥunayn* and *Awṭās* as the occasion for the revelation of verse 24 of Surah al-Nisā' based on the hadith of *Abī Saʿīd al-Khudrī*. *Ḥunayn* is a desert or valley near *Dhū Majāz* (Ṭabarī, n.d.: 2, 462) or a place near *Ṭā'if*, ten miles from Mecca ('Āmilī, 1971 AD/1391 AH: 8, 28).

Awṭās is a valley in the land of *Hawāzin* near *Ḥunayn* towards

Ṭā'if. *Hawāzin* and *Thaqīf* camped there, and then faced the Muslims in *Ḥunayn*. The *Hawāzin* tribe and its allies were defeated, and some of them fled to *Ṭā'if*, some to *Nakhla,* and some camped in *Awṭās* ('Āmilī, 1971 AD/1391 AH: 8, 201). Three reports exist regarding this event:

1) *Mālik ibn 'Awf*, along with the *Hawāzin* tribe, the *Thaqīf* tribe, and a number of other tribes, brought women, children, camels, and sheep, along with all their possessions, into *Ḥunayn* and declared war against the Prophet (PBUH). Upon learning of this, the Prophet (PBUH) equipped his forces and attacked *Ḥunayn*, defeating them and capturing the women and children, and seizing their property as spoils.

2) *Mālik ibn 'Awf* gathered the *Hawāzin* and was joined by the tribes of *Thaqīf, Naṣr, Jushm, Sa'd ibn Bakr*, and some of the *Banū Hilāl*. Together with their women, children, and possessions, they set out towards the Muslims and entered *Awṭās*. The Prophet (PBUH) sent a man among them to ascertain their intentions. After confirming the report, the Prophet (PBUH) attacked them with twelve thousand men, and with the victory of the Muslims, the women and children were taken captive, and their property was seized as spoils (Ibn Hishām, n.d.: 4, 69; Ibn Athīr, n.d.: 2, 261; Ṭabarī, n.d.: 2, 462-465).

3) According to a report, the location of the battle was *Ḥunayn*. Some of the polytheists fled to *Ṭā'if*, and some to Awṭās. The Prophet (PBUH) sent a group under the command of *Abū 'Āmir Ash'arī* to *Awṭās*. *Abū 'Āmir* was killed, and *Abū Mūsā Ash'arī*, his cousin, took command and suppressed the enemy (Ṭabarī, n.d.: 2, 465-466). The *Sarīyyah* (military expedition) of *Awṭās* took place alongside the Battle of *Ḥunayn*. The Muslims captured all the property, possessions, women, and children of the *Hawāzin*. One of the captives was *Shaymā,* the Prophet's (PBUH) foster sister, whom the Prophet (PBUH) respectfully freed after recognizing her and ordered all the property and captives to be moved to *Ji'rānah* and kept there until the fate of *Ṭā'if* was decided (Ibn Athīr, n.d.: 2, 265-266). After overcoming the *Thaqīf* tribe, he returned to *Ji'rānah* to determine the fate of the spoils (Ibn Hishām, n.d.: 4, 90). Among the spoils were about six thousand women and children (Ibn Hishām, n.d.: 4: 111;

Wāqidī, 1956 AD/1376 SH: 2, 943). *Ṭabarī* briefly reports that a delegation from the *Hawāzin* tribe came to the Prophet (PBUH) and requested the release of the captives. The Prophet (PBUH) released all the women and children and returned to Medina (Ṭabarī, n.d.: 2, 466), and explains in detail that this delegation said to the Prophet (PBUH), "O! Messenger of Allah, we are of one origin and clan, hardship has befallen us, bestow your favor upon us so that God may bestow His favor upon you." A man from *Banī Sa'd*[1] stood up and said, "O Messenger of Allah, these women are your paternal and maternal aunts who were responsible for your care; you were the best-cared-for person." The Prophet gave them the choice between the freedom of the women and children or their wealth, and they chose the captives. The Prophet said, "What is my share and the share of the children of *'Abdul Muṭṭalib*, I give to you." He instructed them to rise after the noon prayer and announce: "We make the Messenger of God intercede with the people regarding our women and children, and you we make intercessors with the Prophet (PBUH)." The Prophet (PBUH) announced his forgiveness, and the Muhajirun and Ansar said, "What is ours is for the Prophet (PBUH)," and they forgave their share. Some tribal chiefs, newly converted to Islam, were not willing to forgive, but with the opposition of the tribal members, they also forgave (Ṭabarī, n.d.: 2, 468, Wāqidī, 1956 AD/1376 AH: 2, 951-952, Ibn Hishām, 2007 AD/1428 AH: 4, 113-112, Ibn Athīr, n.d.: 2, 269). According to a report, Shaymā, the Prophet's (PBUH) foster sister, requested the release of the prisoners from the Prophet (PBUH). The Prophet said, "What is my share and the share of *Banī Hāshim*, I give to you," and he reminded Shaymā of the same things he had taught the *Hawāzin* delegation. The rest of the Muslims, following the Prophet (PBUH), freed the prisoners for free (Ṭabarī, n.d.: 2, 468, Ya'qūbī, 1942 AD/1362 AH: 1, 425). Regarding *Mālik ibn 'Awf*, who was the cause of the *Ḥunayn* incident, the Prophet (PBUH) said, "If *Mālik* becomes a Muslim, I will return his family and property and give him a hundred camels." *Mālik* became a Muslim, and the Prophet (PBUH)

