



The Crime of Family Separation & the Compassion of a Muslim Sultan

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Today, in America, we see our government and its agencies separating children from their mothers in what seems to be a weekly occurrence. The tragic stories keep pouring in of children no longer recognizing their parents after so long in government custody and, in the worst scenarios, the children being sexually abused and even dying in custody. Aside from these immigrants at our southern border, there is another group vilified not so proverbially as barbarians at the gates: Muslims. Many Americans would be surprised to find that we could learn much from the Muslims of 800 years ago during one of the bloodiest periods of history about how to treat the women and children trying to cross our southern border.

There is a little-known but well-established historical event recorded by the renowned historian of the Crusades, Baha' al-Din Ibn Shaddad,¹ regarding a Frankish woman who appealed to the Muslim Sultan Saladin² (also written as Salah Al-Din) that her baby girl had been kidnapped by thieves.³ What is remarkable about this incident is that the Frankish princes themselves advised her to seek justice from Saladin because he was respected even by his enemies for his kindness and mercy. The term "Frank" came to be used as a synonym for Western European as the Carolingian Franks ruled most of Western Europe in the Middle Ages. It was a generic term for the Christians of Western Europe. In the Muslim World, the Arabic rendition *Faranj* or the Persian and Turkic *Farang* came to be the term for Crusader. Thus, it is important for context that one be mindful of the fact that this was a woman coming from a people who had invaded Muslim lands and committed a host of atrocities during Crusades that spanned centuries. She should have been, in martial terms, "the enemy." But Saladin didn't see an enemy. He saw a weeping mother longing for her child and it stirred his soul.

He commanded that his entire camp and surrounding areas be searched for the child and that they not rest until she be found. Eventually, the child was found with a man and his wife. They had lost their own child in the Crusades and bought this

¹ Baha al-Din Yusuf bin Rafi' (1145-1234 CE), called Ibn Shaddad, an Iraqi traditionist and jurist from Mosul who accompanied Saladin in the Crusades. He died in Aleppo, Syria.

² Salah ad-Din Yusuf ibn Ayyub (1137-1193 CE), known popularly as "Saladin" or "Salah al-Din," was the founder of the Ayyubid dynasty. A Sunni Muslim Kurd of the Shafi'i rite, Saladin led the Muslims against the Crusaders. At the height of his power, he reigned over Egypt, Syria, Iraq, the Hijaz, Yemen and other parts of Africa.

³ *The Rare and Excellent History of Saladin* (al-Nawadir al-Sultaniyya wa'l-Mahasin al-Yusufiyya), Baha' al-Din Ibn Shaddad, Translated by D.S. Richards, 1st Edition (2002), p. 37.

baby to raise as their own. They, too, appealed to Saladin that they had spent much of what little they had to acquire the baby and that the child was rightfully theirs now.

When a soldier from Saladin's army arrived with the baby perched on his shoulders, the mother fell to the floor and wept uncontrollably from joy. Saladin ordered that the child be returned to her mother and that he, himself, from his own money, would compensate the Muslim couple who had bought the baby. They protested tearfully.

Saladin, who has been recorded as a scholarly ruler well versed in law, acted according to the decree of the Prophet Muhammad ﷺ: "Whoever separates a mother from her child, God will separate them from their loved ones on the Day of Resurrection."⁴

And this has been codified in Islamic jurisprudence, called *Fiqh* in Arabic. Ibn Qudamah,⁵ a famed Palestinian jurist of the Hanbali legal rite, who himself fought alongside Saladin in the Crusades, records in his magnum opus of comparative jurisprudence entitled *al-Mughni* that when prisoners are taken in war, neither mothers nor even fathers should ever be separated from their children. He cites not only the aforementioned decree of the Prophet Muhammad ﷺ as precedent, but the namesake of his legal rite as well, Ahmad ibn Hanbal,⁶ who states that a mother should never be separated from her child, regardless of what one's personal judgment may be. And this legal verdict is not unique to the Hanbali rite of law but is found among the other three Sunni canonical rites as well. The bond between mother and child is sacrosanct and inviolable.

