

Slavery & Islam

OXFORD: ONEWORLD ACADEMIC, 2019, 448 PAGES

JONATHAN A.C. BROWN

The Euro-American Enlightenment has reformed global moral norms. This reform has provoked humanity to rethink many issues that had been normalized but were nevertheless still moral problems (Hallaq 2019). This notion applies to many civilizational aspects, but especially the issue of slavery. Some might question why such an immoral institution was seemingly casually practiced in the past without significant opposition. Not only in a particular society, but it seems that the majority—without wishing to generalize—of societies historically accepted slavery as a normal practice. This is the question that provokes Jonathan Brown to reassess the issue of slavery. In particular, this inquiry was provoked following the declaration in 2014 by the Islamic State in Iraq and the Levant / the Islamic State in Iraq and al-Sham (ISIL/ISIS) that the reintroduction of concubinage was legitimate. Following this move, for some the topic of slavery and concubinage came to be identified as a fundamental Islamic teaching. Here, Brown explains the dilemma: whether to place an immoral practice as an essential part of Islam (since Islam remains engaged with the discourse of slavery in its legal tradition) or to defend slavery, which seemingly goes against the universal norm that slavery is evil. Another premise that Brown proposes is that the Euro-American

tradition also continues to uphold slavery to a greater extent than other civilizations (Brown 2019, 10–12). The key difference between the Euro-American tradition and others is that the abolitionist movement arose from within the Euro-American tradition, whereas other traditions, particularly the Islamic tradition, have never consensually abolished it. Moreover, slavery continues in certain forms in modern North Africa, besides the case of ISIS (Brown 2019).

Brown presents what he calls the slavery conundrum, in which he argues that most western thinkers and scholars are trapped. This conundrum occurs as a result of two predicaments: firstly, that slavery is a perennial, absolute evil; secondly, that slavery has no gradation that could escape the evilness (Brown 2019, 4–6). These predicaments also capture the historical fact that many religions and philosophical traditions accepted or defended some form of slavery. As a result, those religions, philosophers, and even—in Brown’s proposal—the American Founding Fathers committed an unforgivable evil while simultaneously promoting other ethical views (Brown 2019, 5). Brown argues that a resolution to this conundrum is possible, but two ambiguities must be addressed first. The first ambiguity regards slavery itself (i.e., what actually constitutes slavery?), and the other is about what does it mean for something to be “wrong”? (Brown 2019, 5). Here, Brown begins his assessment from the perspective of moral philosophy side before delving into details. If “wrong” is relative to time and place, at some point, then, certain forms of slavery cannot be valued as evil. However, the bigger problem appears to be that there has never been a consensus on the definition of what constitutes slavery. Furthermore, moral relativism could consider abolitionism as a relative notion as well, and could thus be viewed as an apology for slavery.

Regarding the definition of slavery, Brown shows an appreciation for Ibn Taymiyya’s critique of Greek philosophy, which prioritizes definitions. Slavery, Brown suggests, is something that is undefinable if one attempts a definition process that begins with a categorization (Brown 2019, 15–17). To this end, Brown quotes a judge who stated that slavery is recognized as it happens, but it is difficult to categorize it in a definitive statement (Brown 2019, 27). Nonetheless, this issue of indefinability must

be recognized universally, regardless of place and time. The attempt to establish gradations of slavery is difficult, and often one returns to the insistence that slavery is an absolute evil. However, Brown outlines that, despite being indefinable, categorizing some different forms or practices of slavery is possible, though difficult. Thus, Brown distinguishes between the Islamic legal concept of *riqq* and a general form of slavery. Here, he indicates his intention in saying that *riqq* is not slavery in the modern sense of the term, or that it would represent the mildest form of slavery if one were to insist upon a universal concept of slavery.

Brown then digs into the issues related to the practice of *riqq*. First, Brown considers the status of a *raqiq* (an enslaved person in the Islamic legal tradition) as property. Second, the rights of a *raqiq* and what they are entitled to in social life. Third, Brown also highlights that the way *riqq* is constituted is important, because a foundational assumption in the Islamic legal tradition is that everyone is free, unless they are subject to *riqq*. *Riqq* is widely discussed in *fiqh* (Islamic jurisprudence), and consequently Brown approaches the issue as a legal debate rather than a purely moral philosophical one. The wide-ranging discussions of *riqq* can be found in relation to issues of rituals and obligations (*‘ibadat*), for instance, the obligation on the master to pay his *raqiq*'s alms-tax, to criminal codes, which discuss compensation for crimes committed by slaves. Here, Brown is careful not to reveal his personal position regarding these legal debates, since his goal is to draw attention to how difficult it is to define *riqq* as slavery in the modern sense of the term.

Among the many complexities that Brown describes include the vagueness of a *raqiq*'s right to property, as legal scholars did not agree upon the legality of a *raqiq* owning something under their own name, though they mostly agreed that a *raqiq* had the legitimate to start a family and travel without his master's permission (Brown 2019, 86, 94). Moreover, *mukataba* (a mechanism for gaining freedom by a *raqiq*) was an undeniable request, meaning that a master could not reject his slave's manumission if sufficient payment was made. Even when his master unintentionally called his slave *mawla* (a former slave), the *riqq* status is nullified (Brown 2019, 86). With these points in mind, Brown argues that the concept of *riqq* in the Islamic legal discourse leaned towards

abolition through manumission; while some key figures in Islamic civilization were *rafiq*, such as the *de facto* rulers of the Mamluk dynasty.

Nevertheless, one issue that remains problematic for Brown is concubine slavery. Islamic law legalized the sexual relationship between a male master and his female slave. This idea, naturally, places this practice in the category of evil, according to modern morality. However, Brown prefers not to unreservedly denounce the Islamic tradition's legitimization of concubinage (Brown 2019, 267–68). Instead, Brown prefers to probe questions around the problem of consent, which he connects with the issue of concubinage: were these female slaves consenting to their sexual relationships with their masters? Modern moral norms emphasize the presence of consent as the arbiter for determining a sexual relationship as being evil, yet historically norms have differed (Brown 2019, 276). Throughout this book, Jonathan Brown has resolved to construct his arguments around slavery in the Islamic tradition from the perspective of moral relativism. Nevertheless, he ultimately appears to side with abolition while seeking to defend the Islamic tradition on its own terms.

ANGGI AZZUHRI

PHD CANDIDATE

UNIVERSITAS ISLAM INTERNASIONAL INDONESIA

DEPOK, INDONESIA

doi: 10.35632/ajis.v41i3-4.3361

References

Brown, Jonathan A. C. 2019. *Slavery and Islam*. London: Oneworld Academic.

Hallaq, Wael B. 2019. *Reforming Modernity: Ethics and the New Human in the Philosophy of Abdurrahman Taha*. New York: Columbia University Press.