

## PRISON AND PRISONERS IN ISLAM

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### ABSTRACT

This article deals with the issue of prisons in Islam from the beginning of Islam till the Abbasid period. It also deals with the most famous Islamic prisons, the life of the prisoners, and their treatment by their jailors. The article reveals the sanitary conditions of the prisons, and the various ways of torturing the prisoners by the Abbasid Caliphs, who devised different ways to torture their prisoners. The article also makes a comparison between the treatment of the prisoners of war during the days of Muhammad and the treatment of Moslem prisoners. It shows that non-Moslem prisoners of war were treated in a better way than Moslem prisoners.

### THE PRISON AT THE BEGINNING OF ISLAM

At the beginning of Islam the concept of 'prison' meant hindering the prisoner and preventing him from controlling his own life and mixing with other people. When the Islamic empire expanded during the reign of caliph Omar Ibn al-Khattab (634-644 AD) and the insertion of new administrative rules and systems, caliph Omar decided to found prisons. Thus, he bought a house from Safwan Ibn 'Umayya al-Jumahi (d. 661 AD) for four thousand dirhams and turned it into a prison in Mecca <sup>(1)</sup>.

Apparently, this house was not a prison in the real sense of the word. It was a place that hinders or confines the movement of the prisoners. In fact, the prison substituted the person's house or the mosque. The first one who built a prison in Islam was Ali Ibn Abu Talib (d. 661 AD). Two prisons were built during his period, Nafi' and al-Makhis. During the reign of the first Umayyad caliph, Mu'awiya b. Abu Sufyan (661-680 AD), the prisons were organized and provided with guards. One of the most famous prisons in Islam was al-Dimas, which was built by al-Hajjaj b. Yusuf al-Thaqafi (d. 714 AD). This prison had no roof to protect its inmates from the heat of the sun during the summer or rain during the winter <sup>(2)</sup>, and it was called 'al-Dimas' because of its deep darkness and wilderness <sup>(3)</sup>. It was located in the

city of Wasit. Jahdar, the thief who was imprisoned in al-Dimas, said the following lines of poetry:

1) Inna al-layali najat bi fahiya muhsinatun

la shakka fihi mina al-Dimasi wal-‘asadi

2) Wa atlaqatni mina al-assfadi mukhrijatan

min hawli al-sijni shadidi al-ba’asi dhi rasadi

3) Ka’anna sakinahu hayyan hushashatuhu

haithu tarddada minhu al-summu fil jasadi

Translation:

- 1) The nights helped me to survive the Dimas and the lion, and therefore they did me an undoubted favor
- 2) They set me free from the manacles, sending out from the horror of the prison the brave and watchful man (i.e. the prisoner)
- 3) As if its innate (prisoner) resurrected his soul, where the poison moved in his body.

The second famous prison was called ‘Arim. It was a cold and dark prison (5) that was mentioned by Kuthayyir ‘Azza (d. 723 AD), when ‘Abdullah b. al-Zubayr imprisoned al-Hasan b. Muhammed b. al-Hanafiyya. Kuthayyir said the following lines of poetry:

Tuhaddithu man laqayta annaka ‘aa’ithun

Bal al-‘aa’ithu al-mathloomu fi sijni ‘Arim (6)

Translation:

You tell someone who you meet that you need protection, but (in reality) the one who needs protection is the persecuted one in the prison of ‘Arim.

Abdullah b. al-Zubayr imprisoned his brother ‘Amr in this jail, and imprisoned also the poet ‘Abu Sakhr al-Hudhali (d. 700 AD).

The third famous prison was called al-Mitbaq, which was built by the second Abbasid caliph Abu Ja’far al-Mansur (754-775 AD) between the two walls of Baghdad. It was a very wide prison that included subterranean vault and dark cellars (7). Other prisons were mentioned in the resources such as al-Mutraf, where al-Hallaj’s body was burned on its wall after he was crucified in 922 AD (8); the new prison in Baghdad (9), and the prison of Dawwar in Yamam and other places (10).

