

One of the most controversial and widely discussed subjects of our times has been the issue of hostages arising out of the recent events in Iran. Anti-Islamic propaganda has been active in making all sorts of allegations and demanding where and how does Islam permit taking people into captivity or as hostages.

It is not intended herewith to discuss the political aspects or touch a long list of criminal activities of one country against the other. The aim of this article is only to try to present the Islamic points of view on the subject in the light of the holy Qura'n and Islamic history.

In Ayat 33 of Sura Al-Maida, the holy Qura'n says:

" The punishment of those who wage war against Allah and his apostle and strive to make mischief in the land is only this that they should be murdered or crucified or their hands and their feet should be cut off on opposite sides or they should be imprisoned (banished from land); this shall be as a disgrace for them in this world, and the hereafter they shall have a grievous chastisement."

According to the commentary of A. Yusuf Ali on this ayat, for double crime of treason against the State combined with treason against God, alternative punishments are mentioned applicable according to circumstances, cutting off of the head, maiming or exile. These are the severest punishments prescribed in Islam against those engaged in war or mischief against Allah and apostle in other words against Islam or against Islamic state.

According to the commentary of Seyyid Farman Ali, some people from the tribe of Ateba, in the 6th Year of Hijra, had come to Madina complaining sickness to the Prophet. They were told to rest for a while and when recovered, they would be returned to an Islamic army. They put forward excuses that the climate and water there was unsuitable to them. The Prophet sent them to the place where sadqa charity camels were being grazed and on going there they enjoyed camels milk. When recovered and became robust again, they indulged in a mischief by fatally attacking three of the camel caretakers and snatching away the camels they ran away into hiding. When this news was revealed to the Prophet, he sent Hazrat Ali a.s. who chased them and having captured, he brought them in captivity to Madina.

Can this not be taken as an exemplary instance from the history of Islam of the kind of punishment permissible by taking into captivity of those engaged in creating mischief and disruption in the activities of an Islamic State ?

Let us now consider another ayat 67 in Sura Al-Anfal of the holy Qura'n:

" It is not befitting for a Prophet that he should take captives unless he has fought and triumphed (subdued) in the land"

In commenting over this ayat, Marmaduk Pickthall writes " V.67-68 were revealed when the Prophet had decided to spare the lives of the prisoners and hold them against the wishes of Omar- who would have executed them for their past crimes".

It is evident from the above that taking enemies of Islam into captivity is permissible under the circumstances wherein an Islamic government firmly established with powers in ~~their~~ ^{their} hands having triumphed over ~~the~~ ^{their} enemies. Besides taking them as captives, hostages or even ransom, the object be human and sensible and politically sound in the long interest of the Islamic state and its people.

The following ayats 26-27 in Sura Al Ahzab of the holy Qura'n are also worth considering:

" And those people of the Book who aided them (the unbelievers of Quraish) Allah did take them down from their strongholds and cast terror into their hearts (so that) some you killed and some you took captives And He made you heirs to their land and their dwellings and their property, And Allah has power over all things"

According to the commentary of A. Yusufali, the above ayats refer to the Jewish tribe of the Banu Quraiza, who were counted among the citizens of Madina and were bound by solemn engagement and covenant with the Prophet to help in the defence of the city. But on the occasion of the siege of Madina by the Quraish infidels and their allies, these Jews intrigued with the enemies and treacherously aided them. Immediately after the siege was raised and the Quraish fled, the Prophet turned its attention to these treacherous "friends" who had betrayed his city in the hour of danger.

The Banu Quraiza Jews were filled with terror and dismay when Madina was free from the Quraish danger. They shut themselves up in their castles about three or four miles of Madina, sustaining a siege of 25 days, after which they surrendered, stipulating that they would abide by the decision of their fate at the hands of Sa'd ibn Mu'az, chief of the Aus tribe, with which they had been in alliance. According to Jewish law, the punishment of the people for corrupting the religion is total annihilation " thou shalt save alive nothing that breatheth" (Deut xxi6) According to Jewish standard then, the Quraiza Jews deserved total extermination- of men, women and children. They were in the territory of Medina itself, and further they had broken their engagements and helped the enemy.

But Sa'd ibn Mu'az adjudged them the milder treatment of the "far-off" cities which is thus described in the Jewish law: "Thou shalt smite every male thereof with the edge of the sword: but the women and the little ones, and the cattle and all that is in the city, even all the spoil thereof, shalt thou take unto thyself" (Deut, xx 13-14). The men of the Quraiza were slain: the women were sold as captives of war; and their lands and properties were divided among the Muhajirs.

Is ^{it} not crystal clear from the foregoing that even in ^{the} Jewish law, severe punishment of complete annihilation is prescribed for those who indulge in corruption against religion and its people of the country in which they reside.

It must be understood that Islam is not merely a religion but it is a total unified way of life, both religious and secular, social and political. As such it has among many other things, also prescribed the ways of politics and method of governance. It includes the ways and means of ensuring public security by meting out severe punishments to mischief-mongers and those acting against the interests of Islam and the Muslims masses, as is evident from the abovementioned ayats of the holy Qura'n and Islamic history.

Considering the severe punishment of execution, maiming or banishing into exile provided in Islam, the punishment to people involved in treacherous acts of spying, espionage or aiding subversive movements against an Islamic government by holding them into captivity as hostages, is perhaps ^{with justice and} the mildest of all the sentences and ^{as} essential check against ^{re} repetitions.

Whilst talking of immunity of diplomats and their safety under international laws, we must also not forget the provisions of non-interference of one country against the other. Similarly while talking of Human Rights with all the big publicity, let no country of the world involve itself or aid the oppression of the poor masses of another.