

**THE FATWA OF AHMAD BABA AND THE HAMITIC  
HYPOTHESIS: SEVERING THE BOND BETWEEN  
BLACKNESS AND THE SERVILE CONDITION:**  
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**Abstract**

This article examines the roots of racism and racial stratification in the Muslim world, and the usage of the Hamitic Hypothesis, the story of the curse of Ham, as the basis for the subjugation of African peoples. The fatwa<sup>1</sup> of Ahmad Baba, of Timbuktu, and his replies to questions regarding Blackness and the enslavement of Black Africans is examined as a defense against the prevailing attitudes and beliefs about Black Africans and the racial stigma of inferiority. This article also seeks to contextualize race and slavery in Islam, and re-examine the roots of racism and why slavery became essentially an African institution in the Muslim world.

**I.**

**M**y former professor, the late Dr. Ali Mazrui<sup>2</sup>, once told me that, speaking of Black people, “We may not be the most brutalized people in world history, but we are, by far, the most dehumanized.” Many people fail to recognize or acknowledge, for that matter, the reality of that statement. The roots of racism and the dehumanizing of people of African descent, especially in America where it was made law, is such a far reaching and profound subject that it makes many

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<sup>1</sup> A fatwa is a legal ruling, or legal verdict, from Islamic Law that a legal jurist makes clear for someone who asks about a specific matter or issue.

<sup>2</sup> Dr. Ali Mazrui was a highly distinguished professor of African Studies and Political Science and Director of the Institute of Global and Cultural Studies at Binghamton University New York. I studied with him while a student the Graduate School of Islamic and Social Sciences in Leesburg, Virginia.

people very uncomfortable discussing it. This is especially true for those descendants of white Americans whose forefathers were propagators of the Atlantic Slave Trade, and those descendants of Arabs whose forefathers were propagators of the Saharan Slave Trade. The effects of these two slave markets were so devastating and destructive, that its evils still haunt peoples of African descent to this very day. From the West to the East, Black peoples of the world live with racism and discrimination in every society where they live.

When I attended Morgan State University, I set out to understand the roots of racism, and why there was so much pain and suffering in the African-American community. I remember reading the quote of Malcolm X, “Of all our studies, History is best qualified to reward our research.” Therefore, I focused on History in the African-American Studies Program at Morgan State. I studied under great professors, most notably one of the leading historians of African-American Women’s history, Dr. Rosalyn Terborg-Penn.<sup>3</sup> My studies as an undergraduate student expanded my horizons and deepened my insight into the history of people of the African Diaspora. I remember being introduced to the great Walter Rodney<sup>4</sup>, author of “How Europe Underdeveloped Africa”<sup>5</sup>, by Dr. Aubrey Thompson<sup>6</sup>. My studies of History and the African continent,

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<sup>3</sup> Dr. Terborg-Penn was my advisor and had the greatest impact on me as a student. She is a great scholar of African-American History. She developed the first PhD program for History majors at Morgan State University, and is the author of several important works, especially where African-American women are concerned.

<sup>4</sup> Walter Rodney was a prominent Guyanese historian, political activist and preeminent scholar, who was assassinated in Guyana in 1980.

<sup>5</sup> *How Europe Underdeveloped Africa* was Rodney’s magnum opus and most influential work, published in 1972. In it he described an Africa that had been exploited by European imperialists, which led directly to the modern underdevelopment of the majority of the continent. The book became extremely influential and controversial. *How Europe Underdeveloped Africa* was groundbreaking in that it was the first to bring a new perspective to the question of underdevelopment of Africa. Rodney’s striking analysis went far beyond the accepted approach to the study of underdevelopment of Third World Nations.

enlightened the path for me to discover my roots as an African-American, and it sparked a light within, and I subsequently discovered Islam as a way of life. After some time of befriending many Muslims of various nationalities and backgrounds, I quickly became aware of the negative racial attitudes toward people of African descent within the Muslim community, despite the universal teachings of equality and brotherhood I found in Islam.