It seems that some caliphs and leaders used to build prisons in their palaces. For example, caliph Abu Ja'far al-Mansur built a prison for 'Abdullah b. Ali in his palace <sup>(11)</sup>. Similarly, Sa'd b. Abu Waqqas (d. 675 AD) built a prison in his palace called al-'Udhayb for Abu Mihjan al-Thaqafi (d. 650 AD) <sup>(12)</sup>. Some caliphs were imprisoning others with their servants and girls. For example, caliph al-Mu'tasim (833-842 AD) imprisoned Muhammad b. al-Qassem (d. after 834 AD) with his servant Masrur <sup>(13)</sup> in a subterranean vault that was similar to a well, and he nearly died there. When al-Mu'tasim knew about that, he ordered the jailors to take him out and imprison him in Bustan Musa in al-Mu'tasim's house.

It seems that Islamic prisons were not strongly built, well guarded, and watched. Therefore, we read about many attempts to break the locks of the doors or to make holes in the walls. We read also about the escape of many prisoners and even attempts to kill the jailor himself <sup>(14)</sup>.

#### **SUPPORTING AND FEEDING THE PRISONERS**

Caliph Ali b. Abu Talib put rules for supporting the prisoners. They say that if the prisoner had money, he should spend it on himself while he is in prison, but if he had no money, Bayt al-Mal (The Treasury of the State) should buy him food, bread, and clothes in summer and in winter <sup>(15)</sup>.

The Umayyad caliph 'Umar b. 'Abdul 'Aziz (717-720 AD) ordered that prisoners should be given support from the charity. Sometimes, the prisoners were going out with their guards (with handcuffed hands) to beg. They were crying in the streets 'Starvation!' 'Starvation!' but jailors were taking most of what the prisoners managed to collect. Those who were not crying or begging were punished more severely by their jailors <sup>(16)</sup>.

Perhaps the first person that put down fixed rules for supporting the prisoners was judge Abu Yusuf Ya'qub b. Ibrahim (d. 798 AD). He did that after caliph Harun al-Rashid (786-809 AD) demanded that. He allocated fixed monthly salaries to be paid for the prisoners. He had a registration book for those who deserve such salary. He also allocated payments for clothes, which consisted of a shirt and a cloth in winter and a wide garment in summer. He also added a head veil for women in order to avoid them going out in handcuffs to ask for charity <sup>(17)</sup>.

It seems that salaries were not stable. Harun al-Rashid once asked the jailors: How much did you allocate for Yahya b. ‘Abdullah b. al-Hasan al-Talibi (d. 796 AD). They answered: Four loaves, and eight pounds of water. He decreased that to a half and then to a quarter <sup>(18)</sup>.

According to the sources, the government used to allocate budgets for prisons and prisoners. For example, the Abbasid caliph al-Mu’tadhid-billah (892-902) allocated 1500 dinars from the government budget to be paid monthly for the expenses of prisons and the food for prisoners and their provisions <sup>(19)</sup>.

Reliable and loyal people administered the prisons. Finally, the supervision of the prisons of the state was put in the hands of the judge <sup>(20)</sup>.

### **THE TREATMENT OF THE PRISONERS**

The prisoners used to be handcuffed by different kinds of handcuffs and manacles. Sometimes, an iron link was added to the handcuffs and tied to the back <sup>(21)</sup>. Ali b. Abu Talib (656-661 AD) allowed those who wanted to attend the Friday prayer to do so and return to the prison after the prayer ended <sup>(22)</sup>.

The Umayyad caliph ‘Umar b. ‘Abd al-Aziz ordered his governors to allow the Moslem prisoners to be relieved of their handcuffs during the praying time <sup>(23)</sup>. In the year 700 AD, he wrote to his governors ordering them not to handcuff the prisoners <sup>(24)</sup>. The sick and the disabled prisoners were given some sanitary and health care by examining them or giving them medicine and preparing special food for them <sup>(25)</sup>.

It is mentioned that at the beginning of the tenth century, doctors were appointed to take care of the prisoners. They were going into the prisons and giving the prisoners medicine and drinks <sup>(26)</sup>. The prisoners’ parents and friends were allowed to visit their prisoners in distant periods and generally on holidays and feasts. The prisoners were allowed also to read and write. For example, Ibrahim al-Musili learned how to write and read in prison <sup>(27)</sup>.

