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# Human Trafficking and Slavery in the Muslim World: Islamic Law and Human Rights Advocacy as Key Factors in Eradicating this Millenary Practice

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Received : 3 July 2025

Revised : 26 September 2025

Accepted : 27 November 2025

Online : 20 December 2025

## Abstract

This study examines the historical evolution and contemporary manifestations of slavery and human trafficking in the Muslim world by integrating historical analysis, Islamic legal interpretation, and modern human rights perspectives. The research addresses the central problem of the persistence of exploitative practices such as forced labor, child exploitation, and coercive religious or educational systems despite the ethical and legal principles within Islam that emphasize human dignity and freedom. Using a qualitative documentary method, the study analyzes pre-Islamic practices, early Islamic reforms, classical legal traditions, and current forms of exploitation in Muslim-majority societies. Findings reveal that slavery in pre-Islamic Arabia was deeply embedded within regional social structures, but Islam introduced significant moral and legal reforms that promoted humane treatment and encouraged emancipation. However, variations in cultural and political contexts across regions allowed certain practices to persist. In the modern era, new forms of human trafficking continue to challenge both legal frameworks and societal norms. The study concludes that Islamic teachings, when understood through their historical and ethical trajectory, provide a strong foundation for eliminating all forms of human exploitation. It also highlights the importance of contemporary legal interpretations that reject slavery entirely and call for greater alignment between Islamic principles and modern human rights standards.

**Keywords:** slavery, human trafficking, Islamic law, emancipation, exploitation, Muslim world, legal reform

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## INTRODUCTION

Slavery and human trafficking have long constituted integral aspects of social, economic, and cultural systems across many societies. In the Arabian Peninsula, slavery was deeply embedded within tribal structures and interregional trade networks connecting the Mediterranean world, the Horn of Africa, East Africa, the Indian Subcontinent, Central Asia, and Southeast Asia (Freemon, 2019). Archeological and historical evidence demonstrates that enslavement occurred through warfare, debt bondage, hereditary transmission, concubinage, and commercial exchange, reflecting a broad spectrum of practices shared across Afro-Irano-Semitic, Mesopotamian, Greco-Roman, and Indus Valley cultural milieus (Freemon, 2019). Prior to Islam, slaves were typically considered property, excluded from tribal lineages, and deprived of civil recognition.

The advent of Islam in the 7th century introduced substantial moral and social reforms. Although Islam did not abolish slavery outright—given the institution’s entrenchment in Arabian society—Prophet Muhammad redefined the ethical treatment of enslaved persons, encouraged manumission, and emphasized their moral worth and civil rights (Esposito, 2005; Lewis, 1994; Watt, 1974). Qur’ānic teachings and *Aḥādīth* reframed slavery as an undesirable and abnormal condition, imposing regulatory measures that promoted humane treatment and created pathways toward emancipation (Robertazza, 2025). Nevertheless, due to centuries of shared legal cultures across Africa, Arabia, and the broader Middle East, certain pre-Islamic norms persisted, making the complete eradication of slavery gradual and complex.

In the contemporary Muslim world, overt and covert forms of modern slavery persist, including child exploitation, domestic servitude, forced marriage, migrant worker abuse, organ trafficking, and sex trafficking. The phenomenon of Talibé children in West Africa—subjected to forced begging, physical abuse, and exploitation—illustrates how deeply rooted and multifaceted modern trafficking networks remain (Amnesty International, 2022). Although Muslim-majority states officially condemn slavery, a significant gap continues to exist between religious principles, legal frameworks, and implementation on the ground. This disconnect forms the central research problem addressed in this study: how can Islamic Law (*Sharī‘ah* and *Fiqh*) be utilized more effectively to eradicate modern forms of human trafficking and slavery?

Existing scholarship has examined historical patterns of slavery in the Middle East (Freemon, 2019), Islamic legal reforms (Esposito, 2005), and the persistence of slavery and trafficking in Muslim societies. Contemporary Muslim scholars also highlight the emergence of a “new *ijmā‘*” that interprets Islamic jurisprudence as unequivocally supportive of a slaveless society, responding to modern human rights contexts (El-Sawi, 2011). This study builds on that literature by demonstrating how Islamic Law—through its jurisprudential tools such as *ijmā‘* and *qiyās*—can offer robust frameworks for combating modern trafficking. The novelty of this research lies in linking pre-Islamic, early Islamic, and contemporary legal interpretations to propose a unified, historically grounded approach that aligns Islamic legal principles with modern human rights advocacy.

The scope of this article encompasses pre-Islamic Arabian practices, early Islamic reforms, medieval developments across the Islamic world, and current challenges in Muslim-majority regions including the Maghreb, West and East Africa, the Middle East, Central Asia, and Southeast Asia. By examining doctrinal sources, legal interpretations, and contemporary social realities, this study proposes strategies for strengthening the role of Islamic Law in addressing modern exploitation.

The structure of the paper is as follows. The first section presents the historical background of slavery in the pre-Islamic Arabian Peninsula. The second examines the reforms introduced by Prophet Muhammad and their integration into Islamic Law. The third explores the Qur'anic and Prophetic perspectives on slavery and their implications. The fourth analyzes slavery and human trafficking across the Islamic world in historical perspective. The fifth discusses contemporary manifestations of modern slavery, including case studies such as the Talibé children. The sixth proposes solutions grounded in Islamic jurisprudence and collaboration with human rights advocacy groups. The conclusion highlights the need for renewed exegetical engagement particularly through *ijmā'* and *qiyyas* to eradicate human trafficking and slavery in the Muslim world.

## LITERATURE REVIEW

Scholarship on slavery and human trafficking in the Muslim world spans historical, legal, and sociocultural analyses, offering diverse interpretations of how these practices originated, evolved, and continue to manifest. Much of the existing literature emphasizes the deep historical roots of slavery in the pre-Islamic Arabian Peninsula, highlighting its integration within regional economic and social structures. Freamon (2019) provides one of the most comprehensive examinations, arguing that slavery in pre-Islamic Arabia was shaped by intersecting Afro-Irano-Semitic, Mesopotamian, and Greco-Roman cultures, which established norms of enslavement through warfare, hereditary lineage, and commercial exchange. This broad cultural matrix demonstrates that Arabian slavery was not an isolated system but part of a wider transregional institution.

Other scholars such as Esposito (2005) and Lewis (1994) focus on legal and moral transformations introduced by Islam. Their works highlight how Qur'anic ethics reframed slavery as a morally undesirable condition and encouraged emancipation, while still acknowledging the complexities of eliminating an entrenched institution. While these studies concur that Islam initiated progressive reforms, they differ in their interpretations of the extent to which Islamic Law challenged or accommodated existing social hierarchies. Watt (1974), for example, emphasizes pragmatic limitations within early Muslim communities, suggesting that the continuation of slavery reflected socio-economic necessities rather than theological endorsement.

A third strand of literature examines slavery within broader Islamic civilizations, emphasizing the diversity of practices across regions. The document highlights evidence from North and West Africa, the Middle East, the Persian Gulf, and Southeast Asia, illustrating how slavery adapted to local cultural norms, economic needs, and political systems. These studies demonstrate both continuity and variation: while Islamic moral teachings remained influential, local customs often shaped how slavery was practiced and regulated. This decentralization of authority created tensions between Islamic ideals and social realities—a theme echoed in Robertazza's (2025) analysis of the challenges faced by modern Muslim-majority states in eradicating trafficking.

Contemporary scholarship on modern slavery in Muslim societies focuses on issues such as migrant labor exploitation, forced marriage, child trafficking, and religiously mediated forms of coercion. Amnesty International (2022), for instance, documents the forced begging of Talibé children in West Africa, highlighting not only the physical abuses involved but also the complicity of sociocultural institutions. These empirical findings reveal the persistence of exploitation despite widespread legal prohibitions, suggesting that social, economic, and religious factors continue to undermine enforcement efforts.

Across these bodies of literature, several research gaps emerge. First, although historical and legal analyses are extensive, few works synthesize pre-Islamic, early Islamic, and modern contexts into a unified framework capable of addressing contemporary trafficking. The sources tend to focus either on historical slavery or on modern human rights violations, with limited efforts to integrate both domains under Islamic jurisprudence. Second, while the notion of a “new *ijmā*” supporting the abolition of slavery has been proposed (El-Sawi, 2011), existing scholarship rarely explores how this emerging consensus might be operationalized within contemporary legal systems. Third, empirical studies document present-day abuses, but they seldom engage Islamic legal tools—such as *qiyās* or *maqāṣid al-shari‘ah*—that could serve as normative foundations for abolitionist policies.

Taken together, the literature suggests that significant progress has been made in understanding both the historical and contemporary dimensions of slavery. However, substantial inconsistencies remain between legal theory, historical precedent, and present-day realities. The current study seeks to address these gaps by synthesizing historical trajectories, Islamic legal discourse, and modern human rights concerns to propose an integrated framework for combating human trafficking in the Muslim world. By doing so, it contributes to bridging the divide between normative Islamic principles and the empirical challenges faced by contemporary Muslim societies.

## METHODS

This study uses a qualitative approach based on document analysis, which is in accordance with the character of historical, normative, and textual studies of the practice of slavery and human trafficking in the Muslim world. All research data were obtained from the written sources available in the document, including historical works on the practice of slavery in pre-Islamic Arabia, sources of classical Islamic law, and contemporary reports on modern slavery practices. Because the topic of this research is rooted in a long historical span and is entirely literature-based, the research does not involve human participants directly, but examines texts, reports, and scientific findings as the main subjects of the study.

This research focuses on various areas that are the historical and social context of the practice of slavery as discussed in the sources of the document. The pre-Islamic Arabian region is the main location of early historical studies because it is in this region that the practice of slavery was formed through the influence of Afro-Iranian-Semitic, Mesopotamia, and Mediterranean cultures as explained by Freamon (2019). In addition, the research also covers the North and West African regions, particularly in the study of the exploitation of Talibé children reported by Amnesty International (2022), as well as the Middle East and Gulf regions, which in the literature are described as part of a wider slave trade network from antiquity to the early Islamic period. Thus, this research does not have a single physical location, but utilizes the geographical context as a space for textual study.

The time of the study covers a wide historical range, starting from the pre-Islamic period, the prophetic period in the 7th century, the development of slavery laws and practices in the classical Islamic world, to modern forms of slavery and human trafficking that still occur into the contemporary era. Modern sources such as Amnesty International (2022) and Robertazza (2025) serve as the basis for understanding the actual conditions that demonstrate the persistence of these practices of injustice despite legal and moral reforms.

The data collection method in this study was carried out through intensive study of various types of texts. Historical sources such as Freamon (2019) are used to understand the practice of slavery in the pre-Islamic period. Meanwhile, references to the Qur'an and

*Aḥādīth*—as discussed in the document—became the basis for a normative analysis of the reforms brought about by Islam. The work of Esposito (2005), Lewis (1994), and Watt (1974) helps explain the social context and legal changes that Islam introduced in treating slaves and encouraging emancipation. On the other hand, Amnesty International's report (2022) provides empirical data on modern slavery practices that are relevant to compare Islamic legal norms and current social realities. The study of the emergence of the "new *ijmā'*" as explained by El-Sawi (2011) is used to understand the development of contemporary Islamic legal discourse on the issue of the abolition of slavery.

Data analysis was carried out using content analysis and comparative text analysis. The entire text is read in depth to identify key themes such as forms of slavery, normative regulation in Islam, the practice of slavery in Muslim societies, and modern forms of exploitation. The themes found are then critically analyzed to see how the concepts have evolved over time and how they are influenced by social, legal, and cultural conditions. A comparative analysis was carried out by comparing the pre-Islamic practices described by Freamon (2019) with the reforms noted by Esposito (2005), Lewis (1994), and Watt (1974), and linking them to contemporary situations such as the Talibé case reported by Amnesty International (2022). This approach allows researchers to assess the consistency, tension, and development of Islamic legal interpretations, including new ideas about *ijmā'* (El-Sawi, 2011), as well as to place them within the framework of the challenges of modern human trafficking.

Thus, this research method allows for the integration of historical studies, analysis of Islamic law, and contemporary conditions, so as to provide a comprehensive understanding of how the concepts, practices, and regulations of slavery occurred in Muslim societies, as well as how Islamic teachings can be a normative foundation in combating modern human trafficking practices.

## FINDINGS AND DISCUSSIONS

### Findings

The findings of this study indicate that slavery in pre-Islamic Arabian society functioned as a complex and deeply rooted system shaped by interconnected cultural influences from Africa, Persia, Mesopotamia, and the Mediterranean world, as described by Freamon (2019). Enslavement occurred through warfare, trade, inheritance, and social dependency, making slavery an integral part of the pre-Islamic social structure. The analysis of Islamic legal sources further reveals that the emergence of Islam introduced significant moral and legal reforms aimed at humanizing the treatment of slaves and promoting pathways to emancipation. Scholars such as Esposito (2005), Lewis (1994), and Watt (1974) note that Islamic teachings redefined slaves as moral subjects rather than mere property, marking a notable shift from pre-Islamic practices.