While a graduate student at Howard University, I was introduced to a wealth of information about Muslim historians, namely the great Ibn Khaldun and Ibn Jarir at-Tabari, I was fascinated by the rich history of Islam in the West and North Africa with all its great peoples and centers of learning. But it was the record of slavery, specifically in the Muslim world, and the connection between Blackness and inferiority that was most intriguing and became the subject matter of my research for my thesis paper for fulfillment of the Master's degree.

Soon thereafter, I found myself studying traditional Islamic Sacred Sciences in the deserts of Mauritania, living in tents and sitting with scholars and other students of knowledge. It was there that I began to be trained by some of the greatest scholars of this age. Still, while immersed in the Islamic Sciences, my soul burns to help and try to alleviate the pain and suffering of my people. There is a pressing need for knowledge and information in the African-American community. Subjects and discussions, such as the one presented here, need to be disseminated and made for public discourse in order to break the bonds of racism, and begin to build new possibilities for growth and development. This article serves as a starting point for Black/African Muslims in the

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<sup>6</sup> Dr. Thompson hailed from Guyana, and naturally was big on Walter Rodney. His recommendation of that book really opened my eyes, sparked an interest in the impact of colonialism and the process of subjugation of Africa.

West to begin establishing those discussions, and break the bonds of racism and the slave condition.

## **II.**

Throughout history, slavery has had several implications. Slavery has existed due to economic and political wars, tyranny, and oppression. Dr. Aziz Batran, distinguished professor of History at Howard University, states, “....slavery only arose as a result of the aggressive and selfish domination of the powerful over the weak, and the ruler over the ruled.”<sup>7</sup> But how does the concept of slavery exist within religious ideals? How have Islamic societies incorporated the practice of slavery in accordance with Islamic teachings? Islam teaches a message of universal brotherhood and equality, however, slavery has been a very large component of Islamic communities throughout the world of Islam, since its inception.

This does not imply that slavery began with the coming of Islam. On the contrary, Arabs were neither the first to introduce slavery and the slave trade among Africans, nor were they the first to enslave them. Slavery, and the selling of slaves, was not uncommon in many parts of Africa. In fact, many modern scholars adduce that the goal of Islamic Law was to eventually bring about the abolition of slavery altogether. The presence of African slaves engraved on ancient Egyptian monuments bears witness to the antiquity of slavery.<sup>8</sup>

In the wake of Islamic conquests in Asia and Africa, the Arab world was flooded with large numbers of captives of different ethnic groups including Syrians, Copts,

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<sup>7</sup> Aziz Batran, Keynote Speech at Princeton University Conference on “Islam and Slavery in Africa”.1976

<sup>8</sup> Hasan, Yusuf Fadl “Some Aspects of the Arab Slave Trade from The Sudan: 7<sup>th</sup>-19<sup>th</sup> Century” pg. 85

Persians, Nubians, Berbers, Indians, Greeks, and Turks.<sup>9</sup> These captives were employed primarily as servants in ordinary households and in palaces. The influx of slaves, along with the extension of urban communities, contributed to widening the traditional scope for employment of slaves, and introducing new occupations. The number of captives of war was no longer adequate to meet the new demand for two reasons. First, their numbers were much reduced by manumission. Secondly, the wave of Arab conquests, which had been the main source of captives, had spent itself by the beginning of the eighth century.<sup>10</sup> As a result of this, slaves were increasingly being acquired through commercial as opposed to military methods. There were large caravans transporting thousands of slaves annually, mainly from Africa, Central Asia, and Christian Europe to a lesser extent, into the slave markets of the Islamic Empire. In these markets, two types of slaves were in great demand. The first were of Turkish origin and were primarily used as soldiers, and the second were from The Sudan<sup>11</sup>, or the blacks, who were primarily used as servants, soldiers, and laborers.

