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أجوبة أحمد بابا حول الاسترقاق

Mi rāj al-Su'ūd
Ahmad Babā's Replies on Slavery

تحقيق وترجمة
فالحمة المجراف وجون هانويك

Annotated and Translated
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**THE FATWĀ OF AḤMAD BĀBĀ AL-TINBUKTI
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, Aḥmad Bābā b. *al-hājj* Aḥmad—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 *ḥāfiẓ*, Abū 'I-Abbās Sīdī Aḥmad 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-Mu^callā²⁷ is not to be considered generous whilst any generous person exists.

²⁷ *al-Mu^callā* is the seventh arrow in the game of chance called *maysir*. Winning it brought the greatest share of the slaughtered camel, but losing with

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 prayer²⁹ 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, °Afnū, 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 °Afnū 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

it brought the greatest loss. The person who won with it was expected to share his portion with the other players; see E. Fahd, art. "Maysir", *Et*(2), vi, 923-4.
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 Qur'ānic expression used at the announcement of a death: "To God we belong and to Him shall we return".

³⁰ A reference to the *hadīth*: "God does not remove learning once and for all. Rather it dies out with the death of the 'ulamā'", etc., see al-Bukhārī, *al-Jāmi' al-Sahīh*, *Kitāb al-'ilm*: *bāb kayf yuqbad al-'ilm*.

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 *sharī'a* the sole reason for being owned is unbelief (*kufra*). 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 Sūdān 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.

³¹ *Kharāj* is technically a tax on land, but it may refer here more generally to tribute paid by a subject people.

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]".³² I say: "This is something we have never heard of, nor has [any information about] it reached us. So ask this Sūdāni *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-Din Ibn Khaldūn³³ 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 *ḥāfiẓ* Wali 'l-Din Ibn Khaldūn, when he gave an account of the Ḥafsid 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.³⁴ 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

³² In the question of al-Jirāri the word *ariqqā'*—'slaves' is added.

³³ Wali 'l-Din 'Abd al-Rahmān b. Khaldūn, d. 1406, author of the celebrated world history, *Kitāb al-'ibar wa-dīwān al-mubtada' wa'l-khabar fi akhbār al-'Arab wa'l-'Ajām 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.

are the Tājura,³⁵ and they are bordered by the Kanem,³⁶ 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 Ḥafsid state from its inception. They are bordered in the west by Kawkaw,³⁷ and after them Wanghāra and al-Takrūr,³⁸ 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 Ocean³⁹ on the western side. They were the mightiest nation (*umma*) and had the largest kingdom. The seat of

³⁵ The Tājira, or Tājura (var. Tājuwa) are perhaps to be identified with the Daju, a linguistic group whose speakers are now to be found in Dār Fūr, Baḥr al-Ghazāl, Kordofan, Dār Sūla and Mongo in Chad; see G. Nachtigal, *Sahara and Sudan*, trans. Allan G.B. Fisher and Humphrey J. Fisher, vol. iv, London: Christopher Hurst, 1971, 405.

³⁶ Kanem is not the name of a people, but of a state, originally situated to the north of L. Chad. In the 14th century the ruling dynasty split and a branch of it established itself in Bornu to the west of L. Chad. The dominant ethnolinguistic group in this latter region was and is the Kanuri. Their cousins of old Kanem are known as the Kanembu.

³⁷ Kawkaw is to be read as Gawgaw, the word being a reduplication of the name Gaw or Gao, a city on the Niger at 16° 16' N—0° 3' W, and capital of the Songhay empire in the 15th and 16th centuries. Medieval Arab writers seem to have thought of Kawkaw as both a "people" and a state, as well as a city.

³⁸ Ibn Khaldūn, *K. al-'ibar*, vi, 199. Wanghāra is Wangara, a name given to the Dyula sub-group of the Mandé people who specialised in long-distance commerce and Islamic scholarship. After the decline of Ancient Ghana many Dyula settled in the Inland Delta of the R. Niger, and beginning with al-Idrisi this area came to be known as the island of Wangara; see Susan Keech McIntosh, "A reconsideration on Wangara/Patolus, island of gold", *J. African History*, 22 (1981), 145-58; John Hunwick, "Gao and the Almoravids revisited: ethnicity, political change and the limits of interpretation", *J. African History*, 35 (1994), 251-73. The name Takrūr originally belonged to a small kingdom on the lower Senegal river (and perhaps survives in the modern ethnonym Tukulor), but was later applied to a much larger area west of the Niger Bend.

