معراج الصعود
أبوة أحمد بابا حول الاسترقاق

Mi‘rāj al-Su‘ūd
Ahmad Bābā’s Replies on Slavery

توفيق وترجمة
بالصحة الدراية وجون هانوئك

Annotated and Translated
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THE FATWĀ OF AḤMAD BĀBĀ AL-TINBUKTĪ
THE LADDER OF ASCENT TOWARDS GRASPING THE LAW CONCERNING TRANSPORTED BLACKS

Praise be to God, the Lord of the worlds and may His blessing and peace be upon the Lord of the Messengers.

Thereafter: Says the one in need of his Lord, Ahmad Bābā b. al-hājj Ahmad—may God Most High inspire him with right guidance and direct him to that which pleases Him and draw him close to Him—after [declaring that] there is no power nor might save through God the Exalted, the Mighty: Three years ago, or a little more, there reached me a question from the land of Tuwāt—may God Most High protect it from the blows of fate and from failure of crops—[in which] I read, after praise to God and blessing upon his Prophet, “To the illustrious and revered jurists, lamps [of learning] of the region of the Sūdān, who have insight into the question and [ability to] expound it, in particular the distinguished jurist, the eminent hāfīz, Abū 'L-ʿAbbās Sidi Ahmad Bābā—may God Most High prolong his life as an instrument of the faith and as a support for those who seek knowledge”.

Now I had the intention of writing about the matter at the time, but something prevented me from so doing until it passed into the category of things forgotten. And now there arrived at the end of this year, that is 1023/1614-15, a request for a reply to it.

Be aware, sir, that I am not, by God, a jurist, nor am I illustrious, neither do I deserve to be so described, either in reality or in metaphor. This is my reality and a description of my true self:

By the life of thy father, al-Muʿallā27 is not to be considered generous whilst any generous person exists.

27 al-Muʿallā is the seventh arrow in the game of chance called maysir. Winning it brought the greatest share of the slaughtered camel, but losing with
THE LADDER OF ASCENT

But when lands are dried up and their herbage withered, dry stalks are pastured on.

I have a name, but there is no substance behind it, so if you are wise, do not be deceived by my name.

You are not the first person whom a moon deceived, nor [the first] scout for pasture allured by the verdure of a dung heap. 28

So let us offer the funeral prayer 29 for the disappearance of learning and its practitioners, the blotting out of its sun, the eclipse of its moon, and its evanescence, as was promised by the Truthful One, may God bless him and grant him peace. 30

You asked: “What have you to say concerning slaves imported from lands whose people have been established to be Muslims, such as Bornu, ʿAfnū, Kano, Gao and Katsina, and others among whose adherence to Islam is widely acknowledged? Is it permissible to own them or not?” [The Reply]: Be it known—may God Most High grant us and you success—that the people of these lands are, as you have said, Muslims, except for ʿAfnū whose location I do not know, nor have I heard of it. However, close to each of these is a land in which there are unbelievers (kafara) whom the Muslim people of these lands make raids on. Some of them, as is well known, are

under their protection and pay kharāj, 31 according to what has come to our ears. Sometimes the sultans of these lands are in a state of discord the one with the other, and the sultan of one land attacks the other and takes whatever captives he can, they being Muslims. These captives, free Muslims, are then sold—to God we belong and to Him shall we return! This is commonplace among them in their lands. The people of Katsina attack Kano, and others do likewise, though they speak one tongue and their languages are united and their way of life similar. The only thing that distinguishes them is that some are born Muslims and others are born unbelievers. This is what confuses the situation concerning those who are brought to them, so that they do not know the true situation of the one imported”.

You said: “It is known that according to the shariʿa the sole reason for being owned is unbelief (kufr). Thus whoever purchases an unbeliever is allowed to own him. In the contrary case he is not. Conversion to Islam subsequent to the existence of the aforementioned condition has no effect on continued ownership”. The Reply is that this is so, provided he is not one with whom a pact has been made, or who possesses [a contract of] protection (dhimma). There is no way round that.

You asked: “Were these aforementioned lands belonging to the Muslims of the Sudān conquered and their people enslaved in a state of unbelief, while their conversion to Islam occurred subsequently, so there is no harm [in owning them], or not?” The Reply is that they converted to Islam without anyone conquering them, like the people of Kano, Katsina, Bornu and Songhay. We never heard that anyone conquered them before their conversion to Islam. Among them are some who have long been Muslims, like the people of Bornu and Songhay.

28 The allusion is to the unhealthy nature of green herbs growing out of dung. The phrase is also used metaphorically to refer to a beautiful woman from a bad family.
29 The actual phrase used by Ahmad Bābā is a Qurʾānic expression used at the announcement of a death: “To God we belong and to Him shall we return”.
30 A reference to the hadith: “God does not remove learning once and for all. Rather it dies out with the death of the ‘ilmāʾ”, etc., see al-Bukhārī, al-Hadīth, Kitāb al-ʿilm: bab kaf yuṣfund al-ʿilm.
31 Kharāj is technically a tax on land, but it may refer here more generally to tribute paid by a subject people.
THE LADDER OF ASCENT

You said: "One of the qādīs of the Sūdān reported that the imam who conquered them whilst they were unbelievers chose to spare them [as slaves]." I say: "This is something we have never heard of, nor has [any information about] it reached us. So ask this Sūdānī qādī who this imam was, and at what time he conquered their land, and which land he conquered? Let him specify all of this to you. His statement is very close to being devoid of truth. If you investigate now, you will not find anyone who will confirm the truth of what he said. What is based upon what he says, therefore, is not to be given consideration. God Most High knows best. Look at the statement of Wali 'l-Dīn Ibn Khaldūn concerning the people of Bornu, which will be given later, if God Most High wills. You asked if this is correct or not. The reply is that in all probability it is incorrect.

You asked: "How could this be so in regard to the people of Bornu, which is the abode of their sultanate, and people are frequently brought to us from there. Are they slaves or not?" The Reply is that they are free Muslims, who converted to Islam long ago. However, close to their borders are unbelievers whom they raid and take hold of and sell, as we have said before. In the "Great History" of the imam, the hafiz Wali 'l-Dīn Ibn Khaldūn, when he gave an account of the Hafṣid state in Tunis, is the statement: "In the year 55—that is 655 [1257-8]—there arrived in Tunis a gift from the king of Kanem, who is the ruler of Bornu [which lies] south of Tripoli. Part of it consisted of a giraffe, a creature of strange form, of contradictory traits and appearance. It was a huge attraction in Tunis, etc., etc."

