

AḤMAD BĀBĀ ON SLAVERY

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Mi^ʿrāj al-Ṣu^ʿūd: Aḥmad Bābā's Replies on Slavery, annotated and translated by John Hunwick and Fatima Harrak, published by the Institute of African Studies, University Mohammed V, Rabat.

This is not a review, since the present writer was one of the producers of this volume. Rather, this is a commentary on some aspects of the work.

The volume contains critical texts and annotated translations of two sets of replies made by Aḥmad Bābā relating to questions as to which slaves were legally licit to be held in slavery. One set of questions was sent to him by Sa^ʿīd b. Ibrāhīm al-Jirārī of Tuwāt in 1023/1614-15. The other questions came from a certain Yūsuf b. Ibrāhīm b. ʿUmar al-Īsī, about whom I remarked in my introduction to the translations 'nothing is currently known'. However, I deduced that the questions must have been addressed to Aḥmad Bābā when he was in exile in Morocco, deported there by Pasha Maḥmūd Zargūn in 1593. Recently, I have discovered a little more about al-Īsī which tends to confirm this. In the early 1990s I was in Rabat purchasing Arabic books at a bookstore when the owner of the store surprised me by handing over to me a manuscript containing a work by Aḥmad Bābā, and generously making it a gift, since he knew of my long-standing interest in Aḥmad Bābā. The manuscript is now preserved in the Northwestern University library, in the 'Arabic Room' of the Melville J. Herskovits Library of Africana.

The manuscript contains several works, but the key item

is Aḥmad Bābā's *Ghāyat al-amal fī faḍl al-niyya °alā 'l-°amal*, in which the author defines himself with the *nisbas* al-Ṣanhājī, al-Masnawī al-Takrūrī al-Tinbuktī. The *nisba* al-Masnawī presumably relates to Masina, where Aḥmad Bābā's great-great-grandfather Muḥammad Aqīt dwelt before relocating to Timbuktu in the mid-fifteenth century, although al-Māsinī is the more common form.

At the end of the manuscript the copyist reveals himself, and he is Yūsuf b. Ibrāhīm b. °Umar al-Īsī, and states that he copied it in Marrakesh in 1006/1596. A note at the bottom left-hand corner of that final page states,

تليه اجازة الشيخ لكاتبه بخطه حفظه الله

‘There follows an *ijāza* of the shaykh to his [or its] scribe (*li-kātibihī*) in his own hand-writing—may God preserve him!’ Regrettably, the *ijāza* itself is not to be found. But the evidence suggests that al-Īsī must have been a student of Aḥmad Bābā if he was granted an *ijāza* by him. Indeed, the title-page of the manuscript (f. 1r) confirms the close relationship as it gives the title as follows:

غاية الامل في فضل النية على العمل مما املاه الفقيه المحدث

سيدي احمد بابا بن احمد بن احمد بن عمر بن محمد

اقيت التنبكتي المالكي حفظه الله

‘*Ghāyat al-amal fī faḍl al-niyya °alā 'l-°amal*, as dictated by the jurist Sīdī Aḥmad Bābā b. Aḥmad b. Aḥmad b. °Umar b. Muḥammad Aqīt al-Tinbuktī al-Mālikī—may God preserve him’.

Hence my conclusion in the introduction to the book that the replies to al-Īsī's questions ‘appear to have been written when he was in exile in Morocco (in fact, in Marrakesh), i.e. between 1593 and 1608’ would seem to be justified, since the connection between Aḥmad Bābā and al-Īsī now seems clearly to have been one of teacher and student

in Morocco, and not simply that of an inquirer posing questions by letter, as it was in the case of al-Jirārī of Tuwāt, whose letter Aḥmad Bābā actually states he received. This is further confirmed by what al-Īsī says in his third question: ‘I asked orally Sīd(ī) Aḥmad Bābā b. *al-ḥājj* Aḥmad b. *al-ḥājj* Aḥmad after the first question and before the second, both of which precede this...’