The study also finds that the development of slavery within the wider Islamic world did not follow a single uniform pattern. Although Islamic teachings encouraged liberation and ethical treatment, the actual practice of slavery varied across regions such as North Africa, West Africa, and the Middle East. My analysis shows that local cultural, political, and economic conditions shaped these regional differences, allowing certain forms of slavery to persist despite the presence of Islamic principles supporting manumission.

In the contemporary period, the findings show that modern forms of exploitation continue to exist in several Muslim-majority societies. The case of Talibé children in West Africa, documented by Amnesty International (2022), demonstrates that coercion, forced

labor, and abuse remain present even when they do not take the exact form of traditional slavery. These findings highlight a clear gap between the normative vision of human dignity in Islamic teachings and the social realities in which exploitation still occurs.

Another significant finding concerns the emergence of the concept of a “new *ijmā‘*,” as discussed by El-Sawi (2011), which asserts that slavery in all its forms has no legitimate place in the modern Islamic legal framework. This evolving consensus strengthens the interpretation that Islamic law, both in its foundational texts and contemporary jurisprudential developments, supports the complete abolition of slavery and human trafficking.

Overall, these findings demonstrate that while slavery has appeared in multiple forms throughout Islamic history, Islamic moral and legal principles provide strong foundations for its eradication. At the same time, ongoing challenges in the modern era underscore the need for renewed application of these principles to address contemporary manifestations of exploitation in Muslim societies.

## Discussion

### Setting the Scenery: Slavery in the Pre-Islamic Arabian Peninsula

Based on archeological and historical records, there is evidence, at times also corroborated by oral traditions and tribal lore, that slavery has been a constant in almost all societies at some point in time practiced by almost all cultures on all continents.

Most likely, the first slaves on Earth were captives taken during and after a battle who were then utilized as free labor to perform a vast array of chores, as in the case of tilling the land, tending to the flocks, assisting the household of some elite members with cleaning and cooking, and/or supporting the religious leaders in their sacred rituals.

In some cases, slavery was also hereditary and/or it was the result of unpaid debts which could then be satisfied by paying a ransom. The Arabian Peninsula was no exception.

Indeed, based on archeological and historical records, there is evidence that up until the third century of the Common Era slavery in the Arabian Peninsula—a vast geographical area known in Arabic as the “Island of the Arab people” (جزيرة العرب) and encompassing present-day Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, the United Arab Emirates (UAE), Yemen, and parts of southern Iraq and Jordan—was mostly confined to prisoners of tribal and, most of the time, intertribal conflicts and rivalries. Alas, this system also contemplated enslavement:

[...] by birth, usually when either or both parents were enslaved, [...] self-sale, sale or gift of wives, children, or disabled persons by persons acting in loco parentis, commercial sale of one already enslaved, enslavement for religious purposes, debt bondage, including temporary debt bondage, enslavement as security for payment of a debt, enslavement as punishment for crime, state slavery [...], enslavement as recompense for civil wrong and to satisfy religious authorities after transgressions, female concubinage, commercial prostitution of female slaves, certain kinds of enslavement following inheritance or adoption, and [...] enslavement of a foundling or other unwanted or abandoned orphan (Freemon 2019: 86).

Slave trade routes linked the Arabian Peninsula to the rest of the Middle East and beyond, as in the case of the Indian Ocean slave trade/human trafficking connecting the Horn of Arica, East Africa, the Indian Subcontinent, and Southeast Asia. For centuries before the arrival of Islam in the middle of the 7th century of the Common Era, commodities, including slaves, moved along the western shores of the Arabian Peninsula, thus bringing together, in

several cases for the first time, the Eastern Mediterranean world to the Horn of Africa, East Africa, and some of the major cultures and societies of Southeast Asia.

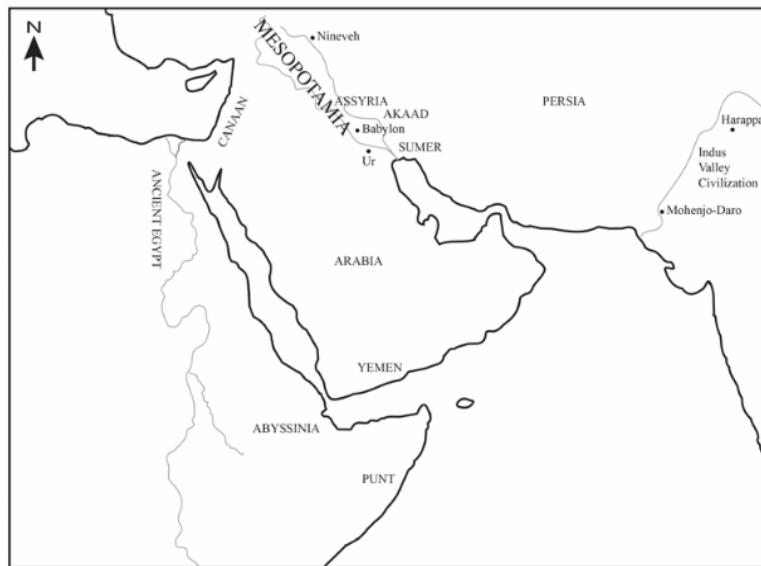


Figure 1.

The Ancient Middle East (including the Indus Valley) (Mujahid Khan in Freamon 2019: 20).

Indeed, the Kingdom of Nabataea (c. 4<sup>th</sup> century-323 Before the Common Era) played a key role in this exchange of ideas and products, including slaves, between the Mediterranean and the Indian Ocean. As elsewhere in the world, economic growth meant prestige and power which oftentimes translated into direct and indirect influence of cultural norms that eventually were absorbed by and integrated into the mores of the local populations situated along these trade routes. In this case, the tribes that made their home in the Arabian Peninsula, particularly in the Hejaz (الحجاز *al-Hijāz*), the Rakhbah Plain (Hismā Plateau), and present-day Yemen were particularly influenced by the cultural innovations hailing from a myriad of places that passed through on their way to the Indian Ocean transnational market areas and, on their way back, returned to the shores of the Mediterranean Sea.

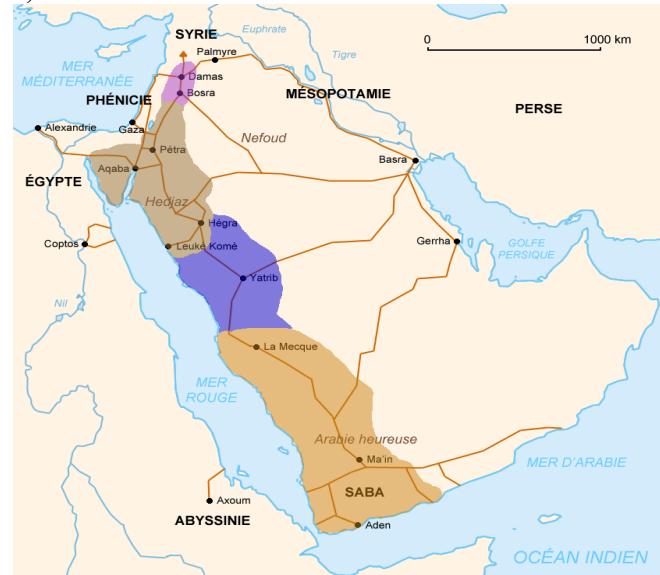
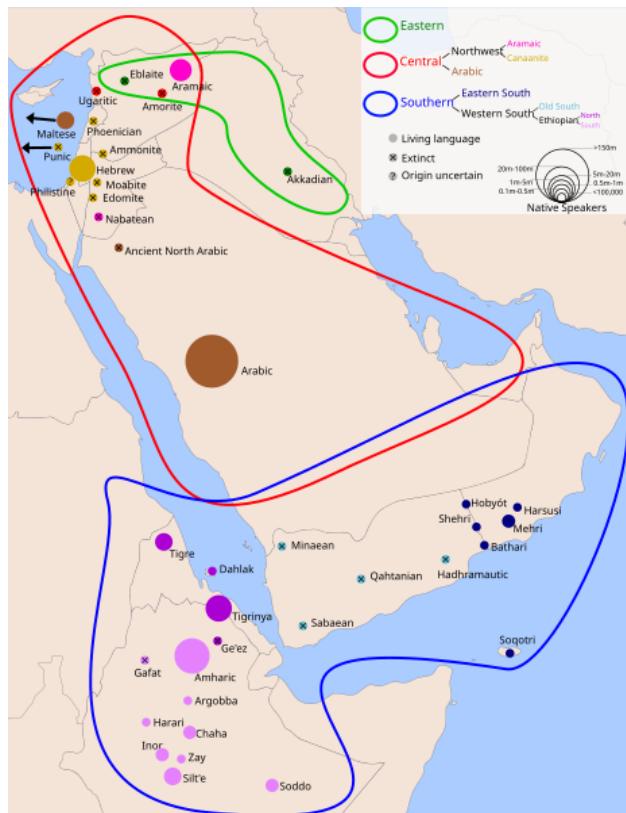


Figure 2.

Kingdom of Nabataea (c. 4<sup>th</sup> century-323 Before the Common Era) (Alternate History).

### Slavery and Prophet Muhammad: Steps in the Right Direction

Recently, taking into account the joint and mutually influenced social values of the people inhabiting some parts of Africa,<sup>1</sup> the Arabian Peninsula, ancient Iran, Transoxiana,<sup>2</sup> parts of India, and the Semitic world therein contained,<sup>3</sup> Bernard Freamon coined the expression “Afro-Irano-Semitic legal cultures” to represent this shared legacy of the pre-Islamic Middle East that was instrumental for the establishment of the Islamic culture that burgeoned in the mid-7<sup>th</sup> century of the Common Era (Freamon 2019: 23).



**Figure 3.**  
Distribution of the Semitic languages (Semitic Languages).

In other words, despite the many and socially much-needed innovations brought by Islam and the subsequent breaking away from a tribal and polytheistic society, Islamic moral codes still had to come to terms with the centuries-old cohabitation with and influence from diverse peoples whose values left an indelible mark on Arab mores.

Parting company from these traditions was very difficult, if not impossible. Hence, it should not be a surprise that Greco-Roman, Hebrew, Afro-Irano-Semitic, Mesopotamian, Indus Valley, Nabataean, and Central Asian (moral) standards and (social) customs became intertwined with pre-Islamic, Arab traditions as in the case of slavery and slave trade.

<sup>1</sup> Particularly ancient Egypt, Ethiopia, the Horn of Africa, East Africa, and present-day Sudan and South Sudan.

<sup>2</sup> Transoxiana: a historical region encompassing present-day eastern Uzbekistan, western Tajikistan, parts of present-day Kazakhstan, parts of present-day Turkmenistan, and parts of present-day southern Kyrgyzstan.

<sup>3</sup> As in the case of groups of people who speak and at some point in time spoke Akkadian (Assyrian and Babylonian), Amharic, Amorite, Arabic, Aramaic, Eblaite, Hebrew, Phoenician, Syriac, and Ugarit.

For instance, in pre-Islamic times, the Arab tribes recognized their lineage through blood lines; hence, the slave was an outcast. Only tribal members who could trace their origins to a common ancestor were part of the tribe: صَمِيم *samīm* (pure/authentic Arab) and/or صَرِيْح *sarīh* (pure-blooded Arab) (Traini 1966-1973: 2: 740; 2: 766). On the other hand, slaves were part of their owner's estate. In other words, slaves were just merchandise.

Prophet Muhammad (c. 570-632)—in his role as a conduit for God's word and wishes for Humanity—was able to introduce numerous changes within Arab society that were later incorporated into Islamic Law (شَرِيْعَة *Shari'ah* and فِقْه *Fiqh*), thus being part of the Islamic dogma, namely: the end of the privilege for the upper class(es), the abolition of social hierarchies, and the eradication of most tribal laws. All this was accompanied by an overall improvement of Arab society,<sup>4</sup> the social status of women, family, children, and orphans (Santillana 1925, 1: 119-307).

Yet, aside these groundbreaking changes, which completely transformed, and forever, Arab society of the time Prophet Muhammad was not able to fully eliminate other pre-Islamic practices hailing from the Afro-Irano-Semitic legal cultures and milieu, as in the case of slavery, since this very lucrative trade was deeply rooted in Arab society.

Nevertheless, even though Prophet Muhammad (as instructed by the Supreme Being)<sup>5</sup> did not introduce drastic antislavery laws, he was able to modify the treatment of slaves. Indeed, the concepts of slave and slavery were redefined in such a way that decent treatment and eventually voluntary manumission of slaves were encouraged at all times. In other words, from now on the slave is not any longer a commodity but rather is a human being<sup>6</sup> worth of compassion and who also enjoys some civil rights (Esposito 2005: 79; Lewis 1994: 3-15; Watt 1974: 234).