³⁹ i.e. the Atlantic Ocean, which was seen by medieval Arab geographers as part of a greater ocean that encompassed the entire land mass of the globe.

their king [was] Ghāna, two towns on the banks of the Nile,⁴⁰ one of the mightiest and most populous cities in the world. The author of the *Kitāb Rūjān*⁴¹ mentioned it, as did the author of *al-Masālik wa'l-mamālik*.⁴² On the eastern side their neighbors were another nation called Šūšū, spelled with two *šads* each with a *damma*.⁴³ Then after it is another nation known as Mālī. Then after it another nation known as Kawkaw", down to where he said, "Then the dominion of the people of Ghāna weakened and dwindled while the veiled ones (*al-mulaththimūn*)⁴⁴ to their north adjoining the lands of the Berbers grew powerful, as we have already said, and lorded it over the Sūdān, plundered their heartlands and their territories and exacted tribute and *jizya*. They forced many of them into Islam, which they adopted as a religion. Then the authority of the rulers of Ghāna diminished and they were conquered by the Šūšū people, one of the nations of the Sūdān, who enslaved them and assimilated them to their number. Then the people of Mālī became the largest of the nations of the Sūdān in these regions of theirs and grew

40 Medieval Arab geographers mentally constructed a "Nile of the *sūdān*", 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-Sharīf al-Idrīsī, whose universal geography *Nuḥat al-muḥtāq fī iḥtirāq al-āfāq* was written c. 1150 for King Roger II of Sicily, hence its alternative title.

42 Abū 'Ubayd al-Bakrī, 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. Yūsuf al-Warrāq, a 10th century author of *Qayrawān*.

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 Saḥāja Berbers.

powerful, so they conquered the Šūšū", 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 Khalidūn 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 Sūdān 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 *Nawāzil* of Abū 'l-Aṣṣbagh [ʿĪsā] b. Saḥl⁴⁵ [we read]: "The generally accepted view (*al-mash'hūr*) 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

45 An Andalusian Mālikī, *qāḍī* of Tangiers, Mīknās and Granada at various times, d. 486/1093-4. See Ibn Farḥūn, *al-Dībāj al-mudhahhab*, i, 70.

from such a land, then, according to Muḥammad b. al-Walīd⁴⁶ and Yahyā b. ʿAbd al-ʿAzīz, the purchaser is charged with proving the person's slave status. Saḥnūn⁴⁷ said: 'And Ibn 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 Zurb⁴⁸ 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 Ḥafṣūn'.⁴⁹ End [of quotation]. [Saḥnūn] 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 b. Muḥammad Aqīt 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 *ḥāfiẓ* Makhhlūf al-Balbālī also gave a *fatwā* saying: "Slavery is rooted in unbelief. The unbelievers of the Sūdān are like the Christians, except that they are *Majūs*. The Muslims among them, like the people of Kano, Katsina, Bornu, Gobir and all of Songhay, are Muslims whom it is not

⁴⁶ Perhaps Muḥammad b. al-Walīd al-Turtūshī, d. c. 535/1148-9, Mālikī jurist of Andalusia who settled in Egypt; see *Dībāj*, i, 221.

⁴⁷ ʿAbd al-Salām b. Saʿīd al-Tanūkhī, known as Saḥnūn, d. 240/854, a foundational figure in Mālikī jurisprudence, born in Qayrawān. His *Mudawwana*, a revision of Ḍaḥbī's *Asadīyya* 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. "Saḥnūn", in *Et(2)*, viii, 843-5.

⁴⁸ Muḥammad b. Yahyā Ibn Zurb, *qāḍī* of Cordova, d. 943. See Ibn Faḥḥūn, *Dībāj*, i, 230-1.

⁴⁹ ʿUmar b. Ḥafṣūn, a 3rd/9th century figure who revolted on several occasions against the Umayyad *amīrs* of Cordova, and eventually converted to Christianity.