### **THE CONDITIONS OF THE PRISONS**

The prison rooms were dark, wet, and stinking. One could hear the prisoners’ cries and complaints about starvation, nakedness, lice, darkness, bats, and insects <sup>(28)</sup>.

One day, al-Hajjaj b. Yusuf rode his horse and went out to pray the Friday prayer. He heard some noise and asked: What is this? He was told that the prisoners were making noise and complaining about their plight. He looked in their direction and said: “Begone therein and speak not unto me” (29). Al-Hajjaj was letting the prisoners eat the animals’ manure and drink water mixed with salt and ashes (30).

When the Abbasid caliph al-Ma’mun (813-833) heard about the riots of some prisoners in al-Mitbaq, he rode out and went to them and ordered to bring four of them and beheaded them (31).

Thus, we see that the prisoners were facing starvation, nakedness, and threats of death. They were forced to do unpaid labour and work in digging canals and building and other kinds of hard labour. When they finished, they were returned to the prison handcuffed. Some of them were prevented from taking the charity that was given to them by people or by their visitors. Their handcuffs were sometimes doubled. Besides, some of them were thrown into prison without limiting their period of imprisonment. Their food was limited to bread and water. Their dress was only a rough woolen garment called *jib* (a long outer garment with wide sleeves).

The prisoners were tortured in their cells. Special methods of torturing were devised. For example, Muhammed b. ‘Abdallah al-Zayyat, the minister of caliph al-Mu’tasim (833-842 AD) invented a wide iron furnace with sharp nails on its edge directed towards its inside, in which he was torturing the ‘Keepers of the Register’ who were required to pay some money. If the tortured one moves inside the furnace (because of its heat), the iron nails would pierce his body, which would pain them extremely. It is quite ironic that when caliph al-Mutawakkil arrested his minister Muhammed b. ‘Abdallah al-Zayyat, he ordered that he be tortured in the furnace for forty days. Finally, he died in it (32).

Al-Hajjaj also invented different methods of torturing in his prison called al-Dimas. The Umayyad poet Jarir b. ‘Atiyya al-Khatfi (d. 728 AD) described the ways of torture in al-Dimas when he addressed caliph Suliman b. ‘Abdul Malik (715-717 AD) saying:

- 1) Ajarta mina al-mazalimi kulla nafsin wa ‘addayta al-lathi ‘ahida la-rasulu

- 2) Wa yad'uka al-mukallafi b'ada juhdim wa 'aanin qad 'adarra bihi al-kubulu
- 3) Wa ma zalat mu'alaqatun bi thadyin bi thi al-Dimasi aw rajulun qatilu
- 4) Farrajta al-hamma wa-alhalaqati 'anhum fa 'ahya al-nasa wa-albalada al-mahulu

**Translation:**

- 1) You protected a soul from its grievances, and you fulfilled what the prophet assigned
- 2) The charged one calls you after an effort and the sufferer calls you after the handcuffs hurt him.
- 3) The breast or the legs of a murdered man are still hanging in al-Dimas
- 4) You relieved their oppression and their handcuffs, so you gave life to people and a passing country

Al-Hajjaj ordered to bring Fayruz Husayn, who used to torture the prisoner by tying him to cracked Persian reed and dragging him till the reed tore his body apart. Then he would wet him with salt and vinegar.

This kind of torture is not strange to al-Hajjaj, who was known of his cruelty. Al-Hajjaj used to imprison women and men together. The sources mention that fifty thousand men and thirty thousand women, (of whom sixteen thousand were naked) died in his prisons <sup>(34)</sup>.

We also read that the Abbasid caliph al-Mu'tadid (892-902 AD) was well-known for his cruelty with the prisoners. When he got angry with the leader or any man, he would order his men to dig a hole for him in his presence. Then he would hang down his head into the hole to the middle of his body. His other half would appear above the earth, and the prisoner would remain hanging half-covered till his soul went out <sup>(35)</sup>.