#### THE MIDDLE EAST & INTERNATIONAL TRADE (c. 632-c. 1500 CE)

During the golden age of Islam (c. 650-c. 1250) and the early years of Portuguese exploration in Africa, Asia, and the Americas, the most important goods transported via land and sea routes to, from, and passing by the Middle East were:

- \* Mercury, sugar, wine, and wool (Iberian Peninsula)
- \* Cotton, gold, ivory, salt, and slaves (Maghreb)
- \* Gold, ivory, precious wood, and slaves (Swahili Coast and vicinity)
- \* Animals, carpets, copper, iron, manufactures, naphtha, paper, and textiles (Arabian Peninsula)
- \* Camels, gold, horses, iron, manufactures, and precious stones (Central Asia)

<sup>4</sup> As in the case of adultery, marriage, divorce, fornication, inheritance (from the father's side), infanticide of young girls, rampant gambling, limitless polygamy, exploitation of the poor, and thievery, among the many social issues that Prophet Muhammad (de)regulated and that were then put under the umbrella of حَرَام *harām* (prohibited), مُكْرُوه *makrūh* (borderline), مَنْهُوب *mandūb* (recommended), فَرْض *fardh* (mandatory), and حَلَال *halāl* (allowed, under certain conditions), that collectively form the عَبَادَات *'ibādāt*, or rather, the rules that govern faith and religious service of أَصْوَل الْفِقْه *uṣūl al-fiqh* (Islamic Jurisprudence). (Levi 2022: 99). See **Figure 17** below.

<sup>5</sup> Prophet Muhammad received the word of God piecemeal, either directly or indirectly through the angel جَبْرِيل *Jibril* (Gabriel), between the year 610 (on لَيْلَةُ الْقَدْر *Laylat al-Qadr*, the Night of Destiny) and the year of his death (632). Yet, even though the Qur'an came down from Heaven at different stages during a little over twenty-two years (Qur'an 17:106), its archetype is in Heaven and it is uncreated/never created" and unadulterated, or rather, it has always been there, as a living entity, placed forever and ever near God seated on the throne. (Levi 2023a; Tooba).

<sup>6</sup> See: Qur'an 3:98; Qur'an 49:13; Bukhārī; Ḥazālī; and Zurqānī.

* Carpets, copper, drugs, gold, indigo, iron, manufactures, precious stones, precious wood, and textiles (South Central Asia)
* Amber, flax, fur, hemp, honey, slaves, tallow, timber, wax, and whalebone (northwest Russia)
* Ambergris, aromatics, drugs, indigo, ivory, precious stones, spices, textiles, and tortoise shells (Indian Ocean basin)
* Aromatics, drugs, gold, precious wood, spices, and tin (Southeast Asia)
* Brocade, camphor, porcelain, satin, silk, sugar, taffeta, and tea (South China Sea basin)
* Brocade, jade, rhubarb, silk, and slaves (Northern China)

Chart 1.

The Middle East and International Trade (c. 632-c. 1500 CE) (Levi 2011: 5).

### Slavery in the Qur’ān and the *Aḥādīth* of Prophet Muhammad



Figure 4.

بِلَالُ بْنُ رَبَّاحٍ Bilāl ibn Rabāh (Slavery in the Early Caliphate 2022).<sup>7</sup>

Even though the Qur’ān and the *Aḥādīth* of Prophet Muhammad accept slavery as a despicable manifestation of human societies throughout the (then-known) world they consider it an abnormal circumstance of living among humans on Earth; hence, both sacred texts impose restrictions in order to regulate it and, possibly, eradicate it (by encouraging kindness and eventually manumission) (Robertazza 2025: 41).

Indeed, in the Qur’ān there are numerous آيات *āyāt* (verses) that defend and promote compassionate behavior toward slaves. Additionally, there are various cases in which Muslims are encouraged to bestow freedom upon their slaves either directly or indirectly, namely, by selling a slave to someone else so that the latter can later free the slave. In some *āyāt*, for instance, the manumission of a slave is seen as a way to atone for one’s sins: indeed, زَكَة zakat (alms), one of the Five Pillars of Islam, can be used to free a slave:

<sup>7</sup> Bilāl ibn Rabāh (580-640), one of the first companions of Prophet Muhammad who converted to Islam and the first muezzin, was a Meccan slave of Abyssinian ancestry who was freed by the Prophet; yet, the manumission was negotiated by ‘Abd Allah ibn Abī Quhāfa, or rather, Abū Bakr (c. 573-634), the future first Muslim caliph (632-634).

وَاعْبُدُوا اللَّهَ وَلَا تُشْرِكُوا بِهِ شَيْئًا وَبِالْوَالِدِينِ احْسَنَا وَبِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ  
وَالْمَسَاكِينَ وَالْجَارِ ذِي الْقُرْبَىٰ وَالْجَارِ الْجُنُبُ وَالصَّاحِبِ بِالْجُنُبِ وَابْنِ السَّبِيلِ وَمَا  
مَلَكْتُ أَيْمَانَكُمْ إِنَّ اللَّهَ لَا يُحِبُّ مَنْ كَانَ مُخْتَالًا فَخُورًا

Serve God, and join not Any partners with Him; And do good — To parents, kinsfolk, Orphans, those in need, Neighbours who are near, Neighbours who are strangers, The Companion by your side, The way-farer (ye meet), And what your right hands posses: For God loveth not The arrogant, the vainglorious; — (Qur’ān 4:36; Ali: 1983: 191).

لَيْسَ الْبَرُّ أَنْ تُؤْلِنُوا وُجُوهَكُمْ قَبْلَ الْمَشْرِقِ وَالْمَغْرِبِ وَلَكِنَّ الْبَرَّ مَنْ عَامَنَ بِاللَّهِ  
وَاللَّيْلَوْمَ الْأَخْرَ وَالْمُلْكَةَ وَالْكِتَابَ وَالنَّبِيَّنَ وَعَاتَى الْمَالَ عَلَى حُبِّهِ ذُو الْقُرْبَىٰ  
وَالْيَتَامَىٰ وَالْمَسَاكِينَ وَابْنِ السَّبِيلِ وَالسَّائِلِينَ وَفِي الْرِّقَابِ وَأَقَامَ الْصَّلَاةَ وَعَاتَى  
الرَّزْكَوَةَ وَالْمُوْفَقُونَ بِعَهْدِهِمْ إِذَا عَاهَدُوا وَالصَّابِرِينَ فِي الْبَأْسَاءِ وَالضَّرَّاءِ وَحِينَ  
الْبَأْسِ أَوْلَىكُمُ الَّذِينَ صَدَقُوا وَأَوْلَىكُمُ الْمُنْتَقُونَ

It is not righteousness That ye turn your faces Towards East or West; But it is righteousness—, To believe in God And the Angels, And the Book, And the Messengers; To spend of your substance, Out of love for Him, For your kin, For orphans, For the needy, For the wayfarer, For those who ask, And for the ransom of slaves: To be steadfast in prayer, And practice regular charity; To fulfill the contracts Which ye have made; And to be firm and patient, In pain (or suffering) And adversity, And throughout All periods of panic. Such are the people Of truth, the God-fearing (Qur’ān 2:177; Ali 1983: 69-70).

إِنَّمَا الصَّدَقَاتُ لِلْفَقَرَاءِ وَالْمَسَاكِينِ وَالْعَمَلِينَ عَلَيْهَا وَالْمُؤْلَفَةُ قُلُوبُهُمْ وَفِي الْرِّقَابِ  
وَالْغَرِمِينَ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةٌ مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ

Alms are for the poor And the needy, and those Employed to administer the (funds). For those whose hearts Have been (recently) reconciled (To Truth); for those in bondage And in debt; in the cause Of God; and for the wayfarer: (Thus is it) ordained by God, And God is full of knowledge And wisdom (Qur’ān 9:60; Ali 1983: 458).

إِلَّا عَلَى أَزْوَاجِهِمْ أَوْ مَا مَلَكُتْ أَيْمَانُهُمْ فَإِنَّهُمْ غَيْرُ مُلْمِسِينَ

Except with those joined To them in the marriage bond, Or (the captives) whom Their right hands possess, — For (in their case) they are Free from blame (Qur’ān 23:6; Ali 1983: 874).

وَأَنْكِحُوا الْأَيْمَمَيْ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَامَكُمْ إِنْ يَكُونُوا فُرَارَاءَ يُغْنِمُ اللَّهُ  
مِنْ فَضْلِهِ وَاللَّهُ وَسِعٌ عَلَيْهِ

Marry those among you Who are single, or The virtuous ones among Your slaves, male or female: If they are in poverty, God will give them Means out of His grace: For God encompasseth all, And He knoweth all things (Qur'ān 24:32; Ali 1983: 905).

وَلْيَسْتَعْفِفْ أَذْيَنَ لَا يَجِدُونَ نِكَاحًا حَتَّى يُغْيِّبُهُمُ اللَّهُ مِنْ فَضْلِهِ وَالَّذِينَ يَبْتَغُونَ الْكِتَابَ مَمَّا مَكَنَّ أَيْمَنُكُمْ فَقَاتِبُهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا وَعَأْتُوْهُمْ مِنْ مَالِ اللَّهِ الَّذِي أَعْطَيْتُكُمْ وَلَا تُنْكِرُهُوْ فَتَيْتُكُمْ عَلَى الْبَيْعَاءِ إِنْ أَرْأَنَّ تَحْسِنَأَ لَتَبْتَغُوا عَرْضَ الْحَيَاةِ الْدُّنْيَا وَمَنْ يُكْرِهُهُنَّ فَإِنَّ اللَّهَ مِنْ بَعْدِ إِكْرَاهِهِنَّ غَفُورٌ رَّحِيمٌ

Let those who find not The wherewithal for marriage Keep themselves chaste, until God gives them means Out of His grace. And if any of your slaves Ask for a deed in writing (To enable them to earn Their Freedom for a certain sum), Give them such a deed If ye know any good In them; yea, give them Something yourselves Out of the means which God has given to you. But force not your maids To prostitution when they desire Chastity, in order that ye May make a gain In the goods of this life, But if anyone compels them, Yet, after such compulsion, Is God Oft-Forgiving, Most Merciful (to them) (Qur'ān 24: 33; Ali 1983: 906).

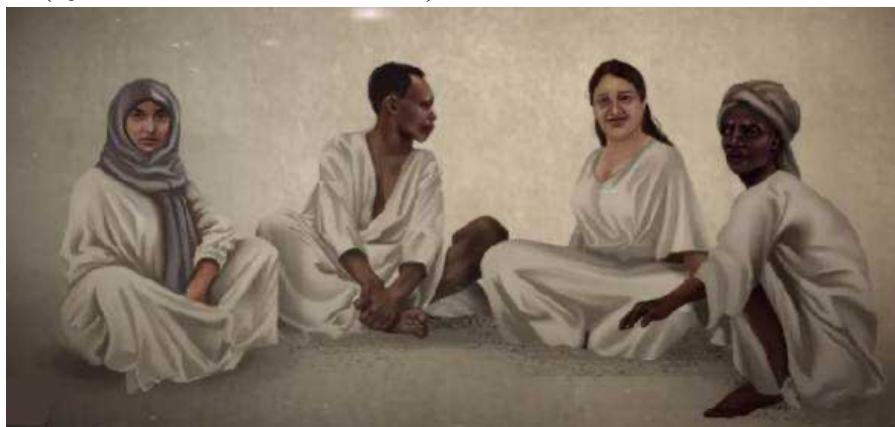


Figure 5.  
Slavery and the Qur'ān (Slavery in the Early Caliphate 2022).

In the *Aḥādīth*<sup>8</sup> of Prophet Muhammad there are numerous procedures that guide Muslims as to how to treat slaves. Indeed, Prophet Muhammad always encouraged treating slaves as human beings and, whenever possible, he also advocated for their complete emancipation:

<sup>8</sup> “The *Hadīth* حَدِيثٌ, plural أَحَادِيثٌ *Aḥadīth*, of Prophet Muhammad, also known as *al-Akhbār* الأخبار and *al- Athar* الأثر. *Al-Akhbar* and *al-Athar* are often used as synonyms for the *Aḥadīth*. The term *Al-Akhbar*—singular *al-Khabar*—usually carries the meaning of 'tradition' as it refers to only one person, often with a historical connotation. The *hadīth* حَدِيثٌ, Arabic for story, is the 'tradition,' i.e., the written record of the sayings and doings, *Sunnah*, of Prophet Muhammad and his Companions. Together with the Qur'ān, the *hadīth* forms the basis for Islamic Jurisprudence (أصول الفقه) *uṣūl al-fiqh*, principles of Islamic Law). Obviously, this traditional literature was first transmitted orally, through memorization, and then—for fear of permanent loss—it was written down for posterity.” (Levi 2024:31. See also: Levi, 2021a: 10).

أَخْبَرَنَا مَحْمُودُ بْنُ عَيْلَانَ، - هُوَ الْمَرْوَزِيُّ - قَالَ حَدَّثَنَا أَبُو دَاؤُدُ الطَّيَالِسِيُّ، قَالَ حَدَّثَنَا هَشَّامٌ، عَنْ قَنَادَةَ، عَنْ الْحَسَنِ، عَنْ سَمْرَةَ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ "مَنْ قَتَلَ عَبْدَهُ قَتَلَنَا وَمَنْ جَدَعَهُ جَدَعَنَا وَمَنْ أَخْصَاهُ أَخْصَيَنَا" .

It was narrated from Samurah that the Messenger of Allah said: "Whoever kills his slave, we will kill him: whoever mutilates (his slave). We will mutilate him, and whoever castrates (his slave), we will castrate him" (Sunan an-Nasa'i 4736, <https://sunnah.com/nasai:4736>).

حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ، وَقَيْصِرَةُ، قَالَا: حَدَّثَنَا سُفْيَانُ، عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ، عَنْ مَيْمُونِ بْنِ أَبِي شَبِيبٍ، عَنْ عَمَّارِ بْنِ يَاسِرٍ قَالَ: لَا يَضْرُبُ أَحَدُ عَبْدَهُ لَهُ وَهُوَ ظَالِمٌ لَهُ إِلَّا أَقْيَدَ مِنْهُ يَوْمَ الْقِيَامَةِ.

'Ammar ibn Yasir said, "None of you beats his slave unjustly without the slave receiving retaliation from him on the Day of Rising" (Al-Adab Al-Mufrad 181, <https://sunnah.com/adab:181>).

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يَزِيدَ، قَالَ: حَدَّثَنَا سَعِيدُ بْنُ أَبِي أَيْوَبَ قَالَ: حَدَّثَنِي أَبْنُ عَجْلَانَ، عَنْ بَكْرِيْ بْنِ عَبْدِ اللَّهِ، عَنْ عَجْلَانَ، عَنْ أَبِي هُرَيْرَةَ، عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: لِلْمُمْلُوكِ طَعَامُهُ وَكِسْوَتُهُ، وَلَا يَكُلُّ مِنَ الْعَمَلِ مَا لَا يُطِيقُ.

Abu Hurayra reported that the Prophet, may Allah bless him and grant him peace, said, "The slave has his food and clothing. Do not burden a slave with work which he is incapable of doing" (Al-Adab Al-Mufrad 192, <https://sunnah.com/adab:192>).

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُوسَى، عَنْ هَشَّامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ أَبِي مُرَاوِحٍ، عَنْ أَبِي ذَرٍّ - رضي الله عنه - قَالَ سَأَلَتِ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَيُّ الْعَمَلِ أَفْضَلُ، قَالَ "إِيمَانُ بِاللَّهِ، وَجَهَادٌ فِي سَبِيلِهِ". قَالَ فَأَيُّ الرِّقَابِ أَفْضَلُ قَالَ "أَغْلَاهَا ثَنَنَا، وَأَنْفَسُهَا عَنْ أَهْلِهَا". قَالَ فَإِنْ لَمْ أَفْعُلْ. قَالَ "تَعْيُنُ صَانِعًا أَوْ تَصْنُعُ لَأَخْرَقَ". قَالَ فَإِنْ لَمْ أَفْعُلْ. قَالَ "تَدْعُ النَّاسَ مِنَ الشَّرِّ، فَإِنَّهَا صَدَقَةٌ تَصَدَّقُ بِهَا عَلَى نَفْسِكَ".

Narrated Abu Dhar: I asked the Prophet, "What is the best deed?" He replied, "To believe in Allah and to fight for His Cause". I then asked, "What is the best kind of manumission (of slaves)?" He replied, "The manumission of the most expensive slave and the most beloved by his master". I said, "If I cannot afford to do that?" He said, "Help the weak or do good for a person who cannot work for himself". I said, "If I cannot do that?" He said, "Refrain from harming others for this will be regarded as a charitable deed for your own good" (Sahih al-Bukhari 2518, <https://sunnah.com/bukhari:2518>).

عن جابر بن عبد الله كَانَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يُوصِي بِالْمَمْلُوكِينَ حَيْرًا أَطْعِمُوهُمْ مِمَّا تَأْكُلُونَ وَأَلْبِسُوهُمْ مِنْ لَبُوْسُكُمْ وَلَا تُعَذِّبُوهُمْ حَلْقَ اللَّهِ عَزَّ وَجَلَّ وَيَقُولُ

Jabir ibn Abdullah reported: The Prophet, peace and blessings be upon him, enjoined good treatment of slaves and he would say, “Feed them from the same food you eat, clothe them from the same clothes you wear, and do not torture the creation of Allah Almighty” (Al-Adab al-Mufrad 188, Sahih al-Albani; Elias 2012).

### Slavery in the Islamic World: Some Considerations

“Slavery was an established institution for the peoples of the biblical East, of ancient Greece and Rome, of the barbarian Visigothic rulers of the Iberian Peninsula and their Muslim conquerors, and of almost every other society known to the later medieval Portuguese. Christians and Muslims had long enslaved one another [...] Among the Negro peoples servitude was a less harsh and permanent condition than its Mediterranean counterpart. The West Africans sold their own people in slavery to the whites, yet they scarcely ever secured white slaves of their own. The Moors of the Maghrib [sic], Europeans, Indians, and even Chinese came to take what they could from Negro Africa [...]” (Luttrell 1965, 62).

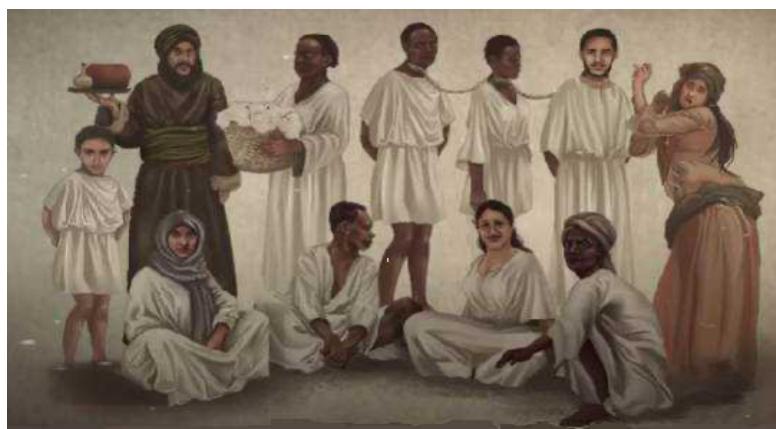
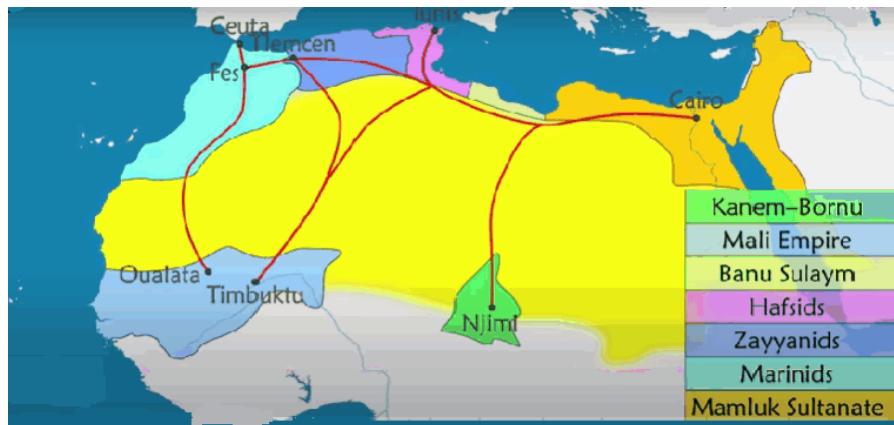


Figure 6.

Integration of African slaves in the Arab/Islamic world (Slavery in the Early Caliphate 2022).

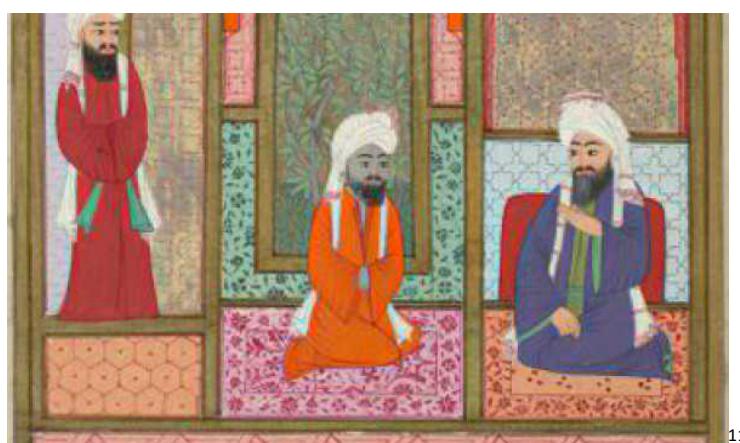
As it can be seen from the examples herewith reproduced, manumission is a good deed not only for the slave but also for the soul of the slave owner. The innovation introduced by Prophet Muhammad is the fact that he was able to tie the religious duty of *صَوْم* (sawm)—or rather, fasting during the daylight time of the month of *رمضان* (Ramadan)—to manumission. Indeed, if a Muslim man, regardless of the reason(s), were not able to fast during the month of Ramadan, he is allowed to free a *غُلَام* *ghulām* (slave-soldier)<sup>9</sup> for each day that he has not performed the mandatory fasting (Prasad & Angenot 2008: 74; Robertazza 2025: 46).

<sup>9</sup> Plural: *ghuilmān*. In Qur’ān 52:24, the *guilmān* (beardless young lads) are some of the rewards in *Jannah*, Paradise: “وَيَطْوَفُ عَلَيْهِمْ غِلْمَانٌ لَهُمْ كَانُوا مُؤْمِنُونَ” “Round about them will serve, (Devoted) to them, Youths (handsome) as Pearls Well-guarded.” (Qur’ān 52:24; Ali 1983: 1436).



**Figure 7.**  
Trans-Saharan Slave Trade (1269-1370) (Geo History 2022).

In the Arabian Peninsula, as in the rest of the then-known world, slaves came from places nearby as well as faraway lands. Hence, slaves could have been of any ethnic, racial, and/or socioeconomic background. As early as the first years of the 7<sup>th</sup> century of our era **الحبشة** (*al-Habashah*, i.e., Abyssinian slaves) were a reality in the Middle East as well as the rest of continental Asia. Ethiopians, and their descendants, were present in the Arabian Peninsula before and during the lifetime of Prophet Muhammad.<sup>10</sup>



**Figure 8.**  
بِلَالٌ بْنُ رَبَّاحٍ الْحَبَشِيٌّ Bilāl ibn Rabāh al-Habashī (580-640) (Land of the Ethiopians).

Indeed, the term *Habashi* (from the Arabic **أَهْبَاش** *Ahbāsh*, Abyssinian/Ethiopian) was then used to denote slaves hailing from the Horn of Africa, most of whom were Orthodox Christians. Additionally, the term *Habashi* applied to all the slaves from the Ethiopian Empire, regardless of their ethnic and/or linguistic origins—Afar, Amhara, Gamo, Gurage,

<sup>10</sup> Among the descendants of Ethiopians living in Arab lands before, during, and after the advent of Islam, are worth mentioning **محمد بن علي** ‘Ubādah ibn al-Sāmit (c. 583-654) and **محمد بن الجواد** Muḥammad ibn ‘Alī al-Jawād (c. 811-835).

<sup>11</sup> <<https://s3.amazonaws.com/launchgood/project%2F1587%2Fbilal-al-habashi-595x370.jpg>>.

Oromo, Somali, Sidama, Tigrinya, and/or Welayta, to name the most common ethno-linguistic groups (Robertazza 2025: 58).<sup>12</sup>

The Islamic world also used slavery as a means to strengthening its economic presence in areas that it dominated or that were greatly influenced by Islamic culture:

C'était le monde musulman, dans lequel l'esclavage est une institution fortement ancrée, qui était le grand importateur d'esclaves en provenance d'Europe et d'Afrique. En Afrique Noire, comme ailleurs, le Coran a légitimé l'esclavage, recommandant seulement de bien traiter les esclaves et de les affranchir (Mauny 1967: 336-337).<sup>13</sup>



**Figure 9.**  
بِلَادُ السُّودَانِ *Bilād al-Sūdān* (Slavery in the Early Caliphate 2022).

During the Middle Ages, slavery died out in northern Europe but persisted in the Mediterranean world (as in the Middle East, Tropical Africa, and no doubt the remaining parts of the earth) (Hair 1966: 5).

In the Indian Ocean basin area, non-Muslim slaves were known as كَافِرُونَ *kāfirūna* (pagan/idolaters). Between 1520 and 1540, the number of slaves captured in the Indian Ocean grew exponentially due to the conflicts in the Horn of Africa between the Ethiopian Empire (assisted by the Portuguese) and the Muslim sultanates (helped by the Ottoman army

<sup>12</sup> Up until the last decade of the 15<sup>th</sup> century, when the Portuguese finally made their way to this area of the world (1492 or 1493), Europeans believed that the Christian kingdom of Ethiopia, under the leadership of Prester John, was located, among other theories, somewhere in India. (Eschenbach 1980: 408; Silverberg 1972: 17-18, 40-73; Uebel 2016).

<sup>13</sup> [It was the Muslim world, in which slavery is a strongly entrenched institution that was the major importer of slaves from Europe and Africa. In Black Africa, as elsewhere, the Qur'an legitimized slavery, recommending only to treat slaves well and to free them]. [Translated by the author of this article].

and Malay mercenaries). Indeed, during the War (1529-1543)<sup>14</sup> between the Ethiopian Empire and the Adel Sultanate (1415-1577) military soldiers—Africans hailing from the Swahili Coast زنج / Zanj and Africans from the Horn of Africa (Habashis)—were given in exchange for Christians who had been previously captured (Robertazza 2025: 59).