Before that, when speaking of the kings of the Sūdān neighboring the Maghrib he said: "Among the peoples of the Sūdān

... are the Tājūra, and they are bordered by the Kanem, who are a multitudinous folk among whom Islam predominates. They hold sway over the lands of the Sahara up to Fezzan. They engaged in an exchange of gifts with the Hafṣid state from its inception. They are bordered in the west by Kawkaw, and after them Wanghāra and al-Takrūr, and later he said: "When Ifriqiyya was conquered, the merchants entered the lands of the west, and found among them none more mighty than the king of Ghana [whose people] border the Encompassing Ocean on the western side. They were the mightiest nation (umma) and had the largest kingdom. The seat of

32 In the question of al-Jirārī the word ariqqā'—'slaves' is added.
33 Wali 'l-Dīn 'Abd al-Rahmān b. Khaldūn, d. 1406, author of the celebrated world history, Kitāb al-i̇bar wa-dīwān al-muhrada' wa-l-khabar fi akhīrāl-'Arab wa-l-'Ajam wa-l-Barbar.
34 cf. the old English term for the giraffe—"camelopard", an animal with a camel’s head and a leopard’s spots.
THE LADDER OF ASCENT

their king [was] Ghâna, two towns on the banks of the Nile, one of the mightiest and most populous cities in the world. The author of the Kitâb Rûjûr mentioned it, as did the author of al-Masâlik wa’l-Mamâlik. On the eastern side their neighbors were another nation called Sûshû, spelled with two sâds each with a damma. Then after it is another nation known as Mâli. Then after it another nation known as Kawkaw, down to where he said, “Then the dominion of the people of Ghâna weakened and dwindled while the veiled ones (al-mulaththimûn) to their north adjoining the lands of the Berbers grew powerful, as we have already said, and lorded it over the Sûdân, plundered their heartlands and their territories and exacted tribute and jîza. They forced many of them into Islam, which they adopted as a religion. Then the authority of the rulers of Ghâna diminished and they were conquered by the Sûshû people, one of the nations of the Sûdân, who enslaved them and assimilated them to their number. Then the people of Mâli became the largest of the nations of the Sûdân in these regions of theirs and grew powerful, so they conquered the Sûshû”, until he said, “and they were Muslims”. [and so on] down to the end of what he said.

You said: “Was their land taken by force or by agreement?” The Reply is that what is apparent from what Ibn Khalîd and others said is that they became Muslims of their own free will”.

You said: “Similarly he whose land [of origin] is unknown and whose status is unclear, and it is not known whether his enslavement preceded his conversion to Islam or not: is it permissible to buy him and sell him without investigation? Or is investigation mandatory, or is it [merely] recommended?” The Reply is that you know that the cause of enslavement is unbelief, and the unbelievers of the Sûdân are like any other unbelievers in this regard—Jews, Christians, Persians, Berbers or others whose persistence in unbelief rather than Islam has been established—as will emerge from the words of the Mudawwana at the end of this section. This is proof that there is no difference between any unbelievers in this regard. Whoever is enslaved in a state of unbelief may rightly be owned, whoever he is, as opposed to those of all groups who converted to Islam of their own free will, such as the people of Bornu, Kano, Songhay, Katsina, Gobir and Mali and some of [the people of] Zakzak. They are free Muslims who may not be enslaved under any circumstance. So also are the majority of the Fulani, except, so we have heard, a group living beyond Jenne who are said to be unbelievers. We do not know if [their unbelief] is ancestral or occurred through apostasy. Indeed, disputes occur between them and they raid one another.

In the Nawâzîl of Abû ’l-Âshâbî [‘Îsâ] b. Sahî [we read]: “The generally accepted view (al-mash’hûr) is that whoever claims to be free and mentions that he is from a land in which free persons are frequently sold, and if the purchaser confirms that he bought him

40 Medieval Arab geographers mentally constructed a “Nile of the sûdân”, which flowed from a lake in central Africa (from which also flowed the “Nile of Egypt”) traversing the lands of the Sahel and emptying into the Encompassing Ocean. The basis of this seems to have been a conflation of the rivers Yobe (in Bornu), Niger and Senegal, despite the fact that the first two flow west-east. The major towns and cities of the region were thought to be situated on the banks of this mythical river. The probable location of the capital of Ancient Ghana, near Kumbi Saleh (15° 50’ N—8° 00’ W), is several hundred miles from the river Niger.

41 al-Shari‘î al-I’drisi, whose universal geography Nuzhat al-musha‘q fi ikhûrîq al-âfaq was written c. 1150 for King Roger II of Sicily, hence its alternative title.

42 Abû ’Ubâyî al-Bakrî, an Andalusian scholar of several disciplines, who wrote his “Book of Routes and Kingdoms” in 1087, partly based on a similar work by Muhammad b. Yusuf al-Warrâq, a 10th century author of Qayrawân.

43 i.e. the Soso, a people who now live in Sierra Leone and Guinea, but who evidently originated in the area to the south of Ancient Ghana and to the north of the Malinke heartlands.

44 i.e. the Sanhâja Berbers.

45 An Andalusian Mâliki. qâdi of Tangiers, Miknâs and Granada at various times. d. 486/1093-4. See Ibn Farhûn, al-Dîbâj al-mudhâhab, i, 70.
from such a land, then, according to Muhammad b. al-Walid\textsuperscript{46} and Yahyā b. Ṣabd al-Ṣazīz, the purchaser is charged with proving the person’s slave status. Sahnūn\textsuperscript{47} said: ‘And Ibrahīm Lubāba said: ‘The one who claims he is free must provide the proof. Abū ʿAlī used to rule in accordance with what our colleagues said, because of the wickedness of the times, but I do not hold such a view’’. Ibn Zurb\textsuperscript{48} said: ‘It is up to the owner to prove the validity of his purchase from the former owner. The ruled in accordance with this during the rebellion of Ibn Hafsūn’’.\textsuperscript{49} End [of quotation]. \[Sahnūn\] mentioned this in juridical problems relating to manumission, before [the section on] marriages. He mentioned many details relating to this and replies to them which would be tedious to quote here, so they may be consulted there.

Our master the jurist, the blessing, the exemplar, Maḥmūd b. ʿUmar Muhammad ʿAqīq used to give judgment in his time in favor of the claimant of free status and remove him from the control of whoever he was with until [lawful] ownership was established, in accordance with what the aforementioned group [of jurists] ruled. If it was not, then he ruled to declare him free. The hāfiz Makhlūf al-Balbālī also gave a fatwā saying: ‘Slavery is rooted in unbelief. The unbelievers of the Sudān are like the Christians, except that they are Majūs. The Muslims among them, like the people of Kanō, Katsina, Bornu, Gobir and all of Songhay, are Muslims whom it is not permissible to own. However, some of them attack others, raiding them unjustly, like the Arabs who attack free Muslims and sell them unjustly. None of them may be lawfully possessed. Whoever is known to be from those lands which are known for their Islam, and states that he is from those lands, should be let go and adjudged to be free, as ruled the jurists of al-Andalus like Ibn ʿAttāb and others. They were only opposed by Ibn Lubāba. The judges of Fes ruled in like manner as did Sīdī Maḥmūd qādī of Timbuktu. He would accept their word without requiring them to prove that they were from those lands. Whoever seeks salvation for himself should not purchase any of them except [in cases where] some one names his land and it is investigated whether or not he is from that land, that is, to say from a land of Islam or a land of unbelievers. This is a great calamity whose misfortune has become widespread in this age and in these lands’. Here ends the quotation of the Shaykh Makhlūf in abridged form as I found it copied from him. I say: ‘The reply to your question as to whether the slave’s word is to be accepted or not is apparent from this’.

You said: ‘[An opinion] was given in one of the replies of the jurist, the hāfiz Abū Ishāq Ibrāhīm b. Hilāl that refraining from becoming owners of them in cases of doubt comes under the heading of [religious] scrupulousness. This view it would seem—God knows best—is based on the statement of Ibn Lubāba: ‘because [the slave] is in his possession and [the owner] has power over him’.