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1. Ḥalīma, the Prophet's wet nurse, was from the tribe of Banī Sa'd.

fulfilled his promise and entrusted him with the responsibility of *Ḥunayn* and *Ṭā'if* (Ṭabarī, n.d.: 2, 468-469). According to a report, *'Awf* was forgiven at *Shaymā*'s request ('Āmilī, 1971 AD/1391 AH: 8, 290). Whether the Prophet (PBUH) freed the prisoners at the request of *Shaymā* or the *Hawāzin* delegation, or both, it seems that *Shaymā* started first, and then the *Hawāzin* delegation started ('Āmilī, 1971 AD/1391 AH: 8, 297). According to these historical reports, the words of the commentators are irrelevant that the occasion of the revelation of verse 24 of Surah *al-Nisā'* is the Battle of *Ḥunayn* or the *Sarīyyah* of *Awṭās*, which they analyze based on the narration of Abi Saeed. *Ibn Athīr* narrates *Awṭās* within the Battle of *Ḥunayn* and at the end explicitly states the release of all captive women and children (Ibn Athīr, n.d.: 2, 268-269).

3.3. The Prophet's (PBUH) Ethics and Enslavement

Slaveholding is one of humanity's oppressive habits, which, over time, became considered a right of the wealthy and powerful, to the extent that Greek philosophers considered human beings as belonging to two unchangeable categories: free and enslaved. The Messenger of God, with a sound conscience and good morals, opposed this view, considering all humans equal in their original nature, spirit, and emotions. He did not consider race, color, or language as elements of discrimination and did not give anyone the right to enslave another person or deprive them of their human rights. He knew well that the system of slavery could not be eliminated by decree. His most important action was to close the routes of entry (enslavement) and open the routes of exit from enslavement. Changing the structure of society occurs through changing the spirit, ethics, and laws of the society. The Prophet (PBUH) stated at every opportunity: Masters and slaves are brothers and have equal rights; all are from one race, from one father and mother, and from dust. Slave traders are the worst of people. He emphasized not to call slaves "My slave" or "My bondmaid," but rather to say "My boy" or "My young man" (Mujtahid Zanjani, 1967 AD/1347 SH: 380-382). On the day of the conquest of Mecca, *Sa'd ibn 'Ubādah Khazrajī*, one of the standard-bearers of Islam, declared: "Today is the day of torment, the day of violating

sanctities, and the day of the humiliation of the Quraysh." The Prophet (PBUH) ordered the flag to be taken from him and said: "Announce: Today is the day of mercy and honor for the Quraysh." He said to the Quraysh: "What do you expect me to do with you?" They said: "Goodness and kindness." He said: "You are free; go," and he pardoned them all (Ibn Athīr, n.d.: 2, 246-252; Ṭabarī, n.d.: 2, 459). In the conquest of Mecca, all women and men were granted general amnesty and freed, except for 5 men and 4 women who were said to have to be killed, although the path to repentance was also open to them (Ya'qūbī, 1942 AD/1362 AH: 1, 419). Due to his strong interest in freeing prisoners, the Prophet (PBUH) taught Shaymā and the *Hawāzin* delegation how to speak to the Muslims so that they would be convinced and relinquish their rights, to the extent that he refrained from distributing them for a while until the *Hawāzin* delegation arrived, and he promised them that he would speak to the Muslims and intercede in their favor.