Figure 10.  
السلطنة العدلية (Cuando.org.es).

The Adel Sultanate, in the Horn of Africa, went from the port city of *Sūakin*, in present-day Sudan, to Cape Guardaui (Rās ‘Asīr), in present-day *Ard al-Bunṭ*, Puntland (Somalia).<sup>15</sup>

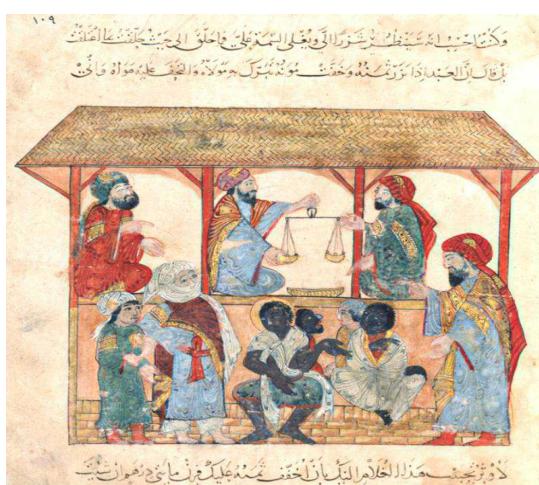
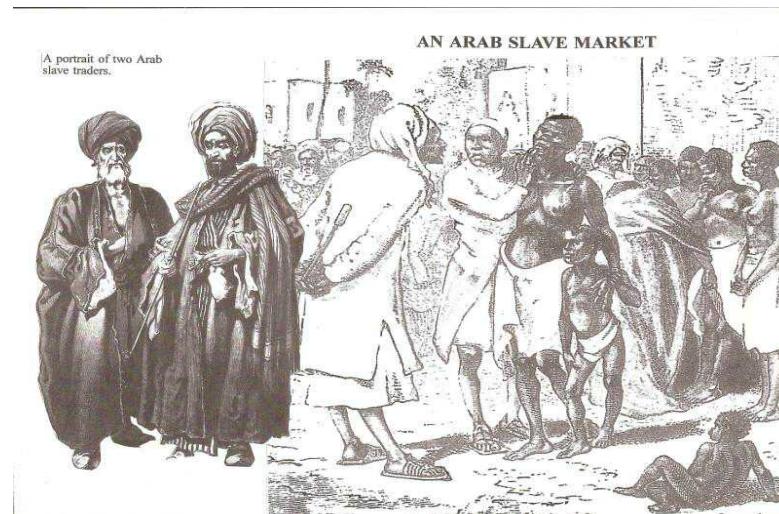


Figure 11.  
13<sup>th</sup> Century: Slave Market in Yemen (Stockton 2024).

<sup>14</sup> In Arabic, فتوح الحبشة *Futuh al-Habash*, or rather, “The Conquest of Abyssinia.”

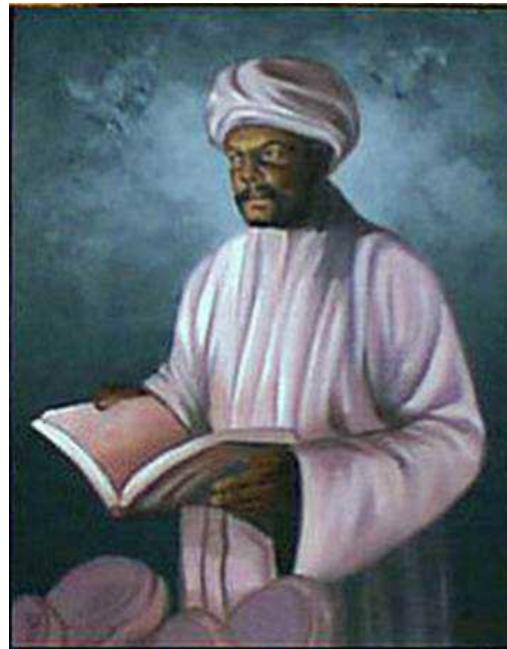
<sup>15</sup> On November 5, 1998, Puntland, a Federate member State of the Somali Federal Republic, succeeded from Somalia, declared itself a sovereign State, and adopted the name ولاية أرض البنط الصومالية *Wilāt Arḍ al-Bunṭ al-Šūmāliyyah/Dowlad Goboleedka Puntland ee Soomaliya*, or rather, the Somali State of Puntland.



**Figure 12.**

Foremen, slave traders, and Arab-Muslim traders (Meir 2019).

Renowned Amazigh politician and scholar **أحمد بابا التمبكتي** Ahmad Bābā al-Timbuktū (1556-1627), hailing from Araouane, a small hamlet not very far from Timbuktu, in present-day Mali, spent the last twenty years of his life studying Islamic primary sources (the Qur'ān and the *Aḥādīth* of Prophet Muhammad) as well as secondary sources (commentaries from famous Muslim scholars and jurists) on slavery with the aim of clarifying not only the condition of a Muslim slave but also the status of a Muslim slave owned by a Muslim (Robertazza 2025: 54).



**Figure 13.**

**أحمد بابا التمبكتي** Ahmad Bābā al-Timbuktū (Taylor 2019).

As a result, al-Timbuktū published **مِرَاجُ الصَّعُودِ إِلَيْ نَيلِ حُكْمِ مُجَلَّبِ السُّودِ** *Mi 'rāj al-ṣūd 'ilā nayl hukm mujallab al-Sūd* (literally: The Ladder to Reach the Knowledge of the Law

Regarding the Transportation of Africans of Color) where, using as a springboard Islamic Law (*Shari'ah* and فقه *fiqh*),<sup>16</sup> he declared that all human beings are born free and that only in very specific cases they can be enslaved and none of these cases include race and/or ethnicity as a reason to enslave them.<sup>17</sup>



Figure 14.

“مِرَاجِ الصَّعْدَةِ إِلَى نَيلِ مَجْلُوبِ السُّوْدَانِ” The Ladder to Reach the Knowledge of the Law Regarding the Transportation of Africans of Color: Ahmad Bābā Responds to the Questions of a Moroccan on Slavery” (al-Massufi 1615).

Even though he did not advocate for the end of the trans-Saharan slave trade, al-Timbuktī fought for equality among all Muslims; indeed, his rigorous exegesis of the sacred texts (the Qur’ān and the *Aḥādīth* of Prophet Muhammad) and of secondary sources to which he had access clearly pointed out that slavery should be based on religious facts (i.e., faith)<sup>18</sup> and not the race and/or ethnicity of the slave. In other words, non believers—i.e., believers of other religions and/or كافرون *kāfirūn* (infidels/pagans)—or non-practicing Muslims could be enslaved, regardless of their race, ethnicity, and/or place of origin.<sup>19</sup>

<sup>16</sup> “In the early years of Islam there was no clear cut-division between the Religious Law (فقه *fiqh*) and the External Religion (دين *dīn*). As a matter of fact, the term شريعة *Shari'ah* was introduced at a later date, replacing the multipurpose فقه *Fiqh* (literally, understanding) as the latter word was indiscriminately applied to both the study of the Law proper and Theology as such. علم (*Ilm*) (Knowledge), on the other hand, was first used to describe the collection of the *Aḥādīth* of the Prophet Muhammad” (Levi 2023a: 4).

<sup>17</sup> For further information, see: Barbour and Jacobs 1987; Cleveland 2015; Gratien 2013; Hunwick 2000; Hunwick 2001; al-Massufi 1615 e Willis 2005.

<sup>18</sup> Or rather, inner faith (إيمان *īmān*), and not the mere execution and observance of Islamic tenets (عبدات *ibādāt*).

<sup>19</sup> During the 16<sup>th</sup> century, upon entering the political and economic Indian Ocean scene, the Portuguese would apply this Islamic tradition to the slaves who converted to Catholicism or to the non-Christian slaves who were sent to the Portuguese possessions overseas (Robertazza 2025: 55).

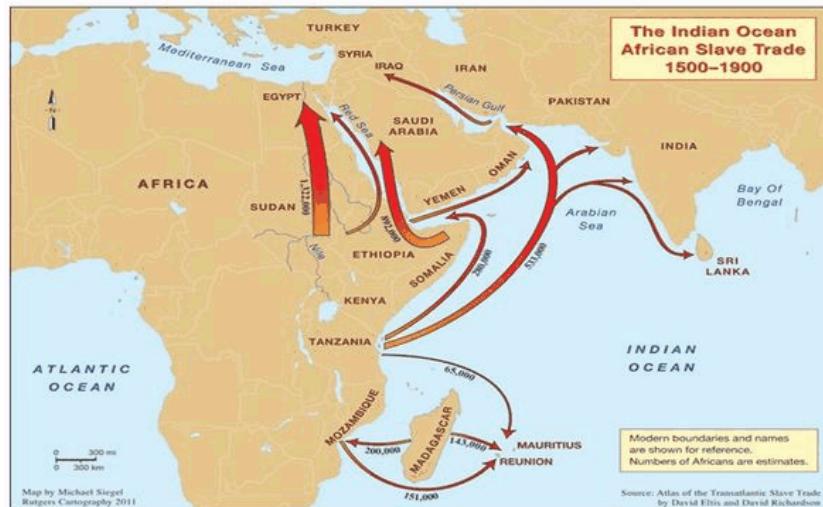


Figure 15.  
The Indian Ocean African Slave Trade 1500-1900.<sup>20</sup>

The trans-Saharan slave trade changed the perception of the African: from now on the word السُّوَدَانِ *sūdān*<sup>21</sup> is synonymous with slave; hence, Africans were seen as inferior (sic) due to their dark skin (Gomez 2018: 47-57; Sharawi 2008). From now on, the stereotype of the Africans is that they are volatile, lewd, usurpers, insurgents, and superstitious (sic) (Gomez 2018; Lewis 1994: 93; Sharawi 2008: 122-131). Furthermore, in the West, the stereotype of the Africans coincided with the centuries-old stereotyped image of the Muslims, or rather: they are disloyal, violent, and barbarian who attack Christians and Jews (sic) (Robertazza 2024: 51; Veinstein 2010: 54-55).



Figure 16.  
بلاد السُّوَدَانِ *Bilād al-Sūdān*.

<sup>20</sup><https://s3.amazonaws.com/s3.timetoast.com/public/uploads/photo/12140660/image/b611ddbf1c7b81ad5802d98a53f9a5c4>

<sup>21</sup> From the Arabic expression بلاد السُّوَدَانِ *Bilād al-Sūdān*, namely, Land of Black People.

<sup>22</sup> <https://pbs.twimg.com/media/C86zbhGXcAIXNUR.jpg:large>.

## What is شريعة شریعه Sharī‘ah?

Islamic law [شريعة شریعه *Sharī‘ah* and فقه *Fiqh*] is the totality of God's commands that regulate the life of every Muslim in all its aspects; it comprises on an equal footing ordinances regarding worship and ritual, as well as political and (in the narrow sense) legal rules, details of toilet, formulas of greeting, table-manners, and sick-room conversation (Schacht: 392).

Islamic Law is thus علم أصول الفقه *‘ilm uṣūl al-fiqh*, whereby believers, through the expert guidance of the Muslim clerics (ملا *mullah*)<sup>23</sup> when it comes to judicial and theological matters, acquire “knowledge of the roots of the law” as well as علم فروع الفقه *‘ilm furū’ al-fiqh*, or rather, “knowledge of the branches of the law.” Branches (أصول *uṣūl*) and roots (فروع *furū’*) are thus connected, or rather, the secular and religious aspects of the life of a believer (مؤمن *mu’min*) are intertwined; hence, they are inseparable:

[...] Islamic jurisprudence has a special value [since it has an] all-pervading nature, which attaches an ethical value to acts and thoughts, however small, however large, and which gives meaning to the least of our experiences and reduces to manageable proportions the most overwhelming of them (Faruki 1962: 2).

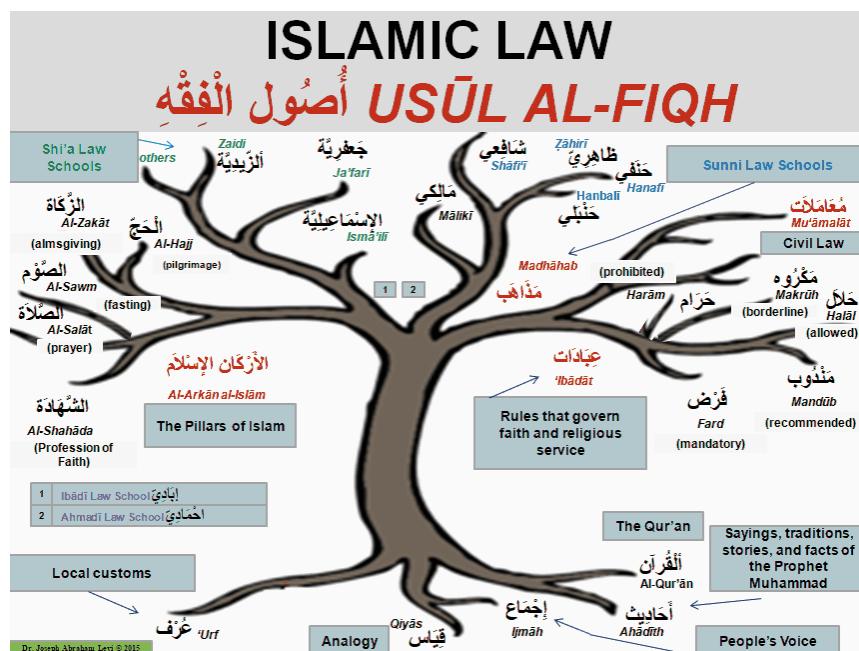


Figure 17.  
Islamic Jurisprudence (Levi 2023a: 49).