\textsuperscript{46} Perhaps Muhammad b. al-Walid al-Turtūshī, d. c. 535/1148-9, Mālikī jurist of Andalusia who settled in Egypt; see Dībāj, i, 221.

\textsuperscript{47} ‘Abd al-Salām b. Saʿīd al-Tanūkhi, known as Sahnūn, d. 240/854, a foundational figure in Mālikī jurisprudence, born in Qayrawān. His Mudawwana, a revision of Asad b. al-Furāt’s Asāṣiyya compiled under the direction of a pupil of Mālik, Ibn al-Qāsim, remains a major source of Mālik’s juristic teachings; see M. Talbi, art. “Sahnūn”, in El(2), viii, 843-5.

\textsuperscript{48} Muhammad b. Yahyā Ibn Zurb, qādī of Cordova, d. 943. See Ibn Farhūn, Dībāj, i, 230-1.

\textsuperscript{49} ʿUmar b. Hafsūn, a 3rd/9th century figure who revolted on several occasions against the Umayyad amirs of Cordova, and eventually converted to Christianity.

\textsuperscript{50} Ibn Lubāba, Muhammad b. Yahyā, d. 3309/942, qādī of Elvira; Ibn Farhūn, Dībāj, i, 200.
of that which is subject to the condition, as is the case in doubt over ritual impurity". The Reply is that the question comes under the heading of doubt about the cause, so it would seem, since the cause for possession is unbelief, so ponder this. God knows best.

You said: "Is it established that the Prophet—may God bless him and grant him peace—and his Companions used to make investigations in this sense when they wanted to acquire possession [of a slave]. The Reply is that the circumstances of people in his day—may God bless him and grant him peace—and that of his Companions—may God’s good pleasure be upon them—were well-known because of the predominance of unbelief among people in those days. Hence the circumstance of whatever slave was acquired in those days was known because he was one of the unbelievers, since those who had converted to Islam in those days were also known. At that time the Habasha were unbelievers except for those who had converted to Islam like the Najashi, I mean Ašhama, and a few others of his people. Upon his death they continued as unbelievers at the time, so it was proper to possess those of them who had [already] been possessed, since their owners were certain of their circumstance and of their unbelief. There is no interpretation that permits their being possessed—either they or any others—except unbelief—since the apostate can neither be confirmed in his unbelief nor can he be possessed.52

As regards the hadith which you cited from Jalāl al-Din al-Suyūṭī’s Azhār al-‘urūṣī fī akhbār al-Hubūsh, coming from the hadith of al-Ḥākim,53 on the authority of Ibn Mas‘ūd, that Noah was bathing and saw his son looking at him and said to him, “Are you watching me bathe? May God change your color!” And he became black and he is the ancestor of the suddān—I came across it myself in his book entitled Ra‘f ẓa‘n al-Hubshān, and the actual words are: “As for the blackness of their skins, Ibn al-Jawzi54 said: ‘It is evident that they were created as they are without any apparent reason’. However, we narrate [the following account]: ‘The children of Noah divided up the earth and the children of Shem settled at the center of the earth and they had amongst them both darkness of skin and whiteness. The sons of Japheth settled in a northerly and in an easterly direction and they had amongst them both redness and blonddness. The sons of Ham settled in the south and in the west and their colors changed’. He [Ibn al-Jawzi] said: ‘As for what is related about Noah’s nakedness being exposed and Ham not covering it and being cursed, this is something not proven and is not correct’.”55

Al-Jalāl al-Suyūṭī said: ‘I say: This is supported by what Umm al-Fadl informed me of through [my] study [with her] (qirā‘at) [saying] Abū ʾI-Hasan al-Dāwūdī told us [saying] Abū Muḥammad al-Sarakhsi told us

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51 The najashi, i.e. the Negus, or Ašhama, perhaps to be read Ella Saham.
52 The rule for the apostate in Mālikī jurisprudence is that he be asked to recant and is given three days within which to do so, free of duress. If at the end of this time he refuses to recant, he is to be put to death. He cannot be allowed to remain an unbeliever in a state of apostasy and hence cannot be enslaved.
53 i.e. al-Ḥākim al-Naysābūrī, d. 405/1015. His principal work of hadith is the Kitāb al-mustadrak.
55 See Saud H. al-Khatlānī, “A critical edition of Ra‘f ẓa‘n al-Hubshān by Jalāl al-Din al-Suyūṭī”, Ph.D. diss., St Andrews University, 1983, Arabic text, p. 6, where al-Suyūṭī quotes a hadith on the authority of Abū Hurayra in which the Prophet defines the descendants of Shem as the Arabs, the Persians and the Byzantines, the descendants of Japheth as the Turks, the Slavs and “Gog and Magog”, and the descendants of Ham as the Copts, the Berbers and the suddān. See also Abū ʾI-Fīdāʾ Ismā‘īl b. Kathīr, Qiṣas al-anbiyā’, Beirut, 1408/1987, 86-7.
THE LADDER OF ASCENT

[saying] Abū Ishāq al-Shāsī told us [saying] ṬAbd Allāh b. Humayd told us [saying] Hūd b. Khalifa told us [saying] ‘Awf b. Qasāma told us on the authority of Zuhayr who said: “I heard al-Ash‘arī say: ‘The Messenger of God—may God bless him and grant him peace—said: ‘Adam was created from a handful [of earth] which [God] took from all parts of the world. Hence his offspring turned out according to the earth [they were made from]; some came out red, others white, others black, some were easy-going, others downcast, some were evil and others good’. This is a sound hadith published by al-Hākim in al-Mustadrak, and it is to be relied upon in [the matter of] the blackness of their color, for it is a reversion to the clay from which they were created. As for what Ibn al-Jawzi denied, Ibn Jarīr [al-Ṭabari] published it in his History.57 He said: ‘Salama told us on the authority of Ibn Ishāq who said: ‘The people of the Torah claim that this only came about through a curse uttered by Noah against Ham. It happened that Noah slept and his nakedness was uncovered, and Ham saw it and did not cover it up. Shem and Japheth saw it and cast a cloth upon it and covered up his nakedness. When he awoke he realized what Ham had done and what Shem and Japheth had done and he made mention of it. Amongst what he said was: ‘He’, that is Shem, ‘is blessed and Ham shall be a slave to his two brothers’. Ibn Jarīr continued: ‘Others than Ibn Ishāq said that Noah prayed that the prophets and messengers should come from Shem’s progeny, and he prayed that kings should come from Japheth’s descendants, and he cursed Ham saying that his color should be changed and his descendants should be slaves of the descendants of Shem and Japheth’. End of quotation [from Raf’ sha‘n al-Ḥubshān].