So the baby girl was returned to her mother and the mother wept profusely as she held her in her arms once again. It is recorded that, on her knees, she looked to the

⁴ *Musnad Ahmad* nos. 22988, 23002, *Sunan al-Tirmidhi* no. 1283, *Sunan al-Darimi* no. 2479, *Sunan al-Daraqutni* no. 256/3014, *Mustadrak al-Hakim* no. 2381.

⁵ Muwaffaq al-Din Abdullah ibn Ahmad (1146-1223 CE), popularly known as Ibn Qudamah and also with the epithet al-Maqdisi indicating his patronage to Jerusalem. He was a Sunni Muslim jurist, theologian, and mystic. He was from a town called Jamma'il known today as Jamma'in neighboring Nablus in the West Bank.

⁶ Ahmad Ibn Muhammad Ibn Hanbal (780-855 CE), often referred to as Ahmad ibn Hanbal or Imam Ahmad, was a Sunni Muslim jurist, theologian, ascetic, and traditionist. He is the founder and namesake for the Hanbali rite which is one of the 4 canonical rites of Sunni Islamic law.

sky and began praying tearfully in a language that they did not understand. The couple who, sadly, lost a child also wept profusely. All of Saladin's men witnessing this, soldier and official alike, could not control their emotions and they too began to weep. Saladin himself stepped down from his royal seat and crouched behind it and wept audibly, to the alarm of his advisors. In the book *Saladin: The Politics of the Holy War*, Malcolm C. Lyons and D.E.P. Jackson state: "Saladin himself, as has been seen, was an emotional man, who is shown weeping...over the return of the baby to its Frankish mother at the Siege of Acre."⁷

Saladin did not see an enemy. He saw a fellow human being with whom he empathized deeply from his heart, which is clearly gleaned from his teeming emotions. Geraldine Heng, in her book, *The Invention of Race in the European Middle Ages*, states: "The whole affair took only an hour, Beha ad-Din relates matter-of-factly, with no comment on the Sultan's succor of an enemy."⁸ So, none of them—not the people witnessing the event, nor those who recorded it—saw this as favoring the enemy. That doting mother wasn't viewed as an adversary, regardless of her association with those killing them. She was viewed as the hallowed cradle of civilization itself whom every man and woman love like no other in their life.

Enemies are those who raise arms against you on the battlefield or seek to harm those whom you are charged to protect. Outside of that, no human being should ever be viewed as an enemy when it comes to meting out justice and fairness and being just plain human. The Qur'an states: "O you who believe! stand out firmly for God, as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to piety: and fear God. For God is well-acquainted with all that you do."⁹

What makes that verse even more inspiring is that, according to exegetical sources, this verse was revealed in regards to those who had wanted to *murder* the Prophet Muhammad ﷺ. This is explained by the famed exegete of the Qur'an, Abu

⁷ *Saladin: The Politics of the Holy War*, M.C. Lyons, D.E.P. Jackson, Cambridge University Press (1982), p. 373.

⁸ *The Invention of Race in the European Middle Ages*, Geraldine Heng, Cambridge University Press (2018) p. 171.

⁹ *The Holy Qur'an* 5:8, translated by Abdullah Yusuf Ali.

Ja‘far al-Tabari,¹⁰ as well as many others. In the Qur’an, the Prophet Muhammad ﷺ was commanded by God to not let the fact that his enemies were actively plotting to kill him get in the way of being fair and just towards them.

These are events from hundreds upon hundreds of years ago. One would think that we would have reached the point that these principles of humanity would be ingrained in us and that we wouldn’t need to be reminded of them. But, alas, here we are with a wall being built to seal our southern border and children being seized from mothers trying to cross it. Some of those children have never been reunited with their parents, either having died in custody or having been adopted by American families. We pray that a day never comes that some calamity forces us to flee our homes and seek refuge beyond our borders. If that day comes, how will they receive us when we acted this way?