In addition to the replies to al-Jirārī, entitled *Mi^crāj al-ṣu^cūd ilā nayl ḥukm mujallab al-sūd*, and also known as *al-Kashf wa’l-bayān li-aṣṇāf majlūb al-sūdān*, the book also contains what appears to be the very earliest West African scholarly statement on slavery—the *fatwā* of Makhlūf b. °Alī b. Ṣāliḥ al-Balbālī (d. after 940/1533-4),¹ who taught in both Timbuktu and Marrakesh, amongst other places. Al-Balbālī, however, cites a ruling by the *qāḍī* of Timbuktu, Maḥmūd b. °Umar b. Muḥammad Aqīt (who held office 1498-1548) to the effect that enslaved persons claiming they were freeborn Muslims should be believed provided they could prove that they came from what could be classified as a ‘land of Islam’. This also formed the basis of Aḥmad Bābā’s judgment, and a major element of his treatises on slavery is the definition of which areas of West Africa are to be considered ‘lands of Islam’, and which are ‘lands of unbelief’. Al-Balbālī initiated this process by listing ‘the people of Kano, some of Zakzak,² the people of Katsina, the people of Gobir, and all of the Songhay’ as Muslims whom it is unlawful to possess as slaves. The principle of declaring certain areas to be ‘lands of Islam’, and hence excluded from zones of lawful enslavement, is said by al-Balbālī to have the authority of some of the jurists of Andalusia, and of *qāḍīs* of Fez. The assumption here is that anyone originating in such declared non-Muslim lands is potentially a slave to be lawfully owned by Muslims. No indication is given as to how such slaves might be obtained, though legally the sole method of enslaving someone was to capture them in the course of a *jihād* after they had refused

1 See *ALA*, II, 25.

2 I.e., the city and state based upon Zaria in present-day northern Nigeria.

to accept Islam or the overrule of Muslims. If non-Muslims accepted Muslim overrule by negotiation (*ṣulḥ*) rather than force (*ʿanwatan*) then they became ‘protected persons’ (*ahl al-dhimma*), and could not then be reduced to slavery. *Dhimmī* status, however, was normally restricted to ‘People of the Scripture’ (*ahl al-kitāb*), that is, Jews and Christians, with a possible extension to ‘Magians’ (*majūs*), a term that itself could be given quite a broad interpretation.³ Within the domains of the Songhay empire there were evidently some groups that paid *jizya*. In his questions to Aḥmad Bābā, al-Īsī mentions the Arbinda or Aribanda, and the Armina. While the name Armina does not occur in any other source, to the best of my knowledge, Aribanda does.⁴ It means in Songhay ‘beyond the water’ and thus refers to the area on the opposite side of the river Niger from Gao, that is, inside the bend of the Niger in the region known as Gurma.

It seems that there was a myth current among Saharan and North African Muslims to the effect that at some prior time West Africa had been conquered in *jihād* fashion by a legitimate ‘*imām*’, who had elected to let the ‘unbelievers’ remain alive, but in slave status. As the questioner from Tuwāt put it: ‘One of the *qādīs* of the Sūdān reported that the imam who conquered them whilst they were unbelievers chose to spare them as slaves, since he had the choice, or because he did not consider the five well-known options, and that they still remain in a state of slavery, and whenever the sultan needs any of them he brings in as many as he

3 This may well be the origin of the term used for non-Muslim Hausa—Maguzawa, as evidenced by the singular form of this term: ‘Ba-Majūsī’. It may well have been bestowed upon them by Hausa Muslims who wished to retain good relations with their non-Muslim counterparts, though in the nineteenth century this did not exclude them from being fought and enslaved.

4 See al-Saʿdī, *Taʾrīkh al-sūdān*, in Hunwick, *Timbuktu and the Songhay Empire*, Leiden: Brill 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.

wants'.⁵ This is certainly a bizarre notion, but it seems to be a justification for the notion that all black Africans were to be considered slaves.⁶

It would certainly be interesting to know what sort of authority Aḥmad Bābā's replies continued to have in both North and West Africa. Presumably, his opinions were respected in Tuwāt, and probably also in Morocco, where he had gained a considerable reputation during his exile from 1593 to 1608. His replies were also known in Sokoto, since °Uthmān b. Muḥammad Fodiye ('Dan Fodio) referred to them in his *Bayān wujūb al-hijra*, though in order to support his right to pursue *jihād* against the Hausa rulers he argued elsewhere that what was true in Aḥmad Bābā's day, 'might not necessarily be true at all other times, since every scholar relates what he sees in his own days'.⁷