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 ʿAtiāb and others. They were only opposed by Ibn Lubāba. The judges of Fez ruled in like manner as did Sīdī Maḥmūd *qāḍī* 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 Makhhlūf 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 *ḥāfiẓ* 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'.⁵⁰ And he was of the view that letting such a person go and not having ownership of him comes under the heading of [religious] scrupulousness in keeping with the view of the body of jurists (*al-jamāʿa*). God knows best". You asked: "Does this come under the heading of doubt about the impediment and should [ownership] therefore be nullified—as in the case of doubt in divorce—or has it to do with doubt about the condition, necessitating the pre-existence

⁵⁰ Ibn Lubāba, Muḥammad b. Yahyā, d. 3309/942, *qāḍī* of Elvira; Ibn Faḥḥūn, *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 Najāshī, I mean Aṣḥama, and a few others of his people.⁵¹ 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 *ḥadīth* which you cited from Jalāl al-Dīn al-Suyūṭī's *Azhār al-urūsh fī akhbār al-Ḥubūsh*, coming from the *ḥadīth* 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

51 The *najāshī*, i.e. the Negus, or Aṣḥama, perhaps to be read Ella Ṣaḥam.

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 *ḥadīth* is the *Kitāb al-mustadrak*.

watching me bathe? May God change your color!" And he became black and he is the ancestor of the *sūdān*—I came across it myself in his book entitled *Raf' sha'n al-Ḥubshān*, and the actual words are: "As for the blackness of their skins, Ibn al-Jawzī⁵⁴ 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 blondness. The sons of Ham settled in the south and in the west and their colors changed'. He [Ibn al-Jawzī] 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-Faḍl informed me of through [my] study [with her] (*qirā'atan*) [saying] Abū Ishāq al-Tha'ālibī told us [saying] Abū 'l-Ḥasan al-Dāwūdī told us [saying] Abū Muḥammad al-Sarakhsī told us

54 'Abd al-Rahmān b. 'Alī, known as Ibn al-Jawzī, d. 597/1200, a Hanbali jurist of Baghdad and a prolific author. Among his writings is *Tanwīr al-ḥabash fī faḍl al-sūdān wa'l-Ḥabash*; see Akbar Muhammad, "The image of Africans in Arabic Literature", in *Slaves and Slavery in Muslim Africa*, ed. J.R. Willis, London: Frank Cass, 1985, 51-6; Elizabeth Hodgkin, "A Discussion of Ibn al-Jawzī's *Tanwīr al-ḥabash fī faḍl al-sūdān wa'l-Ḥabash*", M.A. thesis, University of Birmingham, 1978; Imran Hamza Alawiye, "Ibn al-Jawzī's Apologia on behalf of the Black People and their Status in Islam: a Critical Edition and Translation of *Kitāb Tanwīr al-Ghabash fī Faḍl al-Sūdān wa'l-Ḥabash*", Ph.D. thesis, University of London, 1985.

55 See Saud H. al-Khaṭṭān, "A critical edition of *Raf' sha'n al-Ḥubshān* by Jalāl al-Dīn al-Suyūṭī", Ph.D. diss., St Andrews University, 1983, Arabic text, p. 6, where al-Suyūṭī quotes a *ḥadīth* 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 *sūdān*. See also Abū 'l-Fidā' Ismā'īl b. Kathīr, *Qīṣaṣ al-anbiyā'*, Beirut, 1408/1987, 86-7.

[saying] Abū Ishāq al-Shāsi told us [saying] °Abd 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°ari⁵⁶ 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 *hadīth* 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-Jawzī denied, Ibn Jarīr [al-Ṭabarī] 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-Hubshān*].

⁵⁶ Abū Mūsā al-Ash°ari, a Companion of the Prophet.

⁵⁷ See Abū Ja°far Muhammad b. Jarīr al-Ṭabarī, *Ta°rikh al-rusul wa°l-milūk/Annales auctore Abu Dja°far Muḥammad Ibn Djarir al-Ṭabarī*, ed. M. J. De Goeje. *et alii*, Leiden, 1879-1901, i, 212.

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 akhbār al-Ḥabash*.⁵⁸ I say: Likewise the Imam, the most mindful ḥāfiẓ Ibn Khaldūn said in his history entitled *Kitāb al-ibar wa°-dīwān al-mubtada° wa°l-khabar fi akhbār al-°Arab wa°l-°Ajām wa°l-Barbar* as follows: "As for those climes that are distant from the median (*al-i°tidāl*) 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 *Tanwīr 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 *Iwān al-ghabash* [etc.]; see item no 1570.

