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# *Mi'raj al-Su'ud*

*Ahmad Bābā's Replies on Slavery*

*Annotated and Translated*

*By*

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THE FATWĀ OF AḤMAD BĀBĀ AL-TINBUKṬĪ  
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 *hāfiẓ*, Abū ‘l-‘Abbās Sidi 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‘allā<sup>27</sup> is not to be considered generous whilst any generous person exists.

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<sup>27</sup> *al-Mu‘allā* is the seventh arrow in the game of chance called *mayṣir*. 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.<sup>28</sup>

So let us offer the funeral prayer<sup>29</sup> 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.<sup>30</sup>

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.

<sup>28</sup> 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.

<sup>29</sup> 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".

<sup>30</sup> A reference to the *ḥadīth*: "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-Ṣaḥīḥ*, *kitāb al-'ilm*: *bāb kayf yuqāḍ al-'ilm*.

under their protection and pay *kharāj*,<sup>31</sup> 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 *shari'a* the sole reason for being owned is unbelief (*kufū*). 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.

<sup>31</sup> *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]".<sup>32</sup> 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 Walī 'l-Dīn Ibn Khaldūn<sup>33</sup> 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* Walī 'l-Dīn Ibn Khaldūn, when he gave an account of the Ḥafṣid 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."<sup>34</sup> 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

<sup>32</sup> In the question of al-Jirānī the word *arīqqāʿ*—'slaves' is added.

<sup>33</sup> Walī 'l-Dīn '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-'Ajam wa'l-Barbar*.

<sup>34</sup> cf. the old English term for the giraffe—"camelopard", an animal with a camel's head and a leopard's spots.

are the Tājura,<sup>35</sup> and they are bordered by the Kanem,<sup>36</sup> 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 Ḥafṣid state from its inception. They are bordered in the west by Kawkaw,<sup>37</sup> and after them Wanghāra and al-Takrūr,<sup>38</sup> and later he said: "When Ifrīqiyya 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<sup>39</sup> on the western side. They were the mightiest nation (*umma*) and had the largest kingdom. The seat of

<sup>35</sup> 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, Bahr 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.

<sup>36</sup> 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.

<sup>37</sup> 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—O° 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.

<sup>38</sup> Ibn Khaldūn, *K. al-'ibar*, vi, 199. Wanghāra is Wangara, a name given to the Dyula sub-group of the Mande 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-Idrīsī this area came to be known as the island of Wangara; see Susan Keech McIntosh, "A reconsideration on Wangara/Palolus, 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.

<sup>39</sup> 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,<sup>40</sup> one of the mightiest and most populous cities in the world. The author of the *Kitāb Rūjār*<sup>41</sup> mentioned it, as did the author of *al-Masālik wa'l-mamālik*.<sup>42</sup> On the eastern side their neighbors were another nation called Šūšū, spelled with two *šads* each with a *damma*.<sup>43</sup> 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*)<sup>44</sup> 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

<sup>40</sup> 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.

<sup>41</sup> al-Sharīf al-Idrīsī, whose universal geography *Nuzhat al-muḥtāq fī ikhtirāq al-āfāq* was written c. 1150 for King Roger II of Sicily, hence its alternative title.

<sup>42</sup> 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*.

<sup>43</sup> 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.

<sup>44</sup> i.e. the Ṣanhāja 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 Khaldūn 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 *Naẓāzīl* of Abū 'l-Aṣṣagh [ʿĪsā] b. Sahl<sup>45</sup> [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

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

from such a land, then, according to Muḥammad b. al-Walīd<sup>46</sup> and Yahyā b. °Abd al-°Azīz, the purchaser is charged with proving the person's slave status. Sahnūn<sup>47</sup> said: 'And Ibn Lubāba said: "The one who claims he is free must provide the proof. Abū °Alī 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<sup>48</sup> 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'.<sup>49</sup> 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. °Umar 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 Maḥlūf 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-Ṭurṭūshī, d. c. 535/1148-9, Mālikī jurist of Andalusia who settled in Egypt; see *Dibāj*, i, 221.

47 °Abd al-Salām b. Sa'īd al-Tanūkhī, 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 *Asadiyya* 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 *Et*(2), viii, 843-5.