<sup>23</sup> Aside the *mullah*, there are also: the قاضي *qādī* (plural: قواد *qādī*) (Islamic scholar), the مفتی *muftī* (plural: *muftiyyāt*), the قاضی *qādī* (Muslim judges), the علماء *‘ulamā* (Muslim jurists, singular: فقیہ *faqīh*), the علماء *‘ulamā* (Islamic scholars, singular: عالم *‘ālim*), and the آیت الله *āyātollah* (Arabic) / (Farsi): آیت الله *āyātollah* (high Shi‘i dignitaries) who can guide the believers in their daily secular and religious journeys (Levi 2023b).

According to acclaimed Muslim jurist and professor of Islamic Law at Cairo University Muhammad Abū Zahra (1898-1974), the purpose of the ‘ilm *uṣūl al-fiqh* is indeed to make certain that believers acquire knowledge of the sources (أصول *uṣūl*, roots) of the religious law that they have to follow, whereas the ‘ilm *furu’* *al-fiqh* guide believers in their daily adherence to the rules (فروع *furu’*, branches) that they must follow on a daily basis (Zahra 1958: 8). In other words, all the scholarly works that concentrate on:

[...] *furu’* set out the norms of the law, in greater or lesser detail, and with varying quantities of justificatory argument. Works on *uṣūl* [instead] identify and classify the sources of the law, expound a methodology whereby these give rise to norms, and present a structure of authority which distinguishes the qualified jurist (*mufti/mudjtahid*)<sup>24</sup> from the layman or *mukallid*<sup>25</sup> (Calder 1974: 931).

Islamic Jurisprudence thus embraces all aspects of the secular life of a believer (مؤمن *mu’min*), from education, personal life, and work-related matters/issues to the dogma, the religious tenets, and the outer manifestation of the inner faith (إيمان *īmān*) per se. In other words, no one but God can judge the inner faith of a believer, or rather, how and what a believer really feels. Hence, Islamic Law (شريعة *Shari‘ah* and فقه *Fiqh*) can only regulate the external manifestations of the inner faith (عبادات *‘ibādāt*) of a believer.

### شريعة Sharī‘ah Law and Human Rights

ثُمَّ جَعَلْنَاكَ عَلَى شَرِيعَةٍ مِّنَ الْأَمْرِ فَتَتَّبِعُهَا وَلَا تَتَّبِعُ أَهْوَاءَ الَّذِينَ لَا يَعْلَمُونَ

Then we put thee On the (right) Way Of Religion: so follow Thou that (Way), And follow not the desires Of those who know not.

(Qur’ān 45:18; Ali 1983: 1359).

Sharī‘ah is usually translated in English-language Qur’āns as the “(right) Way of Religion” or the “ordained Way of Religion.”

شريعة *Shir‘ah*, a variant of *Shari‘ah*, instead, translates the idea of “law,” or better yet, “code of law” that has to be followed by the أمة *ummah*, or rather, the Muslim community of believers (worldwide).

Qur’ān 5:48 is perhaps one of the best examples whereby God reveals to Humankind, and this time for the last time, that despite the validity of the older revelations sent before Islam

<sup>24</sup> A مُجتهد *mujtahid* is an Islamic scholar who—based on his extensive studies on and knowledge of the Arabic language, the Qur’ān, the *Aḥadīth* of Prophet Muhammad, and *uṣūl al-fiqh* (Islamic Jurisprudence)—is allowed to perform اجتهاد *ijtihād* (literally: physical/mental effort). In other words, a *mujtahid* is a jurist capable of executing an independent reasoning when he is asked to decide on a legal matter.

<sup>25</sup> In Sunni Islam, a مقلد *muqallid* is a person who conforms to/accepts the Islamic teachings of another person who, in his turn, is an expert in the field, as in the case of a *mujtahid*. In Shia’ Islam, a *muqallid* is a person who imitates what a *mujtahid* does and says (Sharif 2007).

(as in the case of the Torah, the Psalms, the New Testament, the *Ginzā Rbā*, and the Zend-Avesta), human beings, due to their corrupt nature, have altered His true message and laws:

The Torah (تُورَاه *Tawrah*), the Psalms (زُبُور *Zabūr*), the New Testament (إنْجِيل *Injīl*), the *Ginzā Rbā*, and the Zend-Avesta,<sup>26</sup> are all examples of Allāh's revelation to Humankind. Originally, these sacred books contained the divine truth; yet, as time went by, due to the corruption and greed of Humankind, they no longer contained the original, divine message. Indeed, they still contain some divine truth because they were sent to Humankind by Allāh; however, much of what it is contained in each revealed book is interwoven with human and not divine ordinances. Hence, there was the need for a last, divine revelation. The Qur'ān is therefore the "perfected" version, the uncorrupted word of Allāh. Indeed, the Qur'ān abrogates the other sacred books because it was not forged by humans. According to Islamic theology and jurisprudence then, the Qur'ān came from Heaven and it was revealed piecemeal to the Prophet Muhammad, either directly or semi-directly through the intermediary presence of the Archangel Gabriel. The Qur'ān is Humanity's last chance. After the Qur'ān, Allāh did not send and will not send any other sacred book (Levi 2022: 124; Levi 2021: 20).

Hence, there was a "twofold purpose" for God to send, once again, for the last time, His true message and His laws so that they could be followed. The Qur'ān was thus sent to "check [...] or act as a check to its interpretation" (Ali 1983: 258):

وَأَنْزَلْنَا إِلَيْكُمْ أَكْتَابٍ بِالْحَقِّ مُصَدَّقًا لِمَا بَيْنَ يَدَيْهِ مِنَ الْكِتَابِ وَمُهَيْمِنًا عَلَيْهِ فَأَحْكَمْ  
بَيْنَهُمْ بِمَا أَنْزَلَ اللَّهُ وَلَا تَتَبَعَ أَهْوَاءَهُمْ عَمَّا جَاءَكُمْ مِنَ الْحَقِّ لَكُلُّ جَعْلَنَا مِنْهُمْ شَرِعَةً  
وَمِنْهَاجًا وَلُوْ شَاءَ اللَّهُ لَجْعَلُكُمْ أَمَةً وَحْدَةً وَلَكُنْ لَيْلُوكُمْ فِي مَا ءَانَتُكُمْ فَاسْتَقْبُلُوا  
الْخَيْرَ إِلَى اللَّهِ مَرْجِعُكُمْ جَمِيعًا فَيَنْبَغِي مَا كُنْتُمْ فِيهِ تَخْتَلِفُونَ

To thee We sent the Scripture In truth, confirming The scripture that came Before it, and guarding it In safety: so judge Between them by what God hath revealed, And follow not their vain Desires, diverging From the Truth that hath come To thee. To each among you Have We prescribed a Law And an Open Way, If God had so willed, He would have made you A single People, but (His Plan is) to test you in what He hath given you:

<sup>26</sup> "The *Ginzā Rbā* (Great Treasury, ca. 1<sup>st</sup>-3<sup>rd</sup> century of the Common Era) is by far the most famous and the longest (21 books) of many sacred texts of the Sabians, also known as Nasoraeans, Mandaeans, or Christians of Saint John. Yet, they are not to be confused with the Sabeans of Southern Arabia. The Zend-Avesta is the book of the sacred writings of the *Majūs*, i.e., the Zoroastrians who practice *al-Majūsiyya* (دين زردشت *Dīn Zardusht*, Zoroastrianism). The sacred texts of Zoroastrianism are: *Yasna Haptanghaiti* (Worship, 7 Chapters), namely: a set of 7 hymns within the *Yasna*; the *Yasna*: liturgical collection of the *Avesta* texts; the *Avesta*: a collection of 72 sacred texts; and the *Gathas*: 17 hymns in verse (religious poetry)" (Levi 2022: 124).

so strive As in a race in all virtues. The goal of you all is to God; It is He that will show you The truth of the matters In which ye dispute.

(Qur 'ān 5:48; Ali 1983: 258-259).

In other words, there was a need to send a new and last *shir'ah*, i.e., “code of law,” or rather, the “rules of practical conduct” (Ali 1983: 258) so that Muslim believers (مُؤْمِنُونْ) *mu'minūn*), unlike their monotheistic predecessors, can finally follow in God's path and make the right choices<sup>27</sup> فِي سَبِيلِ اللَّهِ *fi sabīl ilāhi*, i.e., “for the sake of God.”<sup>28</sup>

However, this does not mean that believers have to dislike their predecessors (as in the case of Jews and Christians), but rather, they have to strive to find unity (الْوَحْدَانِيَّةْ) *al-wahdāniyyah*, i.e., oneness)<sup>29</sup> in diversity. There is no competition. All have “to strive” as if they were in “a race in all virtues,” i.e., competing with one another in following and doing what God has commanded and not competing against one another for earthly and frivolous glory/fame.

Hence, despite the interpretations of some exegetes (Muslim and non-Muslim alike), Islamic Law *Shari'ah* and فِقْه *Fiqh*) is not against other monotheistic religions and their followers. Qur'ānic passages and *Ahādīth* of Prophet Muhammad that contain not-so-flattering and/or outright condemnations of Jews and Christians and their respective religions should not and cannot be taken out of context. By doing so, western scholars and their Muslim counterparts, i.e., the مُجْتَهِدُونْ *mujtahidūn* (literally, those who strive mentally), are not performing exegesis, but rather, eisegesis. Hence, their interpretations are: “solely based on what the reader of the text inserts into the text, or rather, it is a personal and most of the time biased interpretation of the (secular and/or sacred) text” (Levi 2023a: 51).

In light of this, the question arises: is Islamic Law (*Shari'ah* and فِقْه *Fiqh*) compatible with Human Rights then?

On February 13, 2003, the European Court of Human Rights (ECHR) outright condemned *Shari'ah* Law by highlighting its incompatibility with Human Rights, non-discriminatory practices across the board, and freedom of speech/of the press. In fact, ECHR officially declared that the objectives of *Shari'ah* are:

[...] incompatible with the requirements of a democratic society [...] with the rule of law [...] [cannot] be tolerated [...] incompatible with the democratic regime [...] incompatible with the principle of non-discrimination, which was enshrined in the Convention and was one of the fundamental principles of democracy.

The Court concurs in the Chamber's view that *sharia* is incompatible with the fundamental principles of democracy, as set forth in the Convention:

“72. Like the Constitutional Court, the Court considers that *sharia*, which faithfully reflects the dogmas and divine rules

<sup>27</sup> See: Qur 'ān 23, particularly آيات *āyāt* (verses) 1-43.

<sup>28</sup> See: Qur 'ān 9:60; Ghāmidi 2015.

<sup>29</sup> Indeed, the concept of Unity or Oneness (الْوَحْدَانِيَّةْ) *al-wahdāniyyah*) applies to God. Yet, it is also true that believers have to strive to live in harmony as one unit with their fellow believers as well as the rest of Humanity. By doing so, they can be “one with God.” For further information on this concept and its connection to Sufism, see: al-Ghazali & Burrell 2001.

laid down by religion, is stable and invariable. Principles such as pluralism in the political sphere or the constant evolution of public freedoms have no place in it. The Court notes that, when read together, the offending statements, which contain explicit references to the introduction of *sharia*, are difficult to reconcile with the fundamental principles of democracy, as conceived in the Convention taken as a whole. It is difficult to declare one's respect for democracy and human rights while at the same time supporting a regime based on *sharia*, which clearly diverges from Convention values, particularly with regard to its criminal law and criminal procedure, its rules on the legal status of women and the way it intervenes in all spheres of private and public life in accordance with religious precepts. ... In the Court's view, a political party whose actions seem to be aimed at introducing *sharia* in a State party to the Convention can hardly be regarded as an association complying with the democratic ideal that underlies the whole of the Convention" (ECHR 2003: §23).

As we can see, Sharī‘ah Law is seen and interpreted as being “stable and invariable,” whereby any form of dialog and/or compromise with current, post World War 2, and third-millennium democratic values are deemed impossible due to the very nature in which this religious-secular law was born and has been operating since its inception.

In other words, it is believed that the religious sphere of Sharī‘ah Law, deeply intertwined with and clearly dominating the secular world of its believers (مُؤْمِنُون mu‘minūn), severely limits and at times simply hinders/prohibits any kind of acceptance of growth, dialog, and/or evolution within its society. Hence, adhering to strict moral codes (*shir‘ah*)—some of which were established almost one thousand and four centuries ago—and failing to adapt to the inevitable changes in human society are seen as an insurmountable roadblock.