The Arabs, who were the core of the Islamic Empire at the time, held important positions in trade and navigation. However, in sub-Saharan Africa, they were essentially traders and not conquerors. The African slave trade, like trade in other products, was generally in the hands of Arabs or men of Arab parentage.<sup>12</sup> In examining the role of the Arabs in the African trade, the information available to us is neither adequate nor always

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<sup>9</sup> *ibid.*

<sup>10</sup> Hasan, Yusuf Fadl "Some Aspects of the Arab Slave Trade from The Sudan: 7<sup>th</sup>-19<sup>th</sup> Century" pg. 86

<sup>11</sup> Yusuf Fadl Hasan is a distinguished professor of History and African Studies at The University of Khartoum. He notes that although the general and restricted term *Sudan* was current for a long time, the majority of the early Arabic writers and geographers used the term almost exclusively to denote the black or dark-skinned people of Africa and at times included natives of India. As a geographical term *Bilad as-Sudan*, or "Land of the Blacks", signifies all sub-Saharan Africa extending from the Red Sea to the Atlantic Ocean.

<sup>12</sup> The term 'Arab' is used here in a very loose sense to denote Arabic-speaking peoples and groups of varied origins.

reliable enough to provide us with all the necessary answers. According to Yusuf Fadl Hasan, information on the Arab trade in slaves has been derived mostly from merchants, travelers, or seafarers who penetrated into the distant lands, and therefore, their narratives were marred by ambiguities and legends. Nevertheless, the Arabs were probably the first outsiders to penetrate deep into the African habitat to meet the great demand for slaves in the Islamic world. It was through their intervention that the slave trade received further stimulus and assumed great importance. Hasan further notes that when Arab traders stepped on the African scene, the long distance trade routes were already established largely through African initiative. However, in handling this traffic, the Arabs were hardly met with a concerted African opposition, and it seems that local factors were generally congenial to Arab operations.<sup>13</sup>

When Islam was established in the 7<sup>th</sup> century, slavery was already a regular feature of the social order. And much like Judaism and Christianity before it, Islam did not attempt to abolish slavery, but tried to mitigate its evils by advocating good treatment and encouraging manumission.

In examining the ideology of slavery in Islam, John Ralph Willis provides us with very interesting analogies regarding enslavement:

“The metamorphosis from servile to free is compared to the well-marked stages of growth from the fallow to the fertile state. As wasteland lapses to the withered state, so too does servile man denude himself of the leaves of life....thus slavery has its seasons—servility must be seen as a condition which undergoes change.”<sup>14</sup>

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<sup>13</sup> Hasan, Yusuf Fadl “Some Aspects of the Arab Slave Trade from The Sudan: 7<sup>th</sup>-19<sup>th</sup> Century”. pg. 88

<sup>14</sup> Willis, John Ralph, Slaves and Slavery in Muslim Africa vol. 1 (New Jersey: Frank Cass & Co., 1985) pg.2

Thus, according to Willis, slavery in Islam, or the stage of servility, is not a permanent one. Willis calls it “....a journey through maturation where time blends the compromise between freedom and subjection.”<sup>15</sup>

So pervasive is the subject of slavery in African societies that one cannot appreciate fully the social, economic, or political dimensions of the African past and present without reference to it. Again, the question of slave labor is connected in the closest possible manner with the critical questions of land tenure and inheritance. Slaves were considered a commodity—a sort of property—and like land, passed from generation to generation. The establishment of Islamic rule in Africa brought about a shift from communal holdings, where land was worked by family and lineage units, to individual ownership in which land (quite contrary to the traditional view) was relegated to personal use.<sup>16</sup> Again, John Ralph Willis provides a very profound insight on slavery:

“Slaves were seen to lack the very qualities which an Arab-dominated society held in highest esteem: they were without honor, praise, and identity—moved by savage and emotional instincts; swayed by animal propensities—so much malleable material, easily deprived of form and shaped to the master’s will. Hence, in the Muslim view, slavery becomes a simile for the heathen condition—a symbolic representation of the very antithesis of Islam. And if the slave is hewn out of the simile of his heatheness, it is his submission to Islam which hones the possibilities for redemption. Thus, non-belief is the signal cause of possession—the underlying principle for the existence of slavery in Islam.”<sup>17</sup>

The question that we are to ask now is “what was the criterion and conditions that prompted one to be enslaved?” This is an important question for the reason that, historically, Africans have served as the majority of slave populations around the world; Islamic societies are no exception. Islamic notions of the slave condition, however, are

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<sup>15</sup> Ibid.