AHMAD BĀBĀ AL-TINBUKTI

And your statement concerning the name of the book Azhār al-‘urūsh, I came across it in the land of Dar‘a, but I am now uncertain whether it was the book itself or the abridgment of it Nūr al-ghabash fi akhābār al-Habash.58 I say: Likewise the Imam, the most mindful hāfiz Ibn Khaldūn said in his history entitled Kitāb al-‘ibar wa-diwān al-muhtada wa’l-khabar fi akhābār al-‘Arab wa’l-Ajam wa’l-Barbar as follows: ‘As for those climes that are distant from the median (al-i‘tīdāl) like the first and second and the sixth and seventh’, [and so on] until he said, “Some genealogists who have no knowledge of the way in which the world works (tabā‘i al-kā‘ināt) imagined that the sūdān are the children of Noah’s son Ham, who were distinguished by blackness of skin color on account of a curse from his father, the effect of which appeared in their color, and the slavery which God assigned to his descendants. Noah’s curse is [mentioned] in the Torah, but there is no mention there of blackness. He merely cursed him [praying that] his children should be slaves to the children of his brothers, nothing more. Attributing blackness to Ham on this account is to ignore the nature of heat and cold and their effect on the atmosphere and the creatures that have their existence within it, namely the universality of blackness among the people of the first and second climes due to their climate being affected by a double heat in the south, for the sun is directly over their heads twice every year in quick succession. Hence direct overhead sun persists in most seasons, and thus the light is intense and extreme heat beats down on them and their skins are blackened from the excessive heat. Opposite to these two climes in the north are the sixth and seventh climes whose inhabitants are universally white due to their climate being subject to extreme cold in the north.

58 According to the copies in Yale University Library, Nūr al-ghabash would appear to be an alternative title for Tanwir al-ghabash (see Leon Nemoy, Arabic Manuscripts in the Yale University Library, being vol 40 (Dec. 1956) of Transactions of the Connecticut Academy of Arts and Sciences, item 1571. The abridgment is called Ḥwān al-ghabash [etc.]; see item no 1570.
THE LADDER OF ASCENT

since the sun is continuously on the horizon, or almost so, wherever the eye looks in the circle of vision, and it does not rise to the zenith or even come close to it. Hence the heat there is weak, and coldness extends over most seasons, and people become white in color, ending up bleached.\(^59\) This in turn leads to what inevitably results from exposure to an extremely cold climate, namely blue eyes, blotched skins, and reddish hair. Have a look at the rest of it, for it is lengthy. This was what Ibn Sinā\(^3\) was referring to in his rajaz verses on medicine when he said:

The Zanj have heat which changes their bodies, till it clothed their skins in blackness.

The Slavs have acquired a whiteness so that their skins became gleaming\(^60\)

You asked: “What is the meaning of Ham’s children being slaves to the children of Japheth and Shem? If he meant the unbelievers, then this is not a peculiarity of theirs.\(^61\) On the contrary, it is so in regard to the children of his brothers Japhet and Shem since unbelief allows their being possessed [as slaves], whether they are black or white”. The Reply is that the legal position is like that. This is not a peculiarity of theirs. Indeed, any unbeliever among the children of

\(^59\) Text: *tantahā ilā l-za‘āra*. Ibn Khaldūn, tr. Franz Rosenthal, The *Muqaddimah*, 2nd edn. Princeton, 1967, i, 170, translates “and they tend to have little body hair”. This is not only untrue in reality, but is unsound grammatically, since the verb *tantahā* requires a feminine subject, which is in fact the word *alwān* (“color[s]). While the root *z-r* does have a semantic implication of scantiness of hair (or irascibility). R. Dozy (Supplément aux dictionnaires arabes. Leiden, 1881, i, 592), basing himself on works relating to North Africa, gives *am-r*—“blond ardent, roux”, and *za‘āra*—“en parlant de la couleur du peau, plus que blanc”.


\(^61\) i.e. not all unbelievers are black.

AHMAD BĀBĀ AL-TINBUKṬĪ

Ham or anyone else may be possessed [as a slave] if he remains attached to his original unbelief. There is no difference between one race and another. Perhaps it was that his curse was effective on most of them, not all of them. In the Ḥadīth [we read]: “I prayed my Lord not to destroy my community by drought, and he granted me that” [etc.], down to where he said: “I called on my Lord not to let troubles occur amongst them, and he denied me that”, etc.

As for the Ḥadīth: “Look after the sūdān, for among them are three of the lords of Paradise”, there is a command in it to look after them, so that people would not dislike them on account of some of their objectionable characteristics, and their general lack of refinement. The Prophet only gave such a command—though God alone knows best—and encouraged people to observe it because of the rapidity with which the sūdān are subdued and become obedient and are driven in whichever direction they are led, and the speed with which they embrace Islam, so that there might well be among them lords like those elect Muslims or similarly others of their lords. Al-Jalāl al-Suyūṭī enumerated many of them in his book *Raf’ sha’n al-Hubshān*.

As for the ḥadīth: “Your brothers are your slaves”, it contains an admonition to be kind and compassionate to him among them who is owned, as well as others, and to treat him kindly and compassionately, since the mere fact of being owned generally breaks one’s heart, because dominance and subordination associated with this condition, especially when one is far from home. [As the poet said] “The stranger who is decked out in finery is [nevertheless] regarded with disdain”.

For all men are the sons of Adam. Hence [the Prophet] said: “God caused you to own him, and had He wished, He would have caused him to own you”, or words to that effect, to make you aware of the fact that He made his favor to you complete through Islam and that He afflicted the slave, or his forebears, with unbelief up to [the time when] he was captured. God knows best.
THE LADDER OF ASCENT

You said concerning the *hadith* "God put them under your authority": 'Does this concern [only] him whose slave status was concomitant with his unbelief or is this not specified, and in such a case what does this mean?'. The answer is that [the Prophet]—may God bless him and grant him peace—said it—God knows best—concerning him who is possessed on account of unbelief, which is what gives rise to being possessed, whether or not he converted to Islam subsequently or continued in his unbelief. Reflect on the case of Abū Lu'lu'ā—a may God Most High curse him—the slave of al-Mughira b. Shu'ba, who killed 'Umar b. al-Khattāb, may God be pleased with him. Abū Lu'lu'ā complained to 'Umar about the heaviness of his indemnity, so 'Umar, may God be pleased with him, ordered him to pay what he thought he could bear, and he intended at the same time to tell al-Mughira to lighten his indemnity. But the wretched outcast was not able to wait patiently for him to tell him, since he had been suffering for a long time, so he assassinated him in dastardly fashion, as is reported in the *Sahih*.

You state: "It is established that during the days of the Prophet—may God bless him and grant him peace—the Habash accepted to Islam, and that the Prophet—may God bless him and grant him peace—and his Companions owned many of them, as has already been said. Did they hesitate over owning them, or did they do so without caring?"

The Reply, as we stated before, is that the circumstance of the Habash was well-known to them, and that he among them or among others who was possessed had not abandoned his unbelief at the time of his capture, and that the one among them who converted to Islam was the Najāši, that is Ashama, while they [the other Habash] continued in their unbelief. The imam Ibn Khaldūn said in his history when speaking of the different types of *ṣūdān* in the fourth volume: "Habasha is the mightiest nation of the Blacks. They knowledges of the Yemen on the western shore of the [Red] Sea. They were Christians and then one of them converted to Islam at the time of the *ḥiǧra*, according to what is established in the *Sahih*. Then they returned to their religion. The one who converted to Islam at the time of the Prophet—may God bless him and grant him peace—and to whom the Companions made *ḥiǧra* before the *ḥiǧra* to Medina, and who sheltered them and protected them, and who was prayed for by the Prophet—may God bless him and grant him peace—when his death was announced to him, was called al-Najāši". Later he said: "To the west of it is the town of Dāmūr where there is one of the mightiest of kings who has a huge kingdom. To its north is another king called Ḥaqq al-Dīn Muḥammad b. ʿAlī b. Waḷaṣma in the town of Wāfāt. His forebears converted to Islam at an unknown date. His grandfather Waḷaṣma was subject to the king of Dāmūr. Al-Khāṭṭī was seized by jealousy because of this and attacked him and took possession of his land. Then civil war broke out and the authority of al-Khāṭṭī weakened. The sons of Waḷaṣma took back their land and seized Wāfāt which they laid waste. We have heard that Ḥaqq al-Dīn perished and that he was succeeded by his brother Saʿd al-Dīn. They are Muslims and are subject sometimes to al-Khāṭṭī, whilst at others they resist him. God is the Possessor of Sovereignty". End of quotation.