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 Sīnā⁶⁰ was referring to in his *rajaʿ* 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 gleaming⁶¹

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 Japheth 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: *tantahī ilā 'l-za'ūra*. 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 *tantahī* requires a feminine subject, which is in fact the word *al-wān* ("color[s]"). While the root *z-ʿ-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 *az'ar*—"blond ardent, roux", and *za'ūra*—"en parlant de la couleur du peau, plus que blanc".

⁶⁰ See Henry C. Krueger, *Avicenna's Poem on Medicine*, Springfield [IL]: Charles C. Thomas, 1963, 18.

⁶¹ i.e. not all unbelievers are black.

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 *Rafʿ shaʿn al-Ḥubshān*.

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.

You said concerning the *ḥadīth* "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'a—may God Most High curse him—the slave of al-Mughīra b. Shu'ba, who killed 'Umar b. al-Khaṭṭāb, may God be pleased with him. Abū Lu'lu'a 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-Mughīra 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 *Ṣaḥīḥ*.⁶²

You state: "It is established that during the days of the Prophet—may God bless him and grant him peace—the Ḥabash 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 Ḥabash 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 Najāshī, that is Aṣḥama, while they [the other Ḥabash] continued in their unbelief. The imam Ibn Khaldūn said in his history when speaking of the different types of *sūdān* in the fourth volume: "Ḥabasha is the mightiest nation of the Blacks. They

⁶² This account is also to be found in al-Ṭabarī, *Ta'rikh al-rusul wa'l-muṭal*, ed. De Goeje *et alii*, v. 2722-3.

neighbor 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 *hijra*, according to what is established in the *Ṣaḥīḥ*. 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 *hijra* before the *hijra* 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-Najāshī". 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.⁶³ To its north is another king called Ḥaqq al-Dīn Muḥammad b. 'Alī b. Walāṣma^c in the town of Wāfāt.⁶⁴ His forebears converted to Islam at an unknown date. His grandfather Walāṣma^c was subject to the king of Dāmūr. Al-Khaṭṭāb 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-Khaṭṭāb weakened. The sons of Walāṣma^c 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 Sa^cd al-Dīn. They are Muslims and are subject sometimes to al-Khaṭṭāb, 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 *sūdān*, or is there a difference?"⁶⁵

⁶³ See al-'Umārī, *Masālik al-Abṣār*, partial trans. by M. Gaudefroy-Demombynes, *L'Afrique moins l'Égypte*, Paris: Librairie Orientaliste Paul Geuthner, 1927, 13.

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

The Reply is as we stated previously, that is that there is no difference between any unbelievers, except for those with whom a pact has been made and the Protected Persons and apostates, as regards raiding them and having free rein to possess those captured—*sūdān*. Christians, Jews and others being alike in this.

In the *Mudawwana* in the first book on *zakāt* [we read]: "*Jizya* is to be taken from him who professes a religion other than Islam, and it is not to be doubled for the Christians of Banū Taghlib or for others".⁶⁶ And at the end of the book on *zakāt* in the *Mudawwana*, in the chapter on taking *jizya* from the Majūs, the Berbers, the Fezzanis, the Sicilians and others of the non-Arabs, is the following statement: "The Prophet, may God bless him and grant him peace, said: 'Treat them like the People of the Scripture', and 'Uthmān took *jizya* from the *majūs* of the Berbers. Mālik said: 'All non-Arab peoples who have no scripture, whether Fezzanis, Slavs, Berbers, Turks or others, have the status of *majūs* in this matter. If they are summoned to Islam and do not respond [favorably], they are to be summoned to payment of *jizya* and left to profess their religions. If they respond [favorably], the response is to be accepted'". End of verbatim quotation.⁶⁷

Your statement: "Also the dictum of the jurists [that] slavery is a mark of unbelief. What does this mean?" The Reply is that the cause of slavery is unbelief. Any slave who is possessed is a proof of

that "Les Bornuans amènent accidentellement des esclaves Ethiopiennes qui se vendent à des prix considérables et exceptionnels", perhaps indicating that there was some east-west traffic; see *Pilgrims, Interpreters and Agents: French Reconnaissance Reports on the Sokoto Caliphate and Borno, 1891-1895*, ed. A. S. Kanya-Forsner & Paul E. Lovejoy, University of Wisconsin-Madison: African Studies Program, 1997, 87.

⁶⁶ See Mālik b. Anas, *riwāyat Sahnūn b. Sa'īd al-Tanūkhī, al-Mudawwana al-kubrā*, Beirut: Dār al-Fikr, 1398/1978, i, 241.