<sup>16</sup> Willis, John Ralph “Islamic Africa: Reflections on the Servile State” in Studia Islamica vol.52 (Maisonneuve-larose, Paris) pg. 184

<sup>17</sup> ibid. pg. 188-189

not bound by race (as noted by Willis). According to Islamic law (The Shari'a), the question is whether one is Muslim or non-Muslim. Non-belief served as the grounds of the "foundation" of enslavement, as Willis noted above, "...*non-belief is the signal cause of possession—the underlying principle for the existence of slavery in Islam.*"

This ideology is shown in the Islamic communities by the fact that Muslims were enslavers of Europeans, Asians, as well as Africans. However, it was the Semitic traditions concerning the descendants of Ham<sup>18</sup> that had a profound impact on the racial stratification and use of slaves. The actual verse in the Bible in which the curse occurs states:

"And Noah began to be a husbandman, and he planted a vineyard. And he drank the wine, and was drunken; and he was uncovered with his tent. And Ham, the father of Canaan, saw the nakedness of his father and told his two brethren outside. And Shem and Japheth took a garment and laid it upon their shoulders, and went backward and covered the nakedness of their father; and their faces were turned away, and they saw not their father's nakedness. And Noah awoke from his wine, and knew what his younger son had done to him. And he said, "Cursed be Canaan! A servant of servants shall he be unto his brethren." And he said, "Blessed be the Lord God of Shem; and Canaan shall be his servant. God shall enlarge Japheth, and he shall dwell in the tents of Shem; and Canaan shall be his servant."<sup>19</sup>

William McKee Evans, professor emeritus at California State Polytechnic University, states:

"...rather than a curse it contains a vaguely directed threat coming not from Noah, but God Himself: when the waters of the Great Flood had subsided, God commanded Noah to "...come down from the Ark with peace from us, and blessings on thee and on some of the peoples who will

<sup>18</sup> The alleged curse of Ham that included the Blackness derives from Rabbinical literature. In the Midrash Rabba and the Bereshit Rabba it is stated, "Now I can no longer engender the fourth son whom I would have gave the order (...) your children to serve, you and your brother! It has to be Canaan, your first born, that they shall take as slave. And since you have made me incapable of doing bad things in the darkness of the night, the Children of Canaan will be born ugly and black! And also since you have stretched yourself to see my nudity, the hair of your grandchildren will curl so that it turns nappy and their eyes will be red, also, because your lips joked about my misfortune, yours will swell and since you had a lack of respect for my nudity, they will go around naked and their virile part to extend ignobly."

<sup>19</sup> The Holy Bible, chapter 9, verses 20-27

spring from those with thee: but there will be other people to whom we shall grant pleasures for a time, but in the end will a grievous penalty reach them from us.”<sup>20</sup>

Evans further asserts that in the years to come Muslim slave holders would make use the Hamitic myth. However, Ibn Khaldun disputes the usage of Jewish traditions, as will subsequently be discussed.

Did the lands of Islam become the cradle of modern racial stratification? *Evans argument is that Muslims aspired to a universal brotherhood of believers, but prominent among their actual achievements is the creation of new links between blackness and inferiority. He notes that “...it was under Muslims that slavery became largely a racial institution.”*<sup>21</sup> Although others, including John Ralph Willis, negate this view, we should further discuss the argument that Evans makes because questions will arise as to the disproportionate numbers of African slaves as opposed to slaves of differing ethnic backgrounds.

Evans writes that the reason Muslim slavery became essentially African slavery, was because the rise of Islam eliminated from the Mediterranean slave trade an important source of light-skinned slaves. Furthermore, says Evans, not only did slavery become largely a racial institution in a broad belt of countries extending from Andalusia to the Indian Ocean, but as early as the ninth century, racial stratification began to appear in both the servile and the free population.<sup>22</sup> Here, we can question the validity of Evans argument, since it is known that the Ottomans used European slaves into the nineteenth century.