Your statement: "Is the ruling concerning imported *ḥabash* the same as the ruling concerning imported *ṣūdān*. or is there a difference?"


64 i.e. Ifat, a state (not merely a town) of central Ethiopia to the east of Shewa. See Gaudefoy-Demombynes, *L'Afrique moins l'Égypte*, 5 ff., where it is spelt Awfât, and references cited there.

65 The interest in imported "Ethiopians" (*ḥabash*) may seem surprising, but it was perhaps not merely a question of intellectual curiosity. In 1892 a Bornu Fulani scholar interviewed in Tunisia by a French intelligence officer reported...
having been taken captive, either him or his forebear. God Most High knows best.

Your statement: "Be so kind as to remove the veil from the various aspects of the problem, and satisfy our desire by giving a detailed reply for we have not found anyone who gives full satisfaction in all aspects of that matter, except for what comes from your direction, with the help of God Most High, though committing an error in the matter is a grave danger. All lands and regions are generally afflicted by it, so haphazardly may God provide illumination in its regard at your hand. [God]—Sublime is He—is the one from whom it is asked that your reward be doubled and your treasure made abundant.

I say: "We have pursued the matter in as far as it was possible for us and to the extent of God's blessing. What is correct came through God's bounty and in His praise. What is error came from its own place and from its author.

We will add another rule for you, that is that whoever now comes to you from the group called Mossi, or Gurma, or Busa, or Borgu, or Dagomba, or Kotokoli, or Yoruba, or Tombo, or Bobo, or Krum—all of these are unbelievers, remaining in their unbelief until now. Similarly Kumbé, except for a few of the people of Hombori


The Gurma, or Gurmanche, inhabit territory to the east of the Mossi towards the R. Niger. See Ta'rîkh al-sûdân in Hunwick, Timbuktu and the Songhay Empire, 128, 199.

Busa is one of the principal towns of Borgu, which was in the 16th century a powerful state situated between Kebbi and the Yoruba kingdom of [Old] Oyo, to the west of the R. Niger. Songhay made several attempts to gain control of Borgu; see Ta'rîkh al-sûdân in Hunwick, Timbuktu and the Songhay Empire. 92, 109, 148.

The land of Borgu, inhabited by the Bariba people, is still a recognized entity, lying partly in Nigeria and partly in the République du Bénin. The
THE LADDER OF ASCENT

and Da'nakā, though their Islam is shallow, so there is no harm in possessing them without posing questions. This is the rule regarding these groups. God Most High knows best and is the Best Judge.

Let this be the end of what we attempt in "The Ladder of Ascend towards grasping the Law concerning Transported Black Africans", or if you wish call it "The Exposition and Explanation concerning the Varieties of Transported Black Africans". May God seal you and us with family and make us among the folk of goodliness, through the grace of the lord of the progeny of 'Adnān—may God bless him and his Family and his Companions, so long as day follows night, and so long as man finds joy in achieving his desire. Our last prayer is that praise be to God the Lord of the Worlds, and may God bless our master Muhammad, His Prophet, and grant him peace, likewise all those who follow him in goodliness to the Day of Judgment.


Dagomba are a branch of the great Mossi people, who established a kingdom in north-central Ghana in the 15th century.

The Kotokoli are a people of northern Togo.

The Yoruba referred to here are no doubt the northern Yoruba centred round Old Oyo (or Katunga, approx. 8° 58’ N—4° 13’ E), just to the south of Borgu.

Tombo (Arabic: Tunbu’u), is a name for the Dogon of the Bandiagara hills.

The Bobo (Arabic: Būbū) peoples inhabit a large area to the south of Jenne.


The Krum are unidentified. The text of the Mi’rāj quoted in Bayān waṣṣab al-hiṣra reads: “gh m.bī”.

69 The Kumbé are the Dogon of the plains. Da’nakā [or Da’anka] appears to be located to the north of Bandiagara, and is perhaps to be identified with Donumaa: see Hunwick, Timbuktu and the Songhay Empire, 157n.

70 i.e. the Prophet Muhammad.

THE QUESTIONS OF AL-ĪṢĪ
AND THE REPLIES OF AHMAD BĀBĀ

THE FIRST QUESTION
In the name of God the Compassionate, the Merciful. And may God bless our lord and master Muḥammad and his Family

May God preserve you Sayyid Ahmad Bābā b. Ahmad and watch over you. Peace be upon you and the mercy of God and His blessings. Your answer, master of ours, about the slaves of your area, the land of the Sūdān, as regards those whom it was permissible to buy and sell and to possess, in your land, in past times and what has been customary in your lands, considering that there are [many] jurists and imāms of the faith among you. Sīdī Makhlūf al-Balbālī mentioned in his reply that those among them who are Muslims, like the people of Kano and some of Zakzak and the people of Katsina71 and the people of Gobir and all of Songhay—all of them are Muslims and it is not lawful to own them. Similarly all of the Fulani, though they dispute with one another and some raid others and some sell others, making predatory incursions, unjustly and aggressively, like the Arabs who attack free Muslims and sell them unjustly. It is not lawful to possess any of them. End of what we want [to quote] from his reply—may God have mercy on him.

Then we wish you to give clarification of this question, since Islam may have entered some of these lands after his death, or [in other cases] it may have disappeared, and [people] may have returned to unbelief. We also wish to have your reply about what we shall mention concerning what we heard about the names of some tribes, and what you know about the lands and tribes we have not heard of. Among those whom we heard were Muslims are: Sūn.w.r, Gashgashi, Gao, Katsina, Gobir, Zawzaw, Bornu, Kabi and...
REPLIES TO AL-ʿISĪ

Kulani.72 Sidi Makhlufl did not mention these among those whom he designated as Muslims. Perhaps the difference lies in the names being too specific or too general.

Among those whom we heard were unbelievers are: Gurma, Borgu, Irba (Yoruba), Dagomba, Kurwâ,73 Tondinke,74 Kotokoli, G.n.b.sh75 and Mossi.

Those are what my mind could grasp as far as what we heard about lands of Islam and lands of unbelief are concerned. Perhaps there are other lands and tribes of either type whom we have not heard of.

Similarly these Siwi Arabs who come to our lands as slaves (bil-milkîyya) and some Sânhâja from the province and area of the Sûdân.76 Explain their case to us. Are they followers of Islam or unbelievers, or are there both types among them at the same time? Explain to us the two types whom Sidi Makhlufl mentioned were partly Muslim, though he did not specify [who were] the Muslims or the unbelievers, so that we could discover the truth regarding all who are lawful to be owned and those who are to be avoided. Likewise Jolof and Jenne.77 May God aid you and prolong your existence. Amen

THE FIRST REPLY

Praise be to God Alone. May God bless Muhammad and his Family and grant them peace.