Another example of al-Mu'tadid's torture is that he used to order his men to tie the hands and legs of the prisoner and put an air-pump in his anus and pump air till he inflates and his body gets bigger in size. Then his anus is corked with cotton and a vein is open to bleed. In one

instance, the man became “like a big camel and his eyes were filled and went out of their sockets. When he was about to split, he ordered some doctors and hit him with the sword in two veins above his eyebrows. The wind blew out of them with blood with a whistling sound till the man died” (36).

It should be noted that it was caliph al-Mu’tadhid who started using al-Matamir as a prison. (al-matamir is a subterranean storehouse for grain). There he Practiced all sorts of torturing and he appointed Najah al-Harami in the position of torturing people (37). His practices included all kinds of hitting, head-shaving, pouring boiling oil on the head, plucking beards, moustaches, eyelashes, eyebrows, pulling out nails, and pouring cold water in winter (38).

An interesting example is the case of ‘Amr b. al-Zubayr, who was in his brother’s jail ‘Abdullah b. al-Zubayr. ‘Amr was hit by whips and pus was exuding from his back and shoulders on earth. Then there an order was given to put the dung beetle on him, which started moving on his body and piercing his flesh while he was handcuffed till he died. Abdullah b. al-Zubayr was crucified in Mecca, and he was pulled down only after he was strongly hit (39).

It is worthwhile mentioning that some prisoners were defamed among people. For example, the poet Ibn Mufarragh Yazid b. Ziyad (d. 688 AD) was forced by ‘Ubaydullah b. Ziyad to drink a sweet drink, but he tied him to a cat and a pig and defamed him in the markets of Basra while children were running around him (40).

Ibn al-Jahm was also hanged in front of people naked for a whole day (41).

The people who were tortured most were those who refused to pay al-Kharaj (land-taxes), but Harun al-Rashid stopped their torturing.

It is related that when caliph ‘Umar b. al-Khattab (634-644 AD) was on his way to al-Sham (Damascus), he passed by some people, who were forced to sit under the heat of the sun. Hot oil was being poured on their heads. He asked: “What’s the matter with these people?” He was told: “They did not pay al-Jizya (the head tax).” ‘Umar said: “What do they say and how do they excuse for that?”

He was told: “They say they do not have”.

He said: “Set them free” (42).

Abdullah Ibn al-Mu'tazz, known as Ibn al-Mu'tazz (d. 908AD) describes the torturing of those who did not pay al-Kharaj (land-tax) in one of his poems written as 'Urjuza (a poem in the meter of *rajaz*). Torture was so severe for those who stole money from the State. They were hung from one hand while edges of reed canes were pierced into their nails. They were hit on the head by nailed sticks, and they were forced to dress a woolen *jibba* (wide garment) soaked with oil or foot trotter, especially of sheep or oxen (43). Even caliphs, princes, ministers, and leaders were tortured in this way. The eyes of several Abbasid caliphs were gouged out (43). The tragedy of caliph al-Mu'tazz shows another type of torturing. A number of Turks entered his room and hit him severely with nailed sticks till his clothes were torn and blood flowed down his shoulders. Then they put him in the heat of the sun. When he was deposed, someone was sent to torture him. They did not give him food for three days. Then they plastered a subterranean vault with hot thick gypsum and when it got hotter, they pushed him into it and closed it and soon he turned into ashes (45).

There is another story about al-Mu'tassim and torturing Babak al-Khurrami (d. 837) in Samirra', which says that al-Mu'tassim ordered to undress Babak completely. The servants stole all his valuable things and ornaments; his right hand was cut and they hit him on the face with the cut hand. Then his left hand was cut and he was hit on the face with it. Then they cut his legs while he was turning on the leather mat on the table of execution. Al-Mu'tassim ordered the executioner to insert the sword between two of his ribs below the heart in order to lengthen his suffering. Then he ordered to cut his tongue and his body was crucified with his limbs. After that, the head was carried to the City of Peace, (Baghdad) and it was put up on the bridge. Then it was moved to Khurasan where they moved with the head from a city to the other.