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<sup>20</sup> W. McKee Evans, “From the Land of Canaan to the Land of Guinea: The Strange Odyssey of the Sons of Ham” in *The American Historical Review*, vol.85, no.1, pg.89

<sup>21</sup> *ibid.* pg. 90

<sup>22</sup> W. McKee Evans, “From the Land of Canaan to the Land of Guinea: The Strange Odyssey of the Sons of Ham” in *The American Historical Review* vol.85, no. 1, pg. 90

Evans also writes that Muslim racial attitudes reflect the ambivalence of the system of the color stratification in Islamic societies:

“Muslim attitudes toward Blacks were mixed, but amid their ambivalence one can detect here and there most of those notions making up that cluster of ideas we recognize as modern western racial prejudice. As Negroes came to occupy the bottom strata of both free and servile society and as the term “abid” came in popular usage to identify a race rather than a legal class, Muslims came to attach to Blacks, those ideas that old world peoples had traditionally attached to slaves regardless of their origins. Negroes were thus stereotyped as lazy, lecherous, and prone to lie and steal. And when humans are treated as domesticated animals, they are sometimes regarded as animal like.”<sup>23</sup>

Evans makes mention of the statement of Ibn Khaldun, the famous North African historian, concerning Africans and slavery. According to Evans, Ibn Khaldun stated,

“...the only people who accept slavery are the Negroes, owing to their low degree of humanity and their proximity to the animal stage.”<sup>24</sup>

Furthermore, he quotes a Persian writer, whom he does not identify, saying:

“...many have seen that the ape is more capable of being trained than the Negro, and more intelligent.”<sup>25</sup>

How important was the alleged curse of Ham in Arab communities prior to the advent of Islam? There is little doubt that the world of the Arabs, particularly the circle of geographers and historians, had been exposed and indeed influenced since pre-Islamic times by the Rabbinical interpretations of the “curse of Ham”. Emphasizing this fact, Willis argued:

“... if the so-called “curse of Ham” provided the early Israelites with a pretext for the subjugation of the Canaanites, its elaboration found a ready

<sup>23</sup> *ibid.*

<sup>24</sup> The ideas and concepts regarding race and slavery can be found in his famous work *The Muqaddimah*

<sup>25</sup> W. McKee Evans, “From the Land Canaan to the Land of Guinea: The Strange Odyssey of the Sons of Ham” in *The American Historical Review* vol.85, no.1, pg.90

channel into the Muslim historiography of a later era. The link between Ham and the darker humankind is fully forged---blackness becomes a simile for the servile condition.”<sup>26</sup>

Indeed, the association of blacks with servility has been present in Arab literature in both pre-Islamic and Islamic times. An example of this is provided by Akbar Muhammad<sup>27</sup> in the course of discussing the attitude of ‘Abd al-Baqi (c.1585) toward dark-skinned people. ‘Abd al-Baqi is reported to have stated that “slavery is predestined for some of Noah’s kin and prophethood is acclaimed for others.”<sup>28</sup>

On the other hand, many Arab scholars dismissed the association of “Negroes” with the “curse of Ham” as a figment of the imagination. Ibn Khaldun rejects the notion in its entirety asserting that:

“Genealogists who had no knowledge of the true nature of things imagined that Negroes were the children of Ham, the son of Noah’s and that they were singled out to be Black as the result of Noah’s curse which produced Ham’s color and the slavery God inflicted upon his descendants. It is mentioned in the Torah (Genesis 9:25) that Noah cursed his son Ham. No reference is made there to blackness. The curse included no more than Ham’s descendants should be slaves of his brother’s descendants. To attribute blackness of the Negroes to Ham reveals disregard of the true nature of heat and cold, and the influence they exercise upon the climate and upon the creatures that come into being in it. The black skin common to the inhabitants of the first and second zones is the result of the composition of the air in which they live, and which comes about under the influence of the greatly increased heat in the south.”<sup>29</sup>

The “curse” has surely offered a convenient argument for unscrupulous Muslim slave traders to circumvent the law, and indulge in the illegal practice of indiscriminate

<sup>26</sup> John Ralph Willis, Slaves and Slavery in Muslim Africa vol.1 (New Jersey: Frank Cass & Co., 1985) pg.4

<sup>27</sup> Akbar Muhammad is a professor of History and African Studies in Binghamton University New York.