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

49 °Umar 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, raid them unjustly, like the Arabs who attack free Muslims and sell them unjustly. None of them may be lawfully possessed. Whoever 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 be free, as ruled the jurists of al-Andalus like Ibn °Attāb and others. They were only opposed by Ibn Lubāba. The judges of Fez ruled 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 him land and it is investigated whether or not he is from that land, that 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 in these lands". Here ends the quotation of the Shaykh Maḥlūf: 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'.<sup>50</sup> 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 (*jamā'a*). 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 to do with doubt about the condition, necessitating the pre-existence

<sup>50</sup> Ibn Lubāba, Muḥammad b. Yahyā, d. 3309/942, *qāḍī* of Elvira; Ibn Farḥūn, *Dibāj*, 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.<sup>51</sup> 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.<sup>52</sup>

As regards the *ḥadīth* which you cited from Jalāl al-Dīn al-Suyūṭī's *Azhār al-ʿurūsh fī akhbār al-Ḥubūsh*, coming from the *ḥadīth* of al-Ḥakīm,<sup>53</sup> on the authority of Ibn Masʿūd, that Noah was bathing and saw his son looking at him and said to him, "Are you

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

<sup>52</sup> 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.

<sup>53</sup> i.e. al-Ḥakīm 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 *Rafʿ shaʿn al-Ḥubshān*, and the actual words are: "As for the blackness of their skins, Ibn al-Jawzī<sup>54</sup> 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'.<sup>55</sup>

Al-Jalāl al-Suyūṭī said: "I say: This is supported by what Umm al-Faḍl informed me of through [my] study [with her] (*qirāʾatan*) [saying] Abū Ishāq al-Thaʿālībī told us [saying] Abū ʿI-Ḥasan al-Dāwūdī told us [saying] Abū Muḥammad al-Sarakhsī told us

<sup>54</sup> ʿAbd al-Rahmān b. ʿAlī, known as Ibn al-Jawzī, d. 597/1200, a Hanbali jurist of Baghdad and a prolific author. Among his writings is *Tanwīr al-ghabash fī faḍl al-sūdān waʿl-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-ghabash fī faḍl al-sūdān waʿl-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 waʿl-Ḥabash*", Ph.D. thesis, University of London, 1985.

<sup>55</sup> See Saud H. al-Khathlan, "A critical edition of *Rafʿ shaʿn 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 ʿI-Fidāʾ Ismāʿīl b. Kathīr, *Qīṣaṣ al-anbiyāʾ*, Beirut, 1408/1987, 86-7.

[saying] Abū Ishāq al-Shāṣī told us [saying] °Abd Allah b. Ḥumayd told us [saying] Ḥūd b. Khalifa told us [saying] °Awf b. Qasāma told us on the authority of Zuhayr who said: "I heard al-Ash°arī<sup>56</sup> 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 *ḥadīth* published by al-Ḥākim 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.<sup>57</sup> 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*].

<sup>56</sup> Abū Mūsā al-Ash°arī, a Companion of the Prophet.

<sup>57</sup> See Abū Ja°far Muḥammad b. Jarīr al-Ṭabarī, *Ta°rīkh al-rusul wa°l-mulūk/Annales auctore Abu Dja°far Muḥammad Ibn Djarīr 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*.<sup>58</sup> I say: Likewise the Imam, the most mindful ḥāfiẓ Ibn Khaldūn said in his history entitled *Kitāb al-°iba wa°l-dīwān al-mubtada° wa°l-khabar fi akhbār al-°Arab wa°l-°Ajan 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,

<sup>58</sup> 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 *Īwān 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.<sup>59</sup> 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 Sīnā<sup>60</sup> 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 gleaming<sup>61</sup>

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.<sup>61</sup> 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

<sup>59</sup> 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 *alwān* ("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".

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

<sup>61</sup> 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 color and another. Perhaps it was that his curse was effective on many 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 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 also 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 lord Al-Jalāl al-Suyūfī enumerated many of them in his book *Rafʿ shā 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 general 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 [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*.<sup>62</sup>

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

<sup>62</sup> This account is also to be found in al-Ṭabarī, *Ta'rikh al-rusul wa'l-mulūk*, 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.<sup>63</sup> To its north is another king called Ḥaqq al-Dīn Muḥammad b. 'Alī b. Walāṣma<sup>c</sup> in the town of Wāfat.<sup>64</sup> His forebears converted to Islam at an unknown date. His grandfather Walāṣma<sup>c</sup> was subject to the king of Dāmūr. Al-Khaṭṭī 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-Khaṭṭī weakened. The sons of Walāṣma<sup>c</sup> took back their land and seized Wāfat which they laid waste. We have heard that Ḥaqq al-Dīn perished and that he was succeeded by his brother Sa'd al-Dīn. They are Muslims and are subject sometimes to al-Khaṭṭī, 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?"<sup>65</sup>

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

<sup>64</sup> 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.

<sup>65</sup> 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