One of the interesting features of Aḥmad Bābā's 'Replies' is that they appear to contain the first reference to the ethnonym 'Hausa'. Whilst generally Aḥmad Bābā refers to individual states by name, such as Kano, Katsina, and Zakzak [Zaria],

- 5 The imam has the discretion, as regards conquered non-Muslims, to kill them, let them go free, make them pay ransom, make them pay *jizya* (and retain their religion), or enslave them; see Khalīl b. Ishāq al-Jundī, *al-Mukhtaṣar*, Paris 1318/1900, 77/trans. G.-H. Bousquet, *Abrégé de la loi musulmane selon le rite de l'Imâm Mâlek*, Alger 1956, 209. Al-Jirārī seems to be saying that this report stated that the conquered unbelievers were simply left where they were, but were considered slaves who could be taken into service at any time. In Islamic law a slave is a captive of a *jihād*, who should be allotted to an individual as booty. A slave is property and hence slavery implies a personal relationship between a slave and a master, not simply a social category.
- 6 This question is discussed in my article 'Islamic law and polemics over slavery in North and West Africa, 16th-19th century', in Shaun Marmon (ed.), *Slavery in the Islamic Middle East*, Princeton: Markus Wiener 1999, 43-68. Aḥmad b. Khālīd al-Nāṣirī's rebuttal of this notion is also discussed.
- 7 See F.H. Elmasri, 'Introduction' to his translation of *Bayān wujūb al-hijra °alā 'l-°ibād*, Khartoum: Khartoum University Press/London: Oxford University Press 1978, 36, citing 'Dan Fodio's *Tanbīh al-ikhwān °alā aḥwāl arḍ al-Sūdān*.

when he comes to define Kabi [Kebbi] in his reply to al-Īsī's first question, he defines Kabi as 'a group between Songhay and Hausaland (*bilād Hawsa*)'.⁸ Did he, however, by this term really refer to the entire area where Hausa speakers lived? A little later in the same response he defines it in the following way when responding to a question about which peoples were Muslims:

As for Gashgashi, this is a name I have never heard of except in this land of yours.⁹ What I understood from it is that it is a name applied to the people of Hausa (*ahl Hawsa*). If this is so, then they are the aforementioned groups, the people of Katsina, Kabi, Zakzak, Bornu, Kano and Gobir. As has previously been said, they are Muslims, and near them are groups of unbelievers, such as the people of Zamfara and others.

From this it seems clear that Aḥmad Bābā's understanding of who the Hausa people were corresponds to the present-day definition of Hausaland, with the curious exception that he includes Bornu within it. While this might just be a simple error, it may perhaps be an indication of a very close relationship between Bornu and Hausaland in the early seventeenth century. Bornu was certainly a major source of slaves for although 'they are free Muslims, who converted to Islam long ago', 'close to their borders are unbelievers whom they raid and take hold of and sell'.¹⁰ Bornu is also defined as 'the seat of their sultanate', though to whom the word 'their' refers is not clear. It is likely that from so distant a viewpoint as Morocco, no distinction was made between Hausaland and Bornu, and that Bornu was seen as the Islamic heartland of the region, whose sultan (the *mai* of Bornu) was the true Muslim overlord of the region. One reason for this may be the fact that there had been in the 1580s correspondence between the Saʿdian sultan Aḥmad al-Manṣūr and the Bornu

8 See text, 85/translation, 45.

9 I.e., in Morocco, evidence of the fact that these replies were written whilst Aḥmad Bābā was in exile there.

10 See text, 54/trans., 24.

mai Idrīs Aloma, which ended with Sultan al-Manṣūr forcing an oath of allegiance onto Mai Idrīs.¹¹ The implication of this is that the Sa°dian sultan thus recognized the mai as a legitimate Muslim ruler, and as his principal ally in *bilād al-sūdān*. Interestingly, when the mai of Bornu's messenger first came to Morocco to deliver a letter and verbal message from Mai Idrīs to Sultan al-Manṣūr, he brought with him a copious gift of young male and female slaves 'as it was their custom to bring'.¹² Clearly, then, there was a regular flow of slaves between Bornu and Morocco. This seems confirmed by what the questioner from Tuwāt, Sa°id b. Ibrāhīm al-Jirārī said: 'People are frequently brought from there to us. Are they slaves or not?'¹³ Tuwāt was a staging post on the route from Bornu to Morocco.