<sup>28</sup> Very little is known about Ibn ‘Abd al-Baqi al-Bukhari al-Makki. His place-names indicate that he was born in Bukhara and later resided in Mecca. He was a judge, a man of letters and a preacher at Madinah. The only work attributed to him is *Al-Tiraz al-Manqush fi Mahasin al-Hubush* (The Colored Brocade Concerning the Good Qualities of the Ethiopians). See J.R. Willis, Slaves and Slavery in Muslim Africa vol.1, pg.4 & 60

<sup>29</sup> Ibn Khaldun, The Muqadimmah edited by N.J. Dawood (New Jersey: Princeton University Press, 1967) pg.10

enslavement of Africans. The North African scholar, Al-Nasiri, recounts this heinous crime with much pain and reminds his readers of its unlawfulness:

“Thus will be apparent to you the heinousness of the affliction which has beset the lands of the Maghrib since ancient times in regard to the indiscriminate enslaving of the people of the Sudan and the importation of droves of them every year to be sold in the market places in town and country where men trade in them as one would trade in beasts---nay, worse than that. People have become so inured to this, generation after generation that many common folk believe that the reason for enslavement, according to the Holy Law, is merely that a man should be black in color and come from those regions. This, by Allah’s life, is one of the foulest and gravest evils perpetuated upon Allah’s religion, for people of the Sudan are Muslims having the same rights and responsibilities as ourselves.”<sup>30</sup>

The story of Ham is rehearsed in its endless variations, and a convenient refutation of its fatal association with men of color is found in the work of Ibn Khaldun, as previously mentioned. Yet, recurrence of the Ham motif as a theme in Arabic literature of the Western Sudan attests to the difficulties wrought by the misconstruction of scripture in relations between lighter and darker Muslims. *While the bane of infidelity might dissolve in the healing waters of Islam, no rational refutation could hope to dissolve a simile shaped on the premise of racial superiority.*<sup>31</sup>

<sup>30</sup> John Ralph Willis, Slaves and Slavery in Muslim Africa vol.1 (New Jersey: Frank Cass & Co., 1985) pg.9

<sup>31</sup> John Ralph Willis, “Islamic Africa: Reflections on the Servile Estate” in Studia Islamica vol.52 (G.P. Maisonneuve-larose, Paris) pg.194

### III.

We now turn our attention to the fatwa, or legal edict, of the famed scholar of Timbuktu, Ahmad Baba<sup>32</sup>. His opinions are significant in that he was the pre-eminent scholar of the famed university at Timbuktu, and was seen as a leading authority concerning the peoples of the Sudan. The fatwa of Ahmad Baba, in its entirety, makes mention of certain groups of non-Muslim Africans that were eligible to be enslaved, owing to their non-belief in Islam. These questions were presented by Yusuf al-Isi, who was identified as a disciple of Ahmad Baba, and make up the first section of the fatwa. That aspect of the fatwa is not our concern here. We are mainly concerned with the questions and replies that relate to slavery and its association with Blackness. That line of questioning, and the reply by Ahmad Baba, is what is presented in this present work. The impetus for the fatwa stemmed from questions that were asked by Said ibn Ibrahim al Jirari, who was a jurist from the land of Tuwat (central Algeria). Al-Jirari writes,

“What is the meaning of the hadith mentioned by al-Suyuti in *Azhar al-urush fi akhbar al-Hubush*,<sup>33</sup> when he said: “Ibn Mas’ud reported that Noah bathed and saw his son looking at him, and said to him, ‘Are you watching me whilst I bathe?’ May God change your color!’ And he became black, and he is the ancestor of the *sudan*”. Ibn Jarir [al-Tabari] said: ‘Noah prayed for Shem that his descendants should be prophets and messengers, and he cursed Ham, praying that his descendants should be slaves to Shem to Shem and Japhet’”. What is the meaning of Ham’s descendants being slaves to the descendants of Shem and Japhet? If what is meant is the unbelievers among them, then [being slaves] is not confined to them, nor similarly is [ownership of slaves] confined to his two brothers Shem and Japhet, since the unbeliever is allowed to be owned whether he is black or white. What is the significance of restricting slavery through the conquest