Indeed, our national security is important and must be safeguarded with much precaution and vigilance. But security was no less important in the middle of the Crusades, some of the bloodiest wars in human history. The Muslims were invaded and many of them caught unawares by a coalition of Christian European nations at the behest of Pope Urban II.¹¹ As a result they were brutally massacred until it is recorded that the Crusaders were ankle-high in blood. This is likely a fanciful description intended to evoke images of the massacre of unbelievers called “trampling the winepress” in the Book of Revelation 14:20. Nonetheless, one need not try too hard to imagine how truly terrible it actually was. Fulcher of Chartres¹² writes: “In this temple 10,000 were killed. Indeed, if you had been there you would have seen our feet coloured to our ankles with the blood of the slain. But what

¹⁰ Abu Ja‘far Muḥammad ibn Jarir al-Ṭabari (839-923 CE), known commonly as al-Tabari, was an influential Persian scholar, historian, and exegete of the Qur’an from Tabaristan, Iran. He is best known for his expertise in Qur’anic exegesis, Islamic jurisprudence and world history. Though coming from a background in the Shafi‘i rite of law, he had developed his own rite of law which is no longer extant.

¹¹ Pope Urban II (1035-1099), born Odo of Châtillon succeeded Victor III as Pope from 1088 to 1099.

¹² Fulcher of Chartres (1059-1128 CE) was a priest who participated in the First Crusade. He served Baldwin I of Jerusalem and wrote a chronicle of the First Crusade in Latin.

more shall I relate? None of them were left alive; neither women nor children were spared.”¹³

Yet, when the Muslims retook Jerusalem, there was no revenge and no similar massacre occurred. Even into the rule of Saladin’s nephew, al-Kamil,¹⁴ this magnanimity towards combatants and civilians alike continued. When al-Kamil had handily defeated the Crusaders in the Fifth Crusade (yes, they tried *that* many more times), finding that they were at the point of starvation, he supplied them with medical care, food, and provisions. Oliver of Paderborn¹⁵ wrote: “Who could doubt that such goodness, friendship and charity come from God? Men whose parents, sons and daughters, brothers and sisters, had died in agony at our hands, whose lands we took, whom we drove naked from their homes, revived us with their own food when we were dying of hunger and showered us with kindness even when we were in their power.”¹⁶

Even in one of the bloodiest conflicts in human history, such compassion was displayed to their enemies who had been invading and killing them for over 100 years. So don’t let anyone tell you that we can’t be better, considering the fact that we aren’t even involved in any combat at our borders. Just as Islamic law codified an unwavering rejection of separating a mother from her child, so do we need to similarly make sure that such violations of fundamental human rights never occur at our hands.

¹³ The Siege of the City of Jerusalem, *Gesta Francorum Jerusalem Expugnantium*, Fulcher of Chartres, in Frederick Duncan and August C. Krey, eds., *Parallel Source Problems in Medieval History* (New York: Harper & Brothers, 1912), pp. 109-115.

¹⁴ al-Malik al-Kamil Nasir al-Din (1177-1238 CE), referred to as al-Kamil or as Meledin in Western sources, was a nephew of Saladin and was the fourth Ayyubid sultan who defeated the Crusaders in the Fifth Crusade.

¹⁵ Thomas Olivier or Thomas Oliver (1196-1227 CE), also known as Oliver of the Saxon, Oliver von Paderborn, Oliver of Cologne, was a German Bishop and Cardinal who from 1223 to 1225 served as Bishop of Paderborn. He preached fervently in Europe for the Crusades and accompanied them to the Holy Land for a time.

¹⁶ *Justice Without Frontiers: Furthering human rights*, vol. 1, Judge Christopher Gregory Weeramantry.