Human rights, freedom of speech, and freedom of the press, from one side, and women’s role in society, gender equality, gender expression/identity, and LGBTQIA+ issues/assertion,<sup>30</sup> from the other, are the most prominent issues and challenges for Islamic Law (Sharī‘ah and فقه Fiqh).

Yet, this does not mean that it is impossible to reach a compromise and/or better yet to find a solution whereby Sharī‘ah Law can and should work in tandem with the West in its fight against abuses of power, violence against women, children, the elderly, and the most vulnerable members of society, as in the case of members of the LGBTQIA+ community, slaves, and victims of human trafficking.

Alas, slavery and human trafficking are also part of this equation. Indeed, they are as much of a burden to the West as well as the rest of the planet, including the Muslim world. Nevertheless, it appears that many Muslims and non-Muslims fail to consider that: “Islam entails a multitude of different voices, interpretations and positions on human rights, promoted by different actors in different historical, social, cultural and political contexts” (Juul Petersen 2018).

These different voices, interpretations, and positions are vital for embracing new attitudes and approaches, as well as interpreting the sacred texts holistically and,

<sup>30</sup> For Sharī‘ah Law and LGBTQIA+ community/issues, worldwide, see: Levi 2023a.

consequently, implementing new laws, all aiming at eradicating abuse and restoring human dignity, compassion, and respect for all human beings, believers (مؤمنون *mu'minūn*) as well as non-believers (كافرون *kāfirūn*).

### The Case of the Talibés



Figure 18.

Guinea-Bissau: Talibés practicing verses of the Qur'ān on wooden tablets (Inguaggiato 2020).

The problematic reality of the Talibé<sup>31</sup> children in Guinea-Bissau<sup>32</sup> and surrounding areas namely, a vast geographic area encompassing parts of the greater southern Maghreb as well as West and Central Africa—is marked by phenomena of abuse of power in the name of religion.

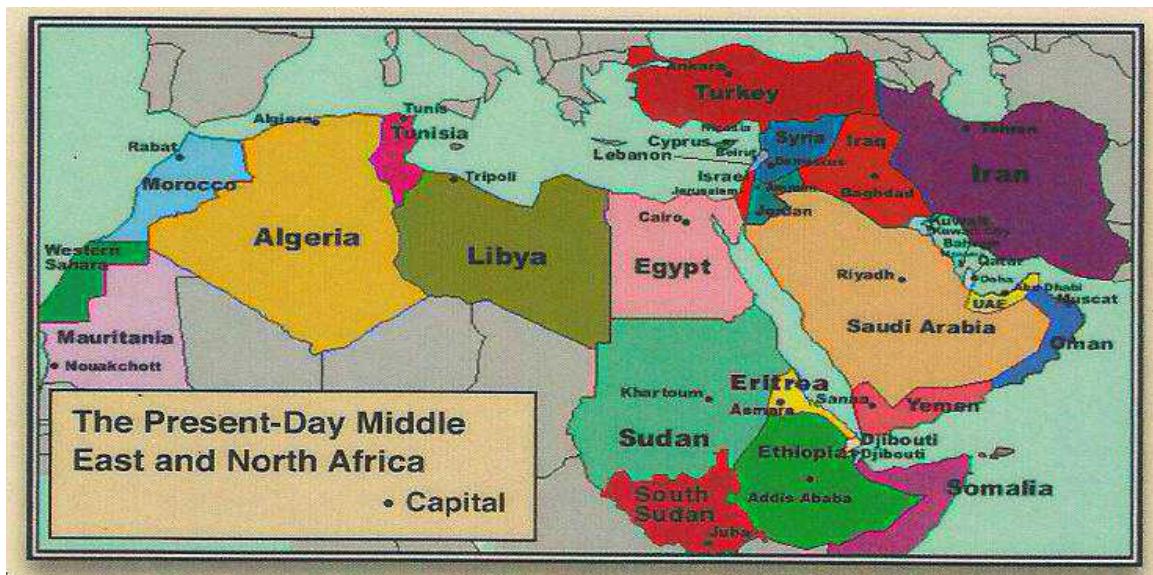


Figure 19.

The Present-Day Middle East and North Africa (Levi 2011: 1).

<sup>31</sup> From the Arabic طالب *tālib* (seeker), plural: طلاب *tullāb*, or rather, young boys from present-day Chad, Gambia, Guinea, Guinea-Bissau, Mali, Mauritania, and Senegal who study the Qur'ān at a *daara* (Qur'ānic school) under the leadership of a *marabou* (مرباط *murābit* “he who is attached/garrisoned”), i.e., an Islamic religious leader and teacher of the Islamic dogma).

<sup>32</sup> Particularly in the Bafatá e Gabú regions where the majority of the inhabitants is composed of (Sunni) Muslims.

Sent by their marabouts (teachers at the *daara* or *madrassa*, i.e., Qur'ānic schools) and their assistants panhandling in the streets, the Talibés are constant victims of physical and moral abuse that mark forever their lives. They live in a state of constant abuse, with no apparent way out. They are exposed to criminality and sexual exploitation, as well as physical and mental abuse. Their living conditions are very unsanitary; shackling is very common since most Talibés try to escape, particularly after the countless physical and mental abuses inflicted by the marabouts and their unscrupulous assistants. Alas, it is not uncommon for the Talibés to die due to prolonged, uncured illness/infections, diseases, and harsh physical punishment. Needless to say, this very intricate and multilayered form of exploitation and enslavement is extremely lucrative for all the party involved. Indeed, this begging industry generates millions of dollars per year (recent UN estimates US\$8 million):

This phenomenon of forced begging by *talibé* children is based on a system that recruits not only within the country but also sub-regionally, with Quranic teachers and *talibé* children coming from neighbouring countries such as the Gambia and Guinea Bissau. This often amounts to a system of trafficking of children for the purpose of their economic exploitation (Amnesty International 2022).

Left/Abandoned by their parents/family members and entrusted, willingly or unwillingly, to powerful marabouts, the Talibés leave their homes at a very young age in search of a better life. Religion is the springboard to fill the gap and the uncertainty of a life without means; it is the hope of perhaps one day living with dignity without fear of having an unstable future. Yet, what is the price to pay for the Talibés to eventually make it in life? The difficult living conditions in which the Talibés live are clear violations of their rights to health as well as physical and mental integrity. There are various causes that lead and contribute to this phenomenon. What are the effects and possible solutions so that violence and abuse can finally leave this equation? Indeed, inner faith (إيمان) *īmān*) should be the only guiding light for the Talibés to learn the Qur'ān in a safe environment and eventually succeed in life. Alas, this is not the case.

Sharī'a Law should denounce this form of modern slavery by protecting minors and their rights as human beings. For instance, it should work with ECOWAS,<sup>33</sup> the European Union, the International Medical Aid (IMA), the UN, UNICEF, and the respective government officials of these West African countries to see that the Talibés are rescued, taken care of physically and emotionally, and given professional training so that, in turn, they can be healthy, successful, independent, and self-sufficient adults.

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<sup>33</sup> ECOWAS (Economic Community of West African States, CEDEAO in the French and Portuguese acronyms alike) is a political and economic union of 15 West African countries, namely: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo.



Figure 20.

Guinea-Bissau: Talibés practicing Qur'anic calligraphy as they memorize verses of the Qur'an (VOA 2024).

### Possible solutions to the eradication of human trafficking and slavery in the Muslim world: Joining forces with human rights advocacy groups and programs

Today, the many overt and covert forms of modern slavery in the Muslim world are child abuse/labor, domestic servitude, forced marriages, labor trafficking, migrant workers across countries/regions, organ trafficking, and sex trafficking<sup>34</sup> as well as a vast plethora of abuses and discriminatory practices against children, women, ethnic/linguistic/racial/religious minorities, and members of the LGBTQIA+ community that reside in the Maghreb, West and East Africa, the Middle East, Central Asia, and Southeast Asia.

But how can Islamic Law (شريعة *Shari'ah* and فقه *Fiqh*) join forces with human rights advocacy groups and programs in the Muslim world (as well as worldwide) in order to eradicate this very lucrative and centuries-old trade that knows no boundaries and that operates with complete disrespect for all that is human?

In the Muslim world, as in the rest of the globe, human trafficking<sup>35</sup> and slavery are a multi-billion-dollar industry that makes use of coercion, physical and psychological force, and fraud in order to obtain its ultimate goal: cheap labor and other physical/tangible advantages, including, but not limited to, sexual exploitation. The most vulnerable members of society, due to their social inferior status, thus succumb powerless to the abuses inflicted upon them. Internal political turmoil, adverse financial situations, and/or natural calamities eventually contribute to the overall downfall of these individuals into a spiral where servitude is the sole solution to their survival.

For some Muslims and Islamic groups<sup>36</sup> the core issue is that instead of concentrating on human rights emphasis should be placed on “Islamic rights” since, as also several non-

<sup>34</sup> See: Tharoor 2012.

<sup>35</sup> See: Nor 2024.

<sup>36</sup> As in the case of the Islamic fundamentalist and pan-Islamist political group *Hizb ut-Tahrir* (حزب التحرير) *Hizb al-Tahrir*, the Liberation Party) that advocates for the reestablishment of the Islamic caliphate worldwide.

Muslim and non-Islamic groups have observed, the current notion of human rights is a Western concept.<sup>37</sup>

Nevertheless, this is inaccurate since the Code of Hammurabi (18<sup>th</sup> century BCE), the Analects of Confucius (d. 479 BCE), the Bible, and the Qur'ān (as I have highlighted above), among others, are indeed some of the first written (sacred) non-Western documents that address social injustices and that, to the extent allowed by the social norms and parameters of their times, try to solve them by imposing new laws and/or at least recommending new practices when it comes to protecting peoples' (human) rights.<sup>38</sup>

19<sup>th</sup>-century efforts in Europe and the Americas to end slave trade and the atrocities of war worldwide can thus be seen as Western precursors of human rights.<sup>39</sup> The 1919, International Labor Organization (ILO) is perhaps the first successful example/endeavor that guaranteed labor rights, particularly health and safety on the job for all workers. According to some Muslims, instead, Islamic rights cover basic facts such as freedom, justice, the right to life, and safety/security. The 1919, Cairo Declaration on Human Rights in Islam goes even further and states that:

[...] fundamental rights and freedoms according to Islam are an integral part of the Islamic religion and that no one shall have the right as a matter of principle to abolish them either in whole or in part or to violate or ignore them in as much as they are binding divine commands, which are contained in the Revealed Books of Allah and which were sent through the last of His Prophets to complete the preceding divine messages and that safeguarding those fundamental rights and freedoms is an act of worship whereas the neglect or violation thereof is an abominable sin, and that the safeguarding of those fundamental rights and freedom is an individual responsibility of every person and a collective responsibility of the entire Ummah (University of Minnesota).

Additionally, the 1919, Cairo Declaration on Human Rights concludes by saying: “All the rights and freedoms stipulated in this Declaration are subject to the Islamic Sharī'ah (University of Minnesota). Hence, for some Muslims Islamic Law (Sharī'ah and فقه Fiqh) appears to be the only guide when it comes to human rights and guaranteeing that they are protected.

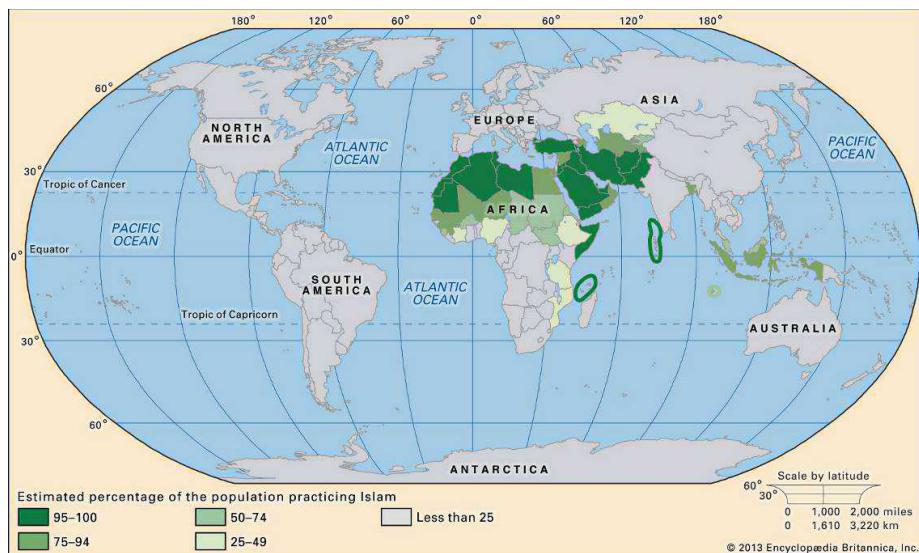
On the other hand, former secretary general of the Organisation of Islamic Cooperation (OIC), إياد بن أمين مدنى Iyād bin Amin Madanī (1946- ) firmly believes that Islamic Law (Sharī'ah and فقه Fiqh) and human rights are only “partially compatible” (Arab News; Shamsuddin).

<sup>37</sup> The late Islamic philosopher and scholar أبو الأعلى المودودي Abū al-Ālā al-Mawdūdī (1903-1979) is perhaps the “most systematic thinker of modern Islam” (Smith 1957: 233) and one of the most outspoken defenders of Sharī'ah Law vs. Western secularism/imperialism and socialism, both considered evil.