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<sup>32</sup> Ahmad Baba was a jurist, writer, and cultural leader. He was born in Arawan, near Timbuktu in 1556. He died in Timbuktu in the year 1627. A descendant of a line of jurists, Ahmad Baba was educated in Islamic culture, including jurisprudence. When Timbuktu was conquered by the Sultan of Morocco in 1591, he was accused of refusing to recognize the Sultan’s authority, and plotting rebellion. In 1594, he was deported to the Moroccan capital of Marrakesh. The conditions of his captivity were liberal, and he was allowed to teach and practice law. His fatwas, or legal opinions, are noted for their clarity of thought and clear exposition of juridical principles. His fatwa on slavery, which is partially presented, is considered the definitive legal opinion and authority on the subject.

<sup>33</sup> *Azhar al-urush fi akhbar al-Hubush* is al-Suyuti’s own abridgement and reworking of his *Raf’ sha’n al hubshan*, for which see below.

to the *sudan* despite the fact that others share with them the status that gives rise to that? Explain to us the aspect of wisdom[in this]---may yours be the reward.

Similarly his saying---may God bless him and grant him peace: “Look after the *sudan*, for among them are three of the lords of Paradise, Luqman the Sage, the Najashi and Bilal the muezzin”, reported by Ibn Hibban and al-Hakim. Al-Tabarani said: “What is meant by the *sudan* is the Habash”.<sup>34</sup> This was also mentioned by al-Suyuti. In similar vein is the sound *hadith*: “Your brothers are your slaves. God put them under your authority”, etc. Are this and other similar *hadiths* to be interpreted to refer to him who was enslaved as an unbeliever? In regard to what is said about the meaning of his sayings—may God bless him and grant him peace: “Look after the *sudan*” and “God put them under your authority”, does this concern [only] him whose enslavement was concomitant with his unbelief, or is this not specified? If so, then what is the meaning? Did any indication of such a meaning come down from the Prophet—may God bless him and grant him peace—or not?

It has been established that in the days of the Prophet—may God bless him and grant him peace—the Habasha accepted Islam, and that many of them were owned by him and his Companions, as has been stated. Did they hesitate over owning them, or did they just take possession of them and not care? Is the law regarding those brought from al-Habasha [as slaves] the same as the law regarding those who are brought from the al-Sudan, or is there a difference? Inform us in what way they differ—may yours be the reward. Similarly the saying of the jurists: “Slavery is a mark of unbelief”. What does it mean?

Ahmad Baba replies to al-Jirari in his fatwa entitled, *The Ladder of Ascent*

*Towards Grasping The Law Concerning Transported Blacks.* Ahmad Baba writes,

“As regards the *hadith* which you cited from Jalal al-Din al-Suyuti’s *Azhar al’urush fi akhbar al-Hubush*, coming from the *hadith* of al-Hakim, on the authority of Ibn Mas’ud, that Noah was bathing and saw his son looking at him and said to him, “Are you watching me bathe? May God change your color!” And he became black and he is the ancestor of the *sudan*---I came across it myself in his book entitled *Raf’ sha’n al-Hubshan*, and the actual words are: “As for the blackness of their skins, Ibn Jawzi 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-Jawzi] said: ‘As for what is related about Noah’s nakedness being exposed and Ham not covering it and being cursed, this is something not proven and is not correct’”.<sup>35</sup>

<sup>34</sup> ie. The Abyssinians. The Habash are the inhabitants of al-Habasha which is a vague term used in medieval Arabic writings. While it generally means the area more or less coterminous with modern Ethiopia, it could also extend westwards as far as L. Chad.

<sup>35</sup> See Saud H. al-khathlan, “A Critical edition of *Raf’ sha’n al Hubshan* by Jalal al-Din Al-Suyuti”, PhD diss., St. Andrews University, 1983, Arabic text, p. 6, where Suyuti quotes a *hadith* on the authority of Abu