His brother, Abdullah was carried with the head to the City of Peace. There, Ishaq b. Ibrahim, governor of Madinat al-Salam (the City of Peace) ordered to do the same thing as was done with his brother Babak



in Samirra'. Babak's body was crucified on a long board of wood at the outskirts of Samirra' (46).

Another example is the story of the Abbasid caliph al-Mutawakkil (847-861 AD) and his torturing of his minister Ibn al-Zayyat in the furnace.

Thus, we see that a number of caliphs and governors tortured people in a brutal way, and this harmed them in return.

As for prisoners and captives, the treatment was better. It is related that 'Aziz b. 'Umayr was among the captives in the battle of Badr (624 AD). He said: I was among a group of 'Ansar (Supporters of the Prophet) when I was taken as a captive. When they were having lunch or supper, they were giving me bread and were eating dates (47).

One of the signs of good treatment of the prisoners of war was giving them food and clothing. The tribe of Thaqif took into captivity two of the Prophet's companions. The Prophet also took into captivity a man from Banu 'Amir b. Sa'sa'a. The captive said to the Prophet: "I am hungry; give me some food; I am thirsty; give me some water". The Prophet said: "Yes, you need that. Then he exchanged him for the two men that Thaqif had taken into captivity (48).

Another sign of good treatment of prisoners of war is non-torturing, non-hitting, and non-forcing them to reveal the secrets of their armies. It was not allowed to maim their bodies by cutting their limbs or gauging out their eyes after arresting them. However, it was allowed to mutilate a non-Moslem captive if a Moslem one was maimed by the people of a non-Moslem one (49).

Prophet Muhammad, for example, prevented pulling out the front teeth of Suhail b. 'Umar (d. 639), the public speaker of Quraysh and one of its lords in Jahiliyya. Suhail was taken into captivity by Moslems in the battle of Badr. 'Umar b. al-Khattab asked the Prophet to let him pull out Suhail's front teeth so that he would not be able to speak against him in public. The Prophet answered: "I won't maim him; if I do, God will maim me, even if I am a prophet" (50).

Thus, we notice that the prisoners of war who fell into Moslem hands were treated in a better way.

## CONCLUSION

As we have seen in this article, the use of prisons in Islam started in formal way with the Orthodox Caliphs (al-Khulafa' al-Rashidun) in (632-661 AD), especially with the caliphate of 'Umar b. al-Khattab. In the course of time, many prisons were built. A special order was followed in supporting and feeding the prisoner. As for their treatment, it was quite severe. However, some caliphs were less cruel than others. The conditions of the prisons were quite hard, and we have had many evidences. Non-Moslem prisoners were treated better than Moslem ones.

### ملخص

يهدف هذا المقال للوقوف على حالة السجون في الإسلام، منذ بداية الإسلام وحتى العصر العباسي، يتطرق المقال أيضا إلى أشهر السجون الإسلامية، وأوضاع السجناء فيها، وكيفية معاملتهم من قبل السجناء، كما يبين المقال ظروف السجن الصحية، وتعذيب السجناء من قبل بعض الخلفاء العباسيين، الذين ابتكروا طرقا متعددة لتعذيب السجناء، كما يتناول المقال أوضاع الأسرى المساجين في زمن النبي محمد (صلى الله عليه وسلم) ويبين أن معاملتهم كانت معاملة حسنة أفضل من معاملة المساجين المسلمين.

### תקציר

המאמר מתאר את בתי הכלא באסלאם מאז תחילת האסלאם ועד התקופה העבאסית, המאמר מתמקד בבתי הכלא המפורסמים, וכן מתאר את אורח חיי האסירים, והיחס כלפיהם מצד הסוהרים, המאמר עומד על התנאים הבריאותיים ששררו בבתי הכלא, וכן על עינוי האסירים ע"י אחדים מהחליפים העבאסים אשר המציאות שיטות מתוחכמות לענוי האסירים. המאמר גם סוקר את מצב השבויים אשר נשבו ע"י המוסלמים בראשית האסלאם, והמאמר הבהיר שהיחס כלפי שבויים אלה היה יחס אנושי.