⁶⁷ See *al-Mudawwana al-kubrā*, i, 406. This is in fact a summary of what is to be understood from the text of the *Mudawwana*, rather than a verbatim quotation. The text mentions "al-Āb.r", which appears to be an error for "al-Barhar".

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 haply 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 K.rmu—all of these are unbelievers, remaining in their unbelief until now.⁶⁸ Similarly Kumbē, except for a few of the people of Hombori

⁶⁸ On the history of the Mossi, see Ivor Wilks, "The Mossi and the Akan states", in J.F. Ade Ajayi & Michael Crowder (eds.), *History of West Africa*, 3rd edn., Harlow: Longman, 1985, 465-502. The Mossi now live in central Burkina Faso.

The Gurma, or Gurmanche, inhabit territory to the east of the Mossi towards the R. Niger. See *Ta'rikh al-sūdān* 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'rikh al-sūdān* 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

and Da^cnakā,⁶⁹ 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 Ascent 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 faith and make us among the folk of goodness, through the grace of the lord of the progeny of ʿAdnān⁷⁰—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 Muḥammad, His Prophet, and grant him peace, likewise all those who follow him in goodness to the Day of Judgment.

Dated Monday 10 Muḥarram 1024/9 February 1615, at the hand of its compiler Ahmad Bābā b. Ahmad b. Ahmad b. ʿUmar b. Muḥammad Aqīt—may God inspire in him right guidance.

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'ū), 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 published text of the *Bayān wujūb al-ḥijra ʿalā l-ʿibād* of ʿUthmān b. Fūdī [Fodiyē], ed. F. H. Elnassi, Khartoum-Oxford, 1978, 13, quoting the *Kashf* [i.e. *Miʿrāj*] of Ahmad Bābā reads: Būb. i.e. Bobo-ule, or "red" Bobo.

The Kirmu are unidentified. The text of the *Miʿrāj* quoted in *Bayān wujūb al-ḥijra* reads: "gh.m.bi".

⁶⁹ The Kumbē are the Dogon of the plains. Da^cnakā [or Da^canka] appears to be located to the north of Bandiagara, and is perhaps to be identified with Douenta: see Hunwick, *Timbuktu and the Songhay Empire*, 157n.

⁷⁰ i.e. the Prophet Muḥammad.

THE QUESTIONS OF AL-ĪSĪ 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 Makhḷūf 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: S.n.w.r, Gashgashī, Gao, Katsina, Gobir, Zawzaw, Bornu, Kabi and

71 Spelt Kāshina in the Arabic text.

Kulani.⁷² Sīdī Makhlūf 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, Irbā (Yoruba), Dagomba, Kurwā,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 Sīwī Arabs who come to our lands as slaves (*bi'l-milkīyya*) and some Ṣanhāja from the province and area of the Sūdān.⁷⁶ Explain their case to us. Are they followers of Islam or

72 S.n.w.r is unidentified. Gashgashi appears to be a North African name for Hausaland (see below). Zawzaw is Zaria, otherwise known as Zazzau. Prior to 1517 Kabi, or Kebbi, which lay at the juncture of Zarma- and Hausa-speaking lands, was a dependency of Songhay, but in that year established its independence. Nevertheless, it is clear that by the 1590s it was allied to Songhay. Its capital at that time was Lēka. Kulani was a location on the R. Niger, probably in the region of the "w", where the occupying Sa'dian forces built a fortress post-1591; see Sadoux [Cdt de Cercle de Niamey], "Sur l'emplacement présumé de la casbah marocaine de Koulen (ou Koulam) (1591-1593)", *Bull. du Comité des études historiques et scientifiques de l'AOF*, 4 (1922), pp. 585-9.

73 Unidentified. Aḥmad Bābā also declared that he knew nothing of it.

74 Text: Tundanki, and later Tunduki. As Aḥmad Bābā explains in his reply Tondike means "people of the rock (*tondi*)", i.e. hill dwellers, probably referring to dwellers in the highlands extending from Hombori through to the cliff of Bandiagara. During the reign of Sunnī 'Alī the future Askīya *al-hājj* Muhammad was Tondi-farma, i.e. the governor of the province containing these uplands, referred to in Arabic as "al-Hājar".