<sup>38</sup> For instance, Cyrus the Great (r. 550-530 BCE), upon conquering Babylon ordered that all the slaves be freed.

<sup>39</sup> As in the case of the Anti-Slavery International (ASI) that traces its origins to 1787 and the British and Foreign Anti-Slavery Society (BFASS) founded in 1839.

Yet, regardless of the positions herein exposed, what are some possible solutions to the eradication of human trafficking and slavery in the Muslim world given that these practices, at least in principle, are officially condemned by all Muslim Nations?



**Figure 21.**  
The Islamic World (Encyclopædia Britannica).

The abovementioned علم أصول الفقه *'ilm uṣūl al-fiqh* (knowledge of the roots of the Islamic law) points at the fact that believers مُؤمنون (*mu'minūn*), when guided by Muslim clerics ملا (*mullah*) and scholars on legal and theological matters, are able to acquire “knowledge of the roots of the law” as well as علم فروع الفقه *'ilm furū' al-fiqh* (knowledge of the branches of the law) (see Figure 17 above).

Indeed, the third root أصل (*asl*) of the Islamic law (following the Qur'ān and the *Aḥādīth* of Prophet Muhammad) is اجماع *ijma'* (people's voice), or rather, the verbal/non-verbal consensus given by the people مُؤمنون (*mu'minūn*, believers) and commonly accepted by the people (believers). The Arabic term *ijma'* translates the Latin expression *vox populi* (voice of the people) whereby if something does not go against the Islamic precepts and it is therefore accepted by the people مُؤمنون (*mu'minūn*, believers) it is by force/default canonical.

Now, when it comes to slavery seen through the lens of a rigorous exegesis of the first two roots of Islamic jurisprudence (Qur'ān and أحاديث *Aḥādīth* of Prophet Muhammad), some contemporary Muslim scholars propose a new interpretation of *ijma'* and call it “new *ijma'*” الإجماع الجديد (*al-ijma' al-jadīd*) since, in their view:

[...] what the Quran does not address—either explicitly or implicitly—is the slaveless society that expert Islamic jurists and Muslim governmental officials exhort as a new *ijma*. This new *ijma* was developed in response to twentieth century Muslim rulers' actions and scholars' writings that condemn slavery (El-Sawi 2011: 400).

This means that since slavery and human trafficking are not any longer a viable legal/legitimate option in Islam, as in the rest of the world, this “new *ijma'*” is the key to bridging the gap between Islam and the West on the issues of human trafficking and slavery.

Declaring slavery outlawed would then oblige Muslim clerics (ملا mullah) and scholars<sup>40</sup> to perform a rigorous exegesis of the holy texts (Qur'an and أحاديث Ahādīth of Prophet Muhammad) and consider all forms of human trafficking—including forced marriage, domestic servitude, (sexual) exploitation, and all types of abuse of migrant workers—as illegal practices since they fall under the prohibited acts mentioned, alluded to, and/or that can be inferred from the holy texts.

For instance, Qur'an 7:85 clearly emphasizes that **فَأَوْفُوا الْكَيْلَ وَالْمِيزَانَ وَلَا تَبْخُسُوا النَّاسَ أَشْيَاءَهُمْ وَلَا تُفْسِدُوا فِي الْأَرْضِ**, or rather, employers must “give just measure and weight, [they] do not [have to] defraud people of their property, nor [do they have to] spread corruption in the land” (*Quran.com*). In other words, employers must adhere to the written contract and pay their workers as it is specified in the contract:

وَإِلَيْيَ مَدْيَنَ أَخَاهُمْ شَعِيْبًا قَالَ يَعْقُومَ أَعْدُوا اللَّهَ مَا لَكُمْ مِنَ اللَّهِ عِيْرٌ قَدْ جَاءَتُكُمْ بِيَتِنَةٍ مِنْ رَبِّكُمْ فَأَوْفُوا الْكَيْلَ وَالْمِيزَانَ وَلَا تَبْخُسُوا النَّاسَ أَشْيَاءَهُمْ وَلَا تُفْسِدُوا فِي الْأَرْضِ بَعْدَ إِصْلَاحِهَا ذَلِكُمْ خَيْرٌ لَكُمْ إِنْ كُنْتُمْ مُؤْمِنِينَ

To the Madyan People We sent Shu'ayb, one Of their own brethren: he said: “O my people! Worship Allah; Ye have no other god But Him. Now hath come Unto you a clear (Sign) From your Lord! Give just Measure and weight, or withhold From the people the things That are their due: and do No mischief on the earth After it has been set In order; that will be best For you, if ye have Faith (Qur'an 7:85; 'Alī 367-368).

As for exploitation and forced labor, Qur'an 2:185 clearly states that Allah أَخْرَجَ يُرِيدُ اللَّهَ أَنْ يُرِيدَ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ “intends ease” for us, “not hardship” (*Quran.com*):

شَهْرُ رَمَضَانَ الَّذِي أُنْزِلَ فِيهِ الْفُرْقَانُ هُدًى لِلنَّاسِ وَبِيَتِنَةٍ مِنَ الْهُدَى وَالْفُرْقَانِ فَمَنْ شَهَدَ مِنْكُمُ الشَّهْرَ فَلِيصُمِّمْهُ وَمَنْ كَانَ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعَدَّةٌ مِنْ أَيَّامٍ أَخْرَى يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ وَلَتَكُمُوا الْعِدَةُ وَلَا تَكُبُرُوا أَنَّ اللَّهَ عَلَى مَا هَدَكُمْ وَلَعَلَّكُمْ تَشْكُرُونَ

Ramadān is the (month) In which was sent down The Qur'an, as a guide To humankind, also clear (Signs) For guidance and judgment (Between right and wrong). So every one of you Who is present (at his home) During that month Should spend it in fasting, But if any one is ill, Or on a journey, The prescribed period (Should be made up) By days later. Allah intends every facility For you; He does not want To put you to difficulties. (He wants you) to complete The prescribed period, And to glorify Him In that He has guided you; And perchance ye shall be grateful (Qur 'ān 2:185; 'Alī 74).

Sexual exploitation, particularly aimed at young women, is also a very common form of human trafficking which unfortunately most of the time transforms itself into prostitution. Hence, by using the fourth root (أَصْلٌ asl) of the Islamic Jurisprudence—following the Qur'an,

<sup>40</sup> See note 26.

the *Aḥādīth* of Prophet Muhammad, and *ijmā'* (people's voice)—, i.e., *qiyās* (analogy), Muslim clerics (*Mullah*) and scholars can clearly and easily perform *اجتهاد* (*ijtihād*<sup>41</sup>) and call attention to the utter illegality of such practice:

وَلَيْسْ تَعْفُفُ الَّذِينَ لَا يَجِدُونَ نِكَاحًا حَتَّىٰ يُغْنِيهِمُ اللَّهُ مِنْ فَضْلِهِ وَالَّذِينَ يَبْتَغُونَ الْكِتَابَ مَمَّا مَكَثَ أَيْمَانُكُمْ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمُ فِيهِمْ حَيْرًا وَعَاتُوهُمْ مِنْ مَالِ اللَّهِ الَّذِي عَاهَدْتُمْ وَلَا تُنْكِرُهُوَا فَيَتَكَبَّرُ الْبَغَاءُ إِنْ أَرَدْنَا تَحْصِنَا لَتَبْتَغُوا عَرَضَ الْحَيَاةِ الْدُّنْيَا وَمَنْ يُكْرِهُهُنَّ فَإِنَّ اللَّهَ مِنْ بَعْدِ إِكْرَاهِهِنَّ غَفُورٌ رَّحِيمٌ

Let those who find not The wherewithal for marriage Keep themselves chaste, until Allah gives them means Out of His grace, And if any of your slaves Ask for a deed in writing (To enable them to earn Their freedom for a certain sum), Give them such a deed If ye know any good In them; yea, give them Something yourselves Out of the means which Allah has given you But force not your maids To prostitution when they desire Chastity, in order that ye May make a gain In the goods of this life, But if anyone compels them, Yet, after such compulsion, Is Allah Oft-Forgiving Most Merciful (to them) (Qur'ān 24:33; 'Alī 874-875).

Indeed, the Qur'ān is very clear when it comes to prostitution: *وَلَا تُنْكِرُهُوَا فَيَتَكَبَّرُ الْبَغَاءُ* *إِنْ أَرَدْنَا تَحْصِنَا لَتَبْتَغُوا عَرَضَ الْمُنْكَرِ يَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَا عَنِ الْمُنْكَرِ* “encourage good and forbid evil” (Quran.com). Indeed, this verse starts by underscoring the fact that believers are protectors, allies, or better yet “guardians of one another” (Quran.com). Hence, this means that Muslims cannot be involved in human trafficking since their role is to protect other Muslims from harm:

وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلَيَاءُ بَعْضٍ يَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَا عَنِ الْمُنْكَرِ وَيَقِيمُونَ الصَّلَاةَ وَيُؤْتُونَ الزَّكُوَةَ وَيُطِيعُونَ اللَّهَ وَرَسُولَهُ أُولَئِكَ سَيِّرَ حُمُّمُ اللَّهِ إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ

The Believers, men And women, are protectors, One of another, they enjoin What is just, and forbid What is evil; they observe Regular prayers, practice Regular charity, and obey Allah and His Messenger, On them will Allah pour His Mercy for Allah Is Exalted in power, Wise (Qur'ān 9:71; 'Alī 459).

Finally, Islam also guarantees personal security to all humankind. Hence, by analogy *شَرِيعَةِ قِيَاسٍ* (*qiyās*), or rather, by guaranteeing and protecting personal security Islamic Law (*Shari'ah* and *Fiqh*), through the analogical reasoning performed by Muslim clerics (*Mullah*) and scholars is defending all the victims of human trafficking while, at the same time, it is setting the scene for the promulgation of laws that protect the fundamental right to safety for all human beings. Qur'ān 2:125 is the cornerstone of this analogical process:

<sup>41</sup> See note 27.

وَإِذْ جَعَنَا أَبْيَتْ مَنَابَةً لِلنَّاسِ وَأَمْنَى وَاتَّخَذُوا مِنْ مَقَامِ إِبْرَاهِيمَ مُصَبِّىٰ وَعَهَدْنَا إِلَىٰ  
إِبْرَاهِيمَ وَإِسْمَاعِيلَ أَنْ طَهَرَا بَيْتَنَا لِلظَّاهِرِينَ وَالْعَكَفِينَ وَالرُّكْعَعَ الْسُّجُودَ

Remember We made the House A place of assembly for men  
And a place of safety; And take ye the Station Of Abraham as a  
place Of prayer; and We covenanted With Abraham and  
Ismā'īl That they should sanctify My House for those who  
Compass it round, or use it As a retreat, or bow, or Prostate  
themselves (there in Prayer) (Qur'ān 2:125; 'Alī 52-23).

## CONCLUSION

This study demonstrates that slavery in the Muslim world has undergone a long and complex historical evolution, beginning with deeply rooted pre-Islamic practices and continuing into the modern era in transformed and often covert forms. The analysis shows that pre-Islamic Arabia inherited a wide range of enslavement norms from surrounding Afro-Irano-Semitic, Mesopotamian, and Mediterranean cultures, making slavery an entrenched component of social and economic life. With the emergence of Islam, significant moral and legal reforms were introduced, redefining the status of slaves, regulating their treatment, and encouraging manumission as a virtuous act. These reforms established an ethical framework that gradually weakened the foundation of slavery within Muslim societies.

Despite these normative principles, slavery did not disappear uniformly across regions. Local cultural dynamics, political structures, and economic dependencies contributed to variations in how slavery persisted within North Africa, West Africa, the Middle East, and other parts of the Islamic world. The continuity of certain practices illustrates that the moral ideals of Islamic teachings often faced constraints in implementation, reflecting broader historical and social complexities.

In the contemporary world, the study finds that human trafficking and modern slavery continue to manifest in multiple forms, including child exploitation, forced labor, and coercive religious or educational systems such as the case of Talibé children in West Africa. These examples reveal a persistent gap between Islamic moral principles, which emphasize human dignity and freedom, and the lived realities of vulnerable populations. Addressing this gap requires not only legal enforcement but also social, economic, and educational reforms.

A key conclusion of the study is the importance of contemporary Islamic jurisprudential developments, particularly the emergence of a "new ijmā'," which asserts that slavery in all forms is incompatible with Islamic law today. This modern consensus, grounded in the Qur'ān, Ahādīth, and the ethical trajectory of Islamic teachings, provides a strong doctrinal foundation for abolishing all forms of exploitation in Muslim societies.

Overall, the study concludes that while slavery has historically taken diverse forms within Muslim contexts, Islamic principles—when understood within their ethical and historical development—offer clear guidance toward the protection of human dignity and the elimination of all forms of human trafficking. The findings underscore the need for continued scholarly engagement, legal reform, and collaboration between Islamic institutions and human rights advocates to ensure that contemporary Muslim societies uphold these values in both law and practice.

## CONFLICT OF INTEREST

The author declares no conflict of interest.

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