May God preserve you, Sire, and cause you and us to prosper, and count us among those who are scrupulous about areas of doubt and make us beware of the pitfalls of perdition. Peace be upon you and the mercy of God.

What I think regarding your question is that you ought to know first that some of these groups (asnâf) are mixed together. Those whom we have ascertained to be Muslim are all of the people of Songhay and its kingdom [stretching for a distance of] some two months in length. Similarly all of Kano are Muslims since ancient times, likewise Katsina and Zakzak and Gobir [?]. However, close to them are unbelieving peoples whom the Muslims may raid because of their extreme proximity, so we have heard, and they bring them to their place as unbelievers and slaves. As regards these people, if it is established among you that a slave woman or man is from these unbelievers and was merely raised in the city of Kano or Katsina or

AHMAD BÂBÂ AL-TINBUKTÎ

powerful 11th century Almoravid movement that was ultimately responsible for the implantation of the Mālkî madhhab in West Africa. Ahmad Bâbâ himself was from the Sânhâja.

77 The Jolof are the people nowadays known as the Wolof, whose homelands are in central Senegal. Jenne is the well-known city of trade and learning on the R. Bani at the south-western end of the Inland Delta of the Niger.

78 Text: Kubru.
Zakzk or Kabi, and subsequently converted to Islam, then there is no harm in buying him, since he was taken captive while an unbeliever.

Similarly, all the people of Bornu are Muslims, but close to them also are unbelievers whom the people of Bornu raid. The ruling is as before.

As for Tondike this is a name applied to those who live in the Land of the Rock, since tondi means ‘rock’ in our language, and the kāf is for the nisba, as is also the ya’ in our language also. The People of the Rock are of different groups: some are Muslims, people of tawhīd, such as the people of Hombori and Da’ānānkkā and Gili. These are free Muslims. If any one of them is made captive, then beware and keep clear of him, for he is a free Muslim. Then there are the people of Dum and the people of Armina and Kiray and Kuru, forming part of another populace which only their Creator can count. These groups are unbelievers until the present day. Whomever of them you get hold of, buy him, for he was made captive as an unbeliever.

All of these are close to the sultan of Songhay. Some of them, such as the people of Arbinda and the people of Armina pay jizya.

As for Gurma and Mossi and Borgu and Yoruba and Dagomba and Kotokoli, they are all unbelievers until the present time and their legal status is clear. As for Kurwā which was mentioned in your question, I do not know any group of this name in these parts. Neither do I know Kanbashi. As for Kabi, they are a group between Songhay and Hausaland. They are now Muslims and have been for more than sixty years. As for Kulan(i), I know that this is the name of one of the territories of Songhay some ten days [travel] distant from Gao. Its people are Muslims. Similarly the people of Jenne. They are among the choicest of God’s servants in their Islam. Before the present day they had among them great jurisprudents and scholars and pious men who were counted among the Friends of God and those [blessed with] karāmāt. In sum, down to the present day they are fine people, religious and goodly, extremely generous and full of affection and kindness towards the stranger. It is said to have been proven that goodness and kindness are in its water, and whoever reaches the town and drinks its water feels in himself something he has never before experienced.

70 Kabi (or Kebbi) was not a city, but was a state to the west of the southern Rima valley.

71 Both mss have Tunduk, but the explanation Ahmad Bābā then gives for the name makes it clear that it must be read as “Tondike”.

72 Evidently also in the upland area: see ‘Abd al-Rahmān al-Sāʿdī, Taʾrikh al-sīdān in Hunwick, Timbuktu and the Songhay Empire, 92, 156, the latter reference giving an account of an expedition against the people of the “Dum mountain dwellers” in the reign of Askya Dāwūd.

82 MS A reads saltana—i.e. “sultanate”.

83 Arbinda, perhaps to be read Aribinda or Aribanda. The latter name would mean “beyond the water (hari banda)”, i.e. on the other side of the R. Niger, and would refer to territory in Gurma, the inner lands of the Niger Bend (see al-Sāʿdī, Taʾrikh al-sīdān in Hunwick (1999), 141). Perhaps Armina lay in the same general area. Both lands would have thus been conveniently close to Gao and could fairly easily be taxed or raided.

84 This would appear to be the first mention in the literature of the name Hausa [land] (bilād al-Hawsa). Below he refers to the people of Hausa whom he identifies with the people of Katsina, Kabi, Zakzk, Bornu, Kano and Gobir. The inclusion of Bornu is odd, but two paragraphs later he again refers to Bornu as if it were part of Hausaland, possible because the Hausa states may themselves have been tributary to Bornu. Kabi, or Kebbi, was a state lying between the Songhay-speaking area of Dendi and the Hausa-speaking state of Gobir. Prior to 1517 it was a dependency of the Songhay empire, but then revolted and became independent. The ruler at the time was Kuta (or Kotai) Kanta, and he was succeeded in around 1523 by Muhammad Kanta, who was probably considered to be the first Muslim ruler; see J.O. Hunwick. “The dynastic chronologies of the Central Sudan in the sixteenth century: some reinterpretations”, Kano Studies (n.s.), i, no. 1 (1973), 35-55.

85 Cf. al-Sāʿdī’s fulsome description in Taʾrikh al-sīdān; see Hunwick (1999), 17 ff.
REPLIES TO AL-‘ISI

As for Bambara and Bobo, they are groups of unbelievers [ving] beyond Jenne until the present time, and they are believers. 86 As for Jolof, its people are, according to what we have heard, and indeed what has been confirmed, Muslims, among whom are scholars (talabah), Sufis (fugarrab) and memorizers of the Qur’an. As for Fulani, they are also Muslims. However, the behavior of some of them is not pleasing, since evil conduct, ding and predatoriness predominate among them. Nevertheless, it does not deny them the name of Muslims.

As for Gashgashi, this is a name I have never heard of except in a land of yours. 87 What I understood from it is that it is a name plied to the people of Hausa. If this is so, then they are the aforementioned groups, the people of Katsina, Kabi, Zakzak, Kmu, Kano and Gobir. As has previously been said, they are Muslims, and near them are a group of unbelievers, such as the people of Zamfara and others. 88

This is the reply it has been possible to write—may God Most Merciful preserve us from all trials and tribulations and save us on the Day of Gathering and Dispersal. The humble servant of God, the son in need [of God] Ahmad Bābā b. Ahmad b. al-hājj Ahmad—by God show beneficence to them all—Amen, writes [this], greeting you with peace.

It is important to inform you also about the Bulalla people. They are a mixed folk, having among them Arabs, Fulani, and Sūdān. 89 As for the people of Siwā, they are Arabs who claim that to be from Judhām, and the Judhām, as is known, are from Saba. 90 Until today they speak Classical Arabic and their situation 91 is like that of the Arabs, though it is said that many of them do not belong to the [Muslim] community (milla). Hence the scholars of Kano disagreed over whether they could be enslaved or not. One of them gave a judicial opinion that they could be enslaved, saying that they were unbelievers and their conversion to Islam had not been established, and that their claim to be Arabs was [a mere] assertion. Another gave the opinion that it was not permissible to enslave them. I contend that his fatwa is weak, for even if people are to be believed concerning their genealogies, as Mālik said, nevertheless, it is a matter of opinion.