The Prophet (PBUH) relinquished his share and that of the *Banī 'Abd al-Muṭṭalib* and asked the Muslims to relinquish their shares willingly. Those who did not consent should receive ransom, and those who consented, the Prophet (PBUH) allocated fifteen camels from the *Fay'*[1] (spoils of war) as ransom for each individual. Why did the Prophet (PBUH) pay so much attention to the freedom of prisoners? He taught *Shaymā* and the representatives how to speak to the people so that they would be satisfied, or he undertook to pay the ransom for the dissatisfied. The answer to this question lies in his moral conduct. The Prophet's mission is to free mankind from the chains of ideological and social slavery (al-A'rāf: 157). The Prophet (PBUH) sought to attract people, unite hearts, and liberate people from all forms of bondage. Enslaving women and children brought shame to the Arab tribes and led to animosity and enmity, which was incompatible with the Prophet's purpose and a serious obstacle to conversion to Islam. The Prophet (PBUH), through his moral character and conduct, reduced the grounds and opportunities for hostility ('Āmilī, 1970 AD/1391 AH: 8, 299-300). The Prophet's

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1. The "*Fay'*" was exclusively for the Messenger of God.

(PBUH) ethics and the teachings of the Quran prescribe freeing slaves through the disbursement of *Zakāt* (al-Tawbah: 60), expiation for sins (al-Mā'idah: 89), expiation for murder (al-Nisā': 92), and contracts. How can a person, who makes utmost recommendations regarding women, children, the elderly, the weak, and the sick in the heat of battle, allow their enslavement? It is a clear contradiction that Islam simultaneously emphasizes the liberation of slaves, condemns human trafficking, and allows the enslavement of prisoners of war. Which is correct: "The liberation of slaves or the enslavement of prisoners and the continuation of this flawed and false cycle? The Prophet was the pinnacle of good morals for his Ummah." (Mursī Ṭāḥūn, 2013: 1, 444). One of the Prophet's (PBUH) goals was to combat unethical customs in the form of actions, words, and prevailing thoughts of the time. The customary war ethics of the Arabs included massacres, burning of fields, plundering of property and possessions, enslaving women and children, killing, enslaving men, and seizing the property of the defeated tribe as booty. In contrast, the Prophet's (PBUH) logic and ethics in war were based on right, justice, and respect for human rights. If a school of thought's approach is to liberate slaves, reason dictates that it should block the entry points to enslavement, not leave the entry and exit points open. When the prisoners returned to their homeland, they spoke of Muhammad's morals, love, generosity, kindness, piety, reform, and goodness (Mursī Ṭāḥūn, 2013: 1, 482-483).

3.4.   Report from *Abū Saʿīd al-Khudrī* and Enslavement

The Sunan *al-Bayhaqī* narrates, in a *Mursal* report from *Abū Saʿīd al-Khudrī* that the Prophet (PBUH) sent an army to *Awṭās*. They fought the enemy and were victorious, taking women who had husbands and children from the *Hawāzin* tribe as prisoners. Some of the companions intended to have sexual relations with them but were concerned because they had husbands. God revealed this verse, and this act became permissible for them. The *Mursal* report of Ibn Abbas regarding the verse expresses a similar content in various ways, stating that on the day of *Ḥunayn*, when victory was achieved, the Muslims faced captive women. When they intended to approach a woman, she would say, "I have a husband." The Messenger of God

was asked about this, and this verse was revealed. The *Mursal* report of *Saʿīd ibn Jubayr* also expresses the same content (Suyūṭī, n.d.: 2, 137-138). The narration of *Abū Saʿīd al-Khudrī* also attributes the occasion of the revelation of verse 24 of Surah *al-Nisā'* to the captives of the Battle of *Awṭās*.[1] The Prophet (PBUH) of Islam, after ensuring that the captive women were not pregnant, allowed the Muslims to marry them or treat them as concubines (Makarem Shirazi, 1995 AD/1374 SH: 3, 334). The *Mursal* report of *Ruwayfiʿ ibn Thābit Anṣārī* states that the Messenger of God forbade us from having intercourse with pregnant women before they gave birth. Rather, we had to wait for them to give birth, and those who were not pregnant, we had to wait for their "*Istibrā'*" (cleansing) (Qarashī, 2001 AD/1380 SH: 328, quoting from *Ibn Isḥāq*: 3, 345). The hadith of *Abū Saʿīd al-Khudrī* and *Ruwayfiʿ* have a similar content; given that they are *Mursal*, it is possible that one is narrated from the other. The hadith of *Ruwayfiʿ* has not received attention in the commentaries. He was one of the companions of the Prophet (PBUH) and was appointed governor of Tripoli by *Muʿāwīyah ibn Abī Sufyān* in the year 46 AH, and he was one of the commanders in the attack on Africa and died in Africa in the year 56 AH (Ziriklī, 1980: 3, 36). However, the *Mursal* report of *Abū Saʿīd* is the basis for most commentators. The narration of *Abū Saʿīd*, and any other hadith that is relied upon by the commentators, can be critiqued for the following reasons:

3.4.1. It has become clear in the above lines that historical reports in reliable sources explicitly state that all women and children captured in the *Ghazwa* of *Ḥunayn* and *Awṭās* were freed without ransom and returned to their tribes. Therefore, such hadiths are devoid of reality and Surah *al-Nisā'*, verse 24, does not have such a context of revelation (*Sha'n Nuzūl*). Even the Prophet (PBUH) pledged to cover the ransom of those who were unwilling.

3.4.2. Narrations with the content of enslaving female captives and the permissibility of marrying them are inconsistent with the text and context of the verses on fighting and prisoners of war in the Quran. In the Quran, no verse, whether verses on fighting, verses related to

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1. *Awṭās* is the name of a location where one of the Islamic battles took place.

prisoners, or verses containing the phrase "*Milk Yamīn*" (that which your right hand possesses), indicates such a matter, neither in its explicit meaning nor in its implicit meaning. The hadiths regarding presenting narrations to the Quran invalidate such narrations. *Kulaynī* narrates numerous hadiths in the chapter on presenting narrations to the Quran, including: "The Messenger of Allah (PBUH) said: "Take whatever agrees with the Quran and abandon whatever contradicts it," "Imam Ṣādiq (AS) said: "Every hadith that does not agree with the Book of God is embellished falsehood." Whatever is narrated from me that agree with the Quran is from me, and whatever is narrated that does not agree with the Quran, I did not say it." (Kulaynī, 1986 AD/1407 AH: 1, 69). Narrations supporting the enslavement of captives are in direct contradiction with the verses of the Quran. There are five verses in the Quran about prisoners of war (Muhammad: 4, al-Anfāl: 67 and 70, al-Insān: 8, al-Aḥzāb: 26, al-Baqarah: 85), and none of these verses discuss enslavement.

3.4.3. Among the five opinions regarding the interpretation of verse 24 of Surah *al-Nisā'*, only one opinion, based on the hadith of *Abū Sa'īd*, considers "Illā Mā Malakat Aymānukum" (except those whom your right hands possess) to refer to women captured in war who have husbands in *Dār al-Kufr* (the land of disbelief), and that sexual enjoyment with them is permissible in the form of marriage or concubinage. The other four opinions have different interpretations. The narration of *Abū Sa'īd al-Khudrī*, as the basis for this view, in addition to its weak chain of transmission, does not have the strength to restrict the general meaning of the Quran. "*Milk Yamīn*" in the Quran refers to the common concubine (Ṭabāṭabā'ī, 1970 AD/1390 AH: 4, 267-268). Some, while confirming the weakness of the chain of transmission of *Abū Sa'īd*'s narration, have said that the narration also has a problem in terms of its implication, because the captives of *Awṭās* were idolaters and marriage with them was not valid (Ṭabrisī, 1952 AD/1372 AH: 5, 51). *Shaykh Ṭūsī*, while narrating this news, weakens *Abū Sa'īd al-Khudrī* (Ṭūsī, n.d.: 3, 162).

3.4.4. The discussion in verse 23 and the beginning of verse 24 concerns the prohibition of marriage with the women mentioned. If captivity is tantamount to the divorce of women who have been

captured in war and have husbands in *Dār al-Kufr* (land of disbelief) and can be enslaved, there is no need to discuss marriage with them, because enjoyment with a female slave is permissible without marriage.