One of the more puzzling questions concerns the status of a people designated the Sīwī Arabs, who, says al-Īsī, 'come to our land as slaves'. They are probably to be identified with the so-called Shuwa Arabs of Bornu, since in his reply Aḥmad Bābā describes them as claiming to be from the Judhām. Fractions of the Judhām are known to have been in, or close to, Bornu in the fourteenth century, since Mai °Uthmān b. Idrīs wrote to the Mamlūk sultan of Egypt complaining of raids upon his territory by Judhām Arabs. Aḥmad Bābā declares their status to be ambiguous, and that the scholars of Kano disagreed over whether Bornu Arabs could be turned over into slavery. Hugh Clapperton says that he gave freedom to an Arab from Bornu who was about to be sold to a Brazilian slave ship.¹⁴ So evidently their religious status was still considered ambiguous in the nineteenth century.

After Aḥmad Bābā's reply to al-Īsī's second question

11 See Aḥmad b. Khālīd al-Nāṣirī, *K. al-Istiḡṣā' li-akhbār duwal al-maghrib al-aqṣā*, Casablanca 1954-6, v, 105-8.

12 al-Nāṣirī, *Istiḡṣā'*, v, 104, quoting the Sa°dian historian and head of chancery al-Fishtālī (from his *Manāhil al-ṣafā*).

13 Text, 54/trans., 24.

14 See introduction by Khalil Mahmud to H.M. Schiefellin, *The People of Africa*, Ibadan: Ibadan University Press 1974, xv.

there is a ‘postscript’, which may or may not be by Aḥmad Bābā, in which are listed the ethnic groups considered to be good Muslims, and those considered to be unbelievers. The lists are much more detailed than anything in the earlier responses. Although it is not yet possible to identify every group mentioned, those that can be identified appear to be Soninke or Mande sub-groups or clans, such as Suwārī, Darāmī, Cissé, Cissoko, etc. This postscript is only included in one manuscript, and Aḥmad Bābā does not identify himself in it, nor is it stated why or when it was written. However, it deserves further research, since if it is authentic then it will fill some gaps in our knowledge of the history of islamization in West Africa.

Finally, we should ask ourselves how Aḥmad Bābā acquired all this information. It would seem to indicate that Timbuktu was a major centre of contacts for the whole region, to which information came from far and wide; perhaps even individuals from these Muslim groups came to Timbuktu to study. On the other hand, perhaps Timbuktu can be seen as a major centre of the slave trade, through which (on their way to Tuwāt and North Africa) passed ‘pagan’ slaves from a wide range of ethnic groups.

These are just some of the matters worthy of further investigation. There are many other questions that should stimulate further research, not least the theory of slavery as related to ethnicity, and the vexed question of the relationship of blackness of skin to slave status (the ‘Hamitic myth’ is discussed), which was still an issue in Morocco in the late nineteenth century. The historian al-Nāṣirī remarked that ‘many common folk believe that the reason for being enslaved according to the Sharīʿa is merely that a man should be black and come from those [Sudanic] regions’.¹⁵ A Timbuktu manuscript, probably contemporary with al-Nāṣirī’s work, confirms this enduring attitude. The author says:

When I travelled to the land of the Farther Maghrib ... I found some

15 See al-Nāṣirī, *Istiḳṣāʾ*, v, 131.

of the uncouth Maghribīs claiming that all blacks without exception were slaves who did not deserve to be free, for how should they deserve that being black of skin?¹⁶

16 MS CEDRAB, 1575, Muḥammad al-Sanūsī b. Ibrāhīm al-Jārimī, *Tanbīh ahl al-ṭughyān ʿalā ḥurriyyat al-sūdān*, f. 1