75 This name is later spelled Kanbashi, but Aḥmad Bābā says he does not know anything about it.

76 Sīwī is the adjective from Sīwā. The Sīwā are to be identified with the so-called Shuwa or Shewa Arabs of the Lake Chad region. It seems odd that there should be doubt over their being Muslims since they are Arabs. The same may be said of the Ṣanhāja mentioned here. The Ṣanhāja were the leaders of the

unbelievers, or are there both types among them at the same time? Explain to us the two types whom Sīdī Makhlūf 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 Muḥammad 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 (*aṣṇāf*) 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 [?]⁷⁸. However, close to them are unbelieving people 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

powerful 11th century Almoravid movement that was ultimately responsible for the implantation of the Māliki *madh'hab* in West Africa. Aḥmad Bābā himself was from the Ṣanhāja.

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.

Zakzak or Kabi,⁷⁹ 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 Tondike⁸⁰ this is a name applied to those who live in the Land of the Rock, since *tondi* means 'rock' in our language, and the *kāfi* is for the *nisba*, as is also the *yā'* 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'nankā 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 Dum⁸¹ 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 sultan⁸² of Songhay. Some of them, such as the people of Arbinda and the people of Armina pay *jizya*.⁸³

⁷⁹ Kabi (or Kebbi) was not a city, but was a state to the west of the southern Rima valley.

⁸⁰ Both mss have Tunduk, but the explanation Ahmad Bābā then gives for the name makes it clear that it must be read as "Tondike".

⁸¹ Evidently also in the upland area; see 'Abd al-Rahmān al-Sa'di, *Ta'rikh al-sūdān* 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 Askiya Dāwūd.

⁸² MS A reads *salṭana*—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-Sa'di, *Ta'rikh al-sūdān* 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.

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.⁸⁴ 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 jurists and scholars and pious men who were counted among the Friends of God and those [blessed with] *karāmāt*.⁸⁵ 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.

⁸⁴ This would appear to be the first mention in the literature of the name Hausa [land] (*bilād al-Hawṣā*). Below he refers to the people of Hausa whom he identifies with the people of Katsina, Kabi, Zakzak, 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 Muḥammad 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-Sa'di's fulsome description in *Ta'rikh al-sūdān*; see Hunwick (1999), 17 ff.

As for Bambara and Bobo, they are groups of unbelievers [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 (*talaba*), Sūfis (*fuqarā'*) and memorizers of the Qur'ān. As for Fulani, they are also Muslims. However, the behaviour of some of them is not pleasing, since evil conduct, fighting 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 the land of yours.⁸⁷ What I understood from it is that it is a name applied to the people of Hausa. If this is so, then they are the aforementioned groups, the people of Katsina, Kabi, Zakzak, Arnau, 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 High preserve us from all trials and tribulations and save us on the day of Gathering and Dispersal. The humble servant of God, the one in need [of God] Ahmad Bāba b. Ahmad b. *al-hājj* Ahmad—may God show beneficence to them all—Amen, writes [this], setting you with peace.

It is important to inform you also about the Bulāla people. They are folk who are mixed, having among them Arabs, Fulani, and

⁸⁶ Neither the Bobo nor the Bambara are, in fact, mentioned in al-'Isī's position.

⁸⁷ i.e. in Morocco, evidence of the fact that these replies were written whilst Ahmad 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 description, with long brutish faces, more animal-like than human"; see trans. in Newick, *Timbuktu and the Songhay Empire*, 288.

sūdān.⁸⁹ As for the people of Sīwā, 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 situation⁹¹ 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 *fatwā* is weak, for even if people are to be believed concerning their genealogies, as Mālik said, nevertheless, it

⁸⁹ The common distinction on the desert edge is between *biḍān* ("whites", i.e. Arabs and Berbers) and *sūdān* ("blacks", i.e. all others living to the south of the *biḍān*). Ahmad Bābā here appears to make a distinction between the Fulani (Fullān) and [other] *sūdān*. This was a distinction also made by early 19th century Fulani writers of Sokoto, such as Muḥammad Bello, especially when wishing to emphasize differences between the Fulani and the Hausa. The precise identity of the Bulāla remains problematic. They were probably a group of Kanembu origin related to the rulers of Kanem who established a kingdom near Lake Fitri in the 14th (?) century, though one source gives them an Arab origin. If the "kingdom" of the Bulāla 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 Sefuwa du Kānem et l'origine des Bulāla", *J. African History*, 23 (1982), 315-31. Pierre Kalck, "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/Sīwā 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-Qalqashandī, *Subḥ al-a'shā*, in J.F.P. Hopkins & N. Levtzion, *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 Kahlan b. Saba", see *El(2)*, ii, 573.