86 Neither the Bobo nor the Bambara are, in fact, mentioned in al-Isi’s text.
87 i.e. in Morocco, evidence of the fact that these replies were written whilst mad Bābā was in exile there.
88 Zamfara lies south and east of Gobir and west of Katsina. It was first mentioned by Leo Africanus, who described its people as “black beyond cription, with long bristly faces, more animal-like than human”; see trans. in nwick, Timbuktu and the Songhay Empire, 288.
89 The common distinction on the desert edge is between bidān (“whites”, i.e. Arabs and Berbers) and Sūdān (“blacks”, i.e. all others living to the south of the bidan). Ahmad Bābā here appears to make a distinction between the Fulani (fullān) and [other] Sūdān. This was a distinction made also by early 19th century Fulani writers of Sokoto, such as Muhammad Bello, especially when wishing to emphasize differences between the Fulani and the Hausa. The precise identity of the Bulalla remains problematic. They were probably a group of Kanembu origin related to the rulers of Kanem who established a kingdom near Lake Fittin in the 14th (? ) century, though one source gives them an Arab origin. If the “kingdom” of the Bulalla is being referred to (as opposed to an ethnicity), then it is likely that it contained Arabs, Fulani and Kanembu (the Sūdān referred to by Ahmad Bābā). See further D. Lange, “L’éviction des Sèfüwa du Kanem et l’origine des Bulala”, J. African History, 23 (1982), 315-31. Pierre Kake, “Pour une localisation du royaume de Gaogo”, J. African History, 13 (1972), pp. 529-48. Comments by R.S. O’Fahey & Jay Spaulding in J. African History, 13 (1973), pp. 505-8.
90 The Shuwa/Siwā Arabs of Bornu are composed of a large and varied number of Arab groups. In the late 14th century the Mamlūk ruler of Egypt is said to have received a letter from the ruler of Bornu complaining of attacks by Judhām Arabs; see al-Qalqashandi, Subh al-a’ishah, in J.F.P. Hopkins & N. Levzion, Corpus of Early Arabic Sources for West African History, Cambridge: Cambridge University Press, 1981, 347. On the Judhām, an Arab group of South Arabian origin, who claim descent from Kahlān b. Saba’, see E2(2), ii, 573.
91 Hāl, i.e. their way of life and social organization.
REPLIES TO AL-ĪSĪ

is authoritatively established that among the Arabs there are some who did not convert to Islam, and that Arabs may be enslaved, with the exception of Quraysh. If such folk are now described as unbelievers, what should be understood is that either they are currently unbelievers, or that their ancestors were apostates. This is how it seemed to me formerly when we were asked about it when we were in Timbuktu.

As for the Bulāla people, they are Muslims. I mean the Arabs and the Fulani and the sudān. However the ruler of Bornu, the sultan called Idris— an unenlightened (jāhil) man, so we have heard—imposed his sovereignty upon them. May God Most High mete out justice—he guides to the [right] path. Peace. From the one who wrote it, Ahmad Bābā—may God grant him success. Amen.

Written by him who seeks success from God, so as to put it into practice, the servant of God Most High, who hopes for the pardon of his Lord, Yūsuf b. Ibrāhīm b. ʿAmr—may God support him through his grace.

The question is in the hand of him who wrote it, and the reply was copied from) the hand of the one questioned, the jurisprudent he man of letters, the muhaddith, the polymath Sīd(i) Ahmad b. Ahmad b. ʿUmar b. Muhammad Aqīt al-Sanhājī and Masuwi al-Fakhrī al-Timbukti al-Mālikī—may God preserve him.

THE SECOND QUESTION

Jāy God preserve you Sīd Ahmad Bābā b. Ahmad. Peace be upon him and the mercy of God and His blessings in goodly fashion.

We understood your reply in relation to the slaves of the Sūdān, but we found your words “He who is ascertained to be from the lands of Islam shall not be bought” ambiguous. So what do we do about one who is captured in the land of unbelief and is raised and brought up in the lands of Islam so that he assumes the characteristics of the people of the land and speaks their language fluently and thus becomes like one of them? Or one who is of the progeny of the aforementioned, so that his slave origin is expunged, and then when he comes to our land denies his origin in unbelief or his slave origin, for we see no one in that region who admits to being a slave captured in a state of unbelief or being a descendant of slaves. They merely claim that they were taken in a raid or were kidnapped. But we are certain that there are those who are descendants of slaves or were captured when they were unbelievers. Explain what we should do regarding such persons.

You stated that the people of Arminia together with those you mentioned alongside them are unbelievers, and whomever we find we may purchase, since he was captured in a state of unbelief. You then mentioned that the people of Arbinda and Arminia live close to the sultan of Songhay and pay him jīzā. It is lawful to enslave them, despite the fact that the sultan of Songhay takes jīzā from them in exchange for immunity (amān)? Would it be lawful to enslave them if they were captured by some tribe or sultan other than the one who granted them immunity, despite the fact that if Muslims grant immunity their pledge is effective [throughout the umma], despite the contrary view in existence among the scholars, since the pledge of immunity of the sultan is privileged among Muslims and those under them. Explain this to us—may the reward be yours. Peace.

42 An apparent reference to Mai Idris Ałoma, ruler of Bornu, 1578-1603, who campaigned against Kanem, the land of the Bulāla.
43 i.e. from Māsina. Ahmad Bābā’s ancestor Muhammad Aqīt and his clan settled in Māsina before taking up residence in Timbuktu.

94 There was a widespread view in Morocco at this period that all Black Africans resident there were really slaves, even if they asserted they were free: see John Hunwick, “Islamic law and polemics over slavery in North and West Africa, 16th - 19th century”, in Shaun Marmont (ed.), Slavery in the Middle East, Princeton: Markus Wiener, 1998, 43-68.

95 In his reply Ahmad Bābā makes no reference to this rather tricky question.
REPLIES TO AL-ḤISĪ

THE SECOND REPLY
The Reply—and through God comes success: know that the basic rule concerning one who is in the hands of another as a slave, by purchase of other means, and claims to be free, is that we do not give credence to his claim until he demonstrates it with proof or in a conclusive manner. But we should be cautious and scrupulous, so as not to purchase a slave who claims freedom, especially at a time when raiding of Muslims and laying hold of free persons has begun. When did the morning sun require a proof?

"Whoever fears God, He shall appoint for him a way out and shall provide for him from whence he thought not!" 96 What we wrote at first is sufficient for whomever desires the truth and a way to avoid doubtful matters. Peace.