3.4.5. Slavery is different from enslavement. All of Islam's programs are aimed at freeing slaves, not enslaving people. For this reason, there is no book titled "*al-Riqq* equals with enslavement" in the books of jurisprudence; rather, there is a book titled "*al-'Itq* equals with freeing slaves." (Motahhari, 2002 AD/1381 SH: 52) The existence of a third way of dealing with prisoners, namely enslavement, is an imposition of the times on jurisprudence and has no justification (Muḥaqqiq Dāmād, 1963 AD/1383 AH: 57), and it is also an imposition of the times on interpretation. The main causes of slavery were war, bullying, and poverty. Islam forbade taking slaves through poverty and bullying, and only permitted taking prisoners in war (Motahhari, 2015 AD/1393 SH: 19). Enslavement is incompatible with the inherent dignity and status of man, which is emphasized by the Quran (al-Isrā': 70). In the pre-Islamic era, women were commodities of society and spoils of war. The victor would seize the vanquished woman without any conditions (Hashemi, Bahonar, 1967 AD/1347 SH: 1, 36). The practice of the Prophet (PBUH) is the same as what happened after the conquest of Mecca. He addressed the Quraysh, saying, "What do you expect me to do with you?" They said, "Goodness." The Prophet (PBUH) said, "Go, you are free," even though the people of Mecca were polytheists and disbelievers and had taken the most severe and harshest actions against the Prophet and Muslims in the past years (Ibn Athīr, n.d.: 2, 252). The Muslims were discussing the cruelty and harshness, not the enslavement, of the people of Mecca (Ibn Athīr, n.d.: 2, 246).

3.4.6. The goal of Islam is to free mankind from ideological and social slavery, and the main factor in attracting people was the Prophet's (PBUH) good nature, kindness, and compassion. Enslavement, according to Mujtahid Zanjani, contradicts this ethical approach.

3.4.7. The narration of *Abū Saʿīd Khudrī* is confused in terms of its text. Sometimes he considers the occasion of revelation of the verse to be about himself, who intended to enjoy a captured married woman,

and sometimes he speaks generally about the prisoners of the Battle of *Awṭās*, and sometimes he says that this verse was revealed about the migrant women who accompanied the Prophet (PBUH).

3.4.8. Different interpretations call into question the certainty of one interpretation. The approach, the text, and the context of the verses of the Quran and historical narratives are in direct contradiction with such an interpretation.

Of course, history, according to *Juwaynī*, is full of digging up, burning, killing, taking, and leaving, enslaving children and young women, plundering and destroying cities, houses, and neighborhoods (Juwaynī, 1950 AD/1370 AH: 1, 82 and 100), and looting all the possessions of the vanquished and enslaving prisoners (Montesquieu, 1983 AD/1362 SH: 409). Sometimes the normativity of a phenomenon in history makes it difficult to accept the opposite, but the discussion is about the Prophet (PBUH) of mercy, not Genghis Khan.

Conclusion

This article examined the issue of enslaving married female prisoners of war who were non-believers and taking possession of them in the form of marriage or concubinage. In summary, the research results are as follows:

1) The issue of enslavement is different from the prevailing slavery system in society. Islam faced the slavery system and tried to liberate people. There is no definitive reason for enslavement from the perspective of Islam and the Quran.

2) Some translations and interpretations of verse 24 of Surah *al-Nisā'*, regarding enslavement and sexual possession of these women, reinforce the suspicion that Islam approves of enslavement.

3) Islam has used many ways to free existing slaves; naturally, it should close the entry points for enslavement. Leaving the entry and exit open is a flawed and ineffective cycle.

4) Many translators and commentators seem to have confused slavery with enslavement. The phrase "Except those whom your right hands possess" can be understood and evaluated without applying it to married female captives and concubines from among the non-believers; there is no need for such an imposition.

5) Enslavement is inconsistent with the Quran's approach, definitive historical accounts from the time of the Prophet (PBUH), and the Prophet's moral conduct.

6) Different interpretations in the translation and interpretations of the verse indicate the uncertainty of a single interpretation.

7) The existence of some hadiths, while contradicting the approach of the Quran and historical accounts, have been disregarded or weakened by many commentators after consideration. It seems they are influenced by the events of the Islamic conquests. The actions of the Islamic world are separate from the religion of Islam and the Prophet's conduct. No credible historical document confirms that the Prophet (PBUH) or Muslims, in this battle (*Ḥunayn* or *Awṭās*), took prisoners of war as slaves or concubines. All historical evidence, surviving authentic texts and the tone of the Quran regarding prisoners of war show that Islam is a religion of peace and reconciliation, not war and violence. Enslaving prisoners is a continuation of violence.

The freeing of the people of Mecca and their general pardon, the freeing of the prisoners of *Badr*, *Banū al-Muṣṭaliq*, and *Banū Hawāzin*, are examples of the Prophet Muhammad's (PBUH) moral model. The Prophet (PBUH), in response to the Muslims' harsh slogans during the conquest of Mecca, spoke of mercy and the honor of the Quraysh. It is possible that the tradition of tribal authoritarianism overshadowed and persisted in the interpretation of religious texts and traditions during the period of Islamic conquests (Allah knows best).

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