⁹¹ *Hāl*, i.e. their way of life and social organization.

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 *sūdān*. However the ruler of Bornu, the sultan called Idrīs⁹²—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, Aḥmad Bāba—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 *muḥaddith*, the polymath Sīd(ī) Aḥmad b. Aḥmad b. ʿUmar b. Muḥammad Aqīt al-Šanhāji and Masnuwī⁹³ al-ʿakrūrī al-Timbukū al-Mālikī—may God preserve him.

THE SECOND QUESTION

May God preserve you Sīdī Aḥmad Bāba b. Aḥmad. Peace be upon you 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

⁹² An apparent reference to Mai Idrīs Alōma, ruler of Bornu, 1578-1603, who campaigned against Kanem, the land of the Bulala.

⁹³ i.e. from Māsina. Aḥmad Bābā’s ancestor Muḥammad Aqīt and his clan lived in Māsina before taking up residence in Timbuktu.

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.⁹⁴ 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 Armina 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 Armina live close to the sultan of Songhay and pay him *jizya*. Is it lawful to enslave them, despite the fact that the sultan of Songhay takes *jizya* 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.⁹⁵ Peace.

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 Marmon (ed.), *Slavery in the Middle East*. Princeton: Markus Wiener, 1998, 43-68.

⁹⁵ In his reply Aḥmad Bābā makes no reference to this rather tricky question.

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 REPLY⁹⁷

Praise be to God. I shall set forth for you the tribes of Muslims. Know that the best Muslims are Suwārī and Darāmī, Fofanā, Fādīkā, Dhukkur [Dukkure?], Kabā, Sillā, Saysī [Cissé], Kalugh, Jaghaytī [Diakhite], Jaghu, Sisāghu [Cissoko], Kakkū, Ghānjī, Saghangu [Saghanughu], Kasam [Gassama], Ghayās. Following them Jā [Dial], Sāmu, Ly, Nujādi, Andaw, Kay, Halu, Fay, Sāghū, Tak, Sunburu, Saghunbun, Kanabun, Bāyan, Kaytā [Keita], Wāyān, Kāyan, Jayb, Tur, Tarawari [Tarawirī], Bāru, Kurughā, Wār.tay, Sūghūsū, Baghākā, Kamuntī, Bāfirī, Witrāsīb, Summir, Nākabī, Kunatī [Konaté], Fāsās.r, Sūrī [Sori], Wātakā, Jighabī, Sanuka. Karmā, Kurūba, Māra, Bankari, Bāfay, Kusīra, Kūrahu,

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 Mande sub-groups. The identification of some, such as Suwārī and Darāmī (Drame) are clear, whilst equivalencies 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.

Kanbalu, Kanbal, Munud, Jawn, Tānu, Saghnu, Sanuka, Nayta, the *maktzan* tribe Kabit, Jāwar [Diawara], Kubātī, Datibā, K.ruma^c u, Kunnātī, Kulkali, Danyugh, Danba, Katayugh, Kutuba, Sākalyugh, Sākālībā, Funt, Birthi, Janta, Dābū, Dābū, Danbali, the tribes of Jani [Jenne], which are Wankarā in the speech of Timbuktu, Nūbughu (?), Nūbi, Baghayghu [Baghayogho], Baghabughu, Baghbā, Baluyugh, Balaba, Farala, Māū, T.k.r. Kantū, Dumāyigh, Dumābu, Bātayugh, Fātab, the tribes of the Fulani, Jaghītī [Diakhite], Sīdībī [Sīdibe], Sankara.

The greater part of the pagan tribes [are as follows]. Know that Banbānu are more populous than all other *majūs*, and closer to the lands of Islam.⁹⁸ Tumā are *majūs*, as are T.n.dā, S.fi, Tasārī, Kal.y.ni, Bunbun, Karunka, Yūbu, some of whom are Muslims, but most are *majūs*,⁹⁹ Bulunka, so also Būna, Dak.n.b [Dagomba?], Kur.sī, Kay, Zaraklu, Turu. This is what I know about the tribes of the *majūs*. As for the regions (*aqālīm*), they contain many of them. Then I will detail [them] And the first of the lands of Malli, bordering the Arabs are Kingui,¹⁰⁰ Bāghunu. Among the towns of Kingui is Zāra [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 Kusāta¹⁰¹ and Kayāka [Kaniaga]¹⁰². Those among the Arabs bordering them are the Awlād °Uqba and Awlād Yūnus¹⁰³ and others.¹⁰⁴ Among the towns of Kayāka is Sariyīn—these are all

⁹⁸ Perhaps the Bambara.