POSTSCRIPT TO THE SECOND REPLY 97
Praise be to God. I shall set forth for you the tribes of Muslims. Know that the best Muslims are Suwārī and Darāmī, Fofānā, Fādikā, Dukkure [Dukkure?], Kabā, Sillā, Sayṣi [Cissé], Kalugh, Jaghayti [Diakhite], Jarghu, Sisāghu [Cissoko], Kakku, Ghānji, Saghangu [Saghanugu], Kasam [Gassama], Ghayās. Following them Jā [Dia], Samu, Ly, Nujādi, Andaw, Kay, Halu, Fay, Sāghu, Tak, Sunbura, Saghambun, Kanabun, Bāyan, Kayā [Keita], Wāyān, Kayān, Jayb, Tur, Tararawī [Tarariri], Bāru, Kurughā, Wār tay, Sūghūs, Baghākā, Kamunti, Bāfiri, Witrāsib, Summir, Nākabī, Kunatī [Konaté], Fāsās, Sūrī [Sori], Wātakā, Jighabī, Sanūka, Kārmā, Kuruba, Māra, Bankari, Bāfay, Kusīra, Kūrāhu,

Kanbālu, Kanbal, Munud, Jawn, Tānu, Saghnu, Sanukā, Nayta, the makhzan tribe Kabit, Jawar [Diawara], Kubātī, Datibā, K. rumalu, Kunnātī, Kulkali, Danyugh, Dauba, Katayugh, Kutuba, Sākalyugh, Sākaliy, Funt, Birhi, Janta, Dābū, Dābī, Danbali, the tribes of Janī [Jenne], which are Wankarā in the speech of Timbuktu, Nībughū (?), Nūbi, Baghayghu [Baghaygo], Baghaghlu, Bagbā, Baluyugh, Balaba, Farala, Mātī, T. k. r, Kanti, Dumāyigh, Dumābū, Bātayugh, Fātab, the tribes of the Fulani, Jaghītī [Diakhite], Sidībī [Sidibe], Sankara.

The greater part of the pagan tribes are as follows. Know that Banbānu are more populous than all other mujūs, and closer to the lands of Islam. 98 Tumā are mujūs, as are T.n.dā, S. fi, Tasāri, Kal.y.ni, Bunbun, Karunka, Yūbū, some of whom are Muslims, but most are mujūs, 99 Bulunka, so also Būn, Dak.n. b [Dagomba?], Kur.sī, Kay, Zaraklu, Turu. This is what I know about the tribes of the mujūs. As for the regions (aqālim), they contain many of them. Then I will detail them [And the first of the lands of Malli, bordering the Arabs are Kingui, 100 Bāghnnu. Among the towns of Kingui is Zara [Diara], the town of the wazīr called Fārī, who is one of the ministers of the sultan of Malli, under his sovereignty are Falkā and Kusātā 101 and Kayā [Kaniaga] 102. Those among the Arabs bordering them are the Awlād Ḥuqba and Awlād Yūnis 103 and others. 104 Among the towns of Kayāka is Sariyin—their tribes are all

96 Qur'ān, 62:2.
97 Only in the mss of Tamgrūt; for the text, see Appendix 2. In the list that follows many names are identifiable as Soninke or Mañde sub-groups. The identification of some, such as Suwārī and Darāmī (Drame) are clear, whilst equivalences of others are placed in parentheses. Many, however, are not identifiable at present. The authority for this list is also not clear. From the style of writing, it seems doubtful that Ahmad Bābā was the author.

98 Perhaps the Bambara.
99 Text: mujās.
100 Text: K. n. k, i.e. Kingui, or Futa Kingui, an area to the west of Nioro.
101 The Kusātā or Kusa are a Soninke group.
102 Kaniaga is an area lying to the east of Kingui.
103 MS 1985 of the Nāsirīyya Library ends here.
104 The Awlād Ḥuqba and the Awlād Yūnūs are still existing subdivisions of the Awlād Afrūq. The Awlād Ḥuqba live within present-day Mali near the Mauritanian border and the Awlād Yūnūs live in the eastern Hodh; see Abdel Wedoud Ould Cheikh, Eléments d’histoire de la Mauritanie, Nouakchott: Institut Mauritanien de Recherche Scientifique-Centre Culturel Français, 1988, 62.
Muslims, they have not been mixed with smiths—Habak, Damí, J. yağıt, [who are] tribes of unbelievers—except for the slaves. Other regions are Banbuk in the middle of which is a town called Jâghî, under whose dominion are twenty villages, all of them Muslims unmixed with any unbeliever. There is also Kâla, which is interpenetrated by Banbara who dwell there. Similarly Tondiki and Bâl and Sîbîd, Kurbuduk, and Miskara. As for Bitâ, most of it [consists of] unbelievers. As for Usůlî, most of it [consists of] worshippers of sorcery. Similarly Tunduk, Jâmā, Sankârâ, Danta, Kamâkârâ, Karakâ, Buri [Bouré?]. As for Surubâ and Kâyârâ and Jâfûn [Diafûnî] and Kunjûr (Gondoro) towards the land of Sunbulâmi, they are all Muslims in many lands (?), and in them are many Muslims and its habitation

is a village, and [there are] types of unbelievers whose number is only known by God. Through God comes success. There is no lord save him.

THE THIRD QUESTION AND REPLY

In the name of God the Compassionate the Merciful. May God bless our lord Muhammad.

Says the writer the humble servant of God Yûsuf b. Ibrâhîm b. 'Umar al-īsî: “I asked orally Sîdî Ahmad Bâba b. al-ḥâjî Ahmad b. al-ḥâjî Ahmad, all three of whom are jurisprudents of wide competence (mushârikûna bi'l-thalâthâ)—may God bring us benefit through their blessing—after the first question and before the second both of which preceded this, saying: “If I wish to purchase a slave from the market, male or female, and I find him to be of mixed origin, Arabic- or Berber-speaking, should I make inquiries concerning his mother [to find out] where she originated from in the Sûdân, lest she be one of those whose enslavement is not lawful?” He said—may God preserve him—“Purchase those whose status is clear, and leave those whose status is dubious”. These were his words, or something similar, since it is a long time since I spoke to him, though I understood the meaning and import of what he said.

We ask God for a conclusion with happiness, through the intercessory influence of our master Muhammad—may God bless him, his Family and Companions, and grant them peace “as much as those who mention Him and as much as those who fail to mention Him” to the Day of Requital, O Lord of the Worlds.

105 Perhaps to be J. baghtî, i.e. Jabate, a clan name (jamu) of blacksmiths.
106 Kante is also a jamu of blacksmiths.
107 Text: mamâlik, read mamâlîk.
108 Banbuk is the gold-producing region between the Falémé and Bâfung tributaries of the R. Senegal. Jâghî is Diakha, also known as Diâkhaba (Great Diâkha), is a town on the R. Bâfung whose founders emigrated from Dia/Diakha in Mâsina.
109 Kala was a province of Mali, and later of Songhay, just to the west of Jenne.
110 Read: Sibi[ri]dugu. Sibiridugu was the province of Songhay adjoining Mali in the far southwest.
111 Usulu, or Wasulu, is a territory lying to the east of the Upper Niger, between Guinea and Mali, and was in the 19th century the heartland of Samori’s empire.
112 Bouré was the gold-producing region of the Upper Niger.
113 Diafûnî was an ancient state in the region of Futa Kingui, but had probably ceased to exist long before the seventeenth century; see N. Levitzon, Ancient Ghana and Mali, London, 1973, 47-8.
114 Gondoro is an ancient town near Kayes on the Upper Senegal river. During the height of the Malian empire (14th cen.) it was a holy city and an asylum for those fleeing royal displeasure; see Ibn al-Mukhtår (ed.), Ta’rirîk aʃ-ʃantîsh, trans. O. Houdas & M. Delafosse, Paris, 1914, 314-5 (Arabic text, 179-80).

115 The syntax of this sentence is incoherent.
116 This third question only appears in the manuscript of al-Nâjî. Our thanks to David Conrad for his comments on this section.