

Question 2340) - What is the ruling if one of our slaves flees to the Kuffar with goods; or they capture him?

A: There are several Masail in this scenario:

1. The Kuffar captured a slave of a Muslim. One of them bought him and returned him to Darul Islaam. One of his eyes was put out and he claimed Arsh. The old owner can claim him at the price the man? paid the enemy but will not take the Arsh.
2. The Kuffar captured a slave of a Muslim. A man bought him for 1000 Dirham. He was captured a second time and taken to Darul Harb- Another man bought him for 1000 Dirham. The old owner cannot claim him from the second buyer. The first buyer can claim him from the second buyer for 1000. If the old owner then wishes he can claim him from the first buyer for 2000.
3. When the Kuffar captures a Mudabbar, Ummul Walad or Mukatab belonging to the Muslims, their ownership is not recognised, as when they capture a free person of us. on the other hand, we will own whichever of the above we capture.
4. A slave belonging to a Muslim flees to the Kuffar and they take him. According to Imaam Abu Hanifah RAH. They do not own him. According to Imaam Abu Yusuf RAH. and Imaam Muhammed RAH. they own him.
5. A slave belonging to a Muslim flees with a horse and goods to the Kuffar. The Kuffar take at that. A man buys these items and takes them to Darul Islaam. The original owner can take the slave back without compensation and the horse and goods at the price the man paid. This is according to Imaam Abu Hanifah RAH. According to Imaam Abu Yusuf RAH. and Imaam Muhammed RAH. If he wants them back he must pay, including for the slave.
6. A Harbi enters Darul Islaam with aman and buys a Muslim slave. He takes him to Darul Harb. According to Imaam Abu Hanifah RAH. the slave is free. According to Imaam Abu Yusuf RAH. and Imaam Muhammed RAH. he is not.
7. A slave of a Harbi embraces Islaam and flees to us or is captured in their lands. He is now free as any of their slaves who flees to the Muslim camp.

~ al-Quduri ~