⁹⁹ Text: *mājūs*.

¹⁰⁰ Text: K.n.k. i.e. Kingui, or Futa Kingui, an area to the west of Nioro.

¹⁰¹ The Kusāta or Kusa are a Soninke group.

¹⁰² Kaniaga is an area lying to the east of Kingui.

¹⁰³ MS 1985 of the Nāširiyya Library ends here.

¹⁰⁴ The Awlād °Uqba and the Awlād Yūnus are still existing subdivisions of the Awlād A°rūg. The Awlād °Uqba live within present-day Mali near the Mauritanian border and the Awlād Yūnus live in the eastern Hodh; see Abdel Wedoud Ould Cheikh, *Éléments d'histoire de la Mauritanie*, Nouakchott: Institut Mauritanien de Recherche Scientifique-Centre Culturel Français, 1988, 62.

Muslims, they have not been mixed with smiths—Ḥabak, Damī, J. yaghī,¹⁰⁵ Kanti¹⁰⁶ [who are] tribes of unbelievers—except for the slaves.¹⁰⁷ Other regions are Banbuk in the middle of which is a town called Jāghī,¹⁰⁸ under whose dominion are twenty villages, all of them Muslim unmixed with any unbeliever. There is also Kala, which is interpenetrated by Banbarā who dwell there.¹⁰⁹ Similarly Tondiki and Bal and Sibd.¹¹⁰ and Kurbuduk, and Miskara. As for Bitā, most of it [consists of] unbelievers. As for Uşūlū,¹¹¹ most of it [consists of] worshippers of sorcery. Similarly Tunduk, Jawmā, Sankarā, Dantalā, Kamakarā, Karakā, Burī [Bouré?].¹¹² As for Surubā and Kayārā and Jafun [Diafunu]¹¹³ and Kunjūr (Gondioro)¹¹⁴ towards the land of Sunbulāmī, they are all Muslims in many lands (?), and in them are many Muslims and its habitation

¹⁰⁵ Perhaps to be J. baghtī, i.e. Jabate, a clan name (*jama*) of blacksmiths.

¹⁰⁶ Kante is also a *jama* of blacksmiths.

¹⁰⁷ Text: *mamālik*, read *mamālik*.

¹⁰⁸ Bambuk is the gold-producing region between the Faleme and Bafing tributaries of the R. Senegal. Jāghī is Diakha, also known as Diakhaba (Great Diakha), is a town on the R. Bafing whose founders emigrated from Dia/Diakha in Māsina.

¹⁰⁹ Kala was a province of Mali, and later of Songhay, just to the west of Jenne.

¹¹⁰ Read: Sibiridugu. 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 Diafunu was an ancient state in the region of Futa Kingui, but had probably ceased to exist long before the seventeenth century; see N. Levtzion, *Ancient Ghana and Mali*, London, 1973, 47-8.

¹¹⁴ Gondioro is an ancient town near Kayes on the Upper Senegal river. During the height of the Malian empire (14th cent.) it was a holy city and an asylum for those fleeing royal displeasure; see Ibn al-Mukhtār (ed.), *Tārīkh al-Jazīrah*, trans. O. Houdas & M. Delafosse, Paris, 1914, 314-5 (Arabic text, 179-80).

is a village, and [there are] types of unbelievers whose number is only known by God.¹¹⁵ Through God comes success. There is no lord save him.

THE THIRD QUESTION AND REPLY¹¹⁶

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

Says the writer the humble servant of God Yūsuf b. Ibrāhīm b. ʿUmar al-ʿĪsī: 'I asked orally Sīd(ī) Aḥmad Bāba b. *al-ḥājj* Aḥmad b. *al-ḥājj* Aḥmad, all three of whom are jurists of wide competence (*mushārikūna bi'l-ṭhalātha*)—may God bring us benefit through their blessing—after the first question and before the second both of which precede 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 Sūdān, 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 Muḥammad—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.

¹¹⁵ The syntax of this sentence is incoherent.

¹¹⁶ This third question only appears in the manuscript of al-Nāji. Our thanks to David Conrad for his comments on this section.