Al-Jalal al-Suyuti said: “I say: This is supported by what Umm al-Fadl informed me of through my study with her(*qira’at*) saying Abu Ishaq al-Tha’alibi told us saying Abu’l Hassan al –Dawudi told us saying Abu Muhammad al-Sarakhsi told us saying Abu Ishaq told us saying ‘Abd Allah b. Humayd told us saying Hud b. Khalifa told us saying ‘Awf b. Qasama told us on the authority of Zuhayr who said: “I heard al-Ash’ari(Abu Musa) say: ‘The Messenger of God—may God bless him and grant him peace—said: “Adam was created from a handful [of earth] which [God] took from all parts of the world. Hence his offspring turned out according to the earth [they were made from]; some came out red, others white, others black, some were easy-going, others downcast, some were evil and others good’. This is a sound hadith published by al-Hakim 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-Jawzi denied, Ibn Jarir [al-Tabari] published it in his History. He said: ‘Salama told us on the authority of Ibn Ishaq 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 Jarir continued: ‘Others than Ibn Ishaq 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-Hubshan*].

And your statement concerning the name of the book *Azhar al-‘urush*, I came across it in the land of Dar’a, but I am now uncertain whether it was the book itself or the abridgement of it *Nur al-ghabash fi akhbar al-Habash*. I say: Likewise the Imam, the most mindful hafiz Ibn Khaldun said in his history entitled *Kitab al-‘Ibar wa diwan al-Mubtada’ wa’l-khabar fi akhbar al-Arab wa’l-Ajam wa’l-Barbar* as follows: “As for those climes that are distant from the median(al-I’tidal) like the first and second and the sixth and seventh”, [and so on] until he said, “Some geneologists who have no knowledge of the way in which the world works imagined that the *sudan* 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

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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 *sudan*. See also Abu’l Fida Ismail b. Kathir, *Qisas al-anbiya*, Beirut, 1408/1987, 86-7.

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 universally white due to their climate being subject to extreme cold in the north, 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 of 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. 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 is what Ibn Sina was referring to in his *rajaz* verses on medicine when he said:

The Zanj have heat which changes their bodies, till it  
Clothed their skin in blackness

The Slavs have acquired a whiteness so that their skins  
Became gleaming.<sup>36</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. 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 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 Hadith [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 Hadith: “Look after the *sudan*, for among them are three of the lords of Paradise”, there is a command in it to look after 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 *sudan* 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 Jalal al-Suyuti enumerated many of them in his book *Raf’ sha’n al-Hubshan*.

As for the hadith: “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

<sup>36</sup> See Henry C. Krueger, Avicenna’s Poem on Medicine, Springfield, IL Charles C. Thomas, 1963, 18

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

You state: “It is established that during the days of the Prophet—may God bless him and grant him peace—the Habash accepted to Islam, and that the Prophet—may God bless him and grant him peace—and his Companions owned many of them, or did they do so without caring?”

The reply, as stated before, is that the circumstance of the Habash was well known to them, and that he among them or among others who was possessed had not abandoned his unbelief at the time of his capture, and that the one among them who converted to Islam was the Najashi, that is Ashama, while they [the other Habash] continued in their unbelief. The imam Ibn Khaldun said in his history when speaking of the different types of *sudan* in the fourth volume: “Habasha is the mightiest nation of the Blacks. They 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 *Sahih*. Then they returned to their religion. The one who converted to Islam at the time of the Prophet—may God bless him and grant him peace—and to whom the Companions made 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-Najashi”. Later he said: “To the west of it is the town of Damur where there is one of the mightiest of kings who has a huge kingdom. To its north is another king called Haqq al-Din Muhammad b. ‘Ali b. Walasma in the town of Wafat. His forebears converted to Islam at an unknown date. His grandfather Walasma’ was subject to the king of Damur. Al-Khatti 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-Khatti weakened. The sons of Walasma’ took back their land and seized Wafat which they laid waste. We have heard that Haqq al-Din perished and that he was succeeded by his brother Sa’ad al-Din. They are Muslims and are subject sometimes to al-Khatti, whilst at others they resist him. God is the Possessor of Sovereignty”. End of quotation.

Your statement: “Is the ruling concerning imported *habash* the same as the ruling concerning imported *sudan*, or is there a difference?”

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—*sudan*, Christians, Jews and others being alike in this.

In the *Mudawwana* in the first book on *zakat* [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 Banu Taghlib or for others. And at the end of the book an *zakat* in the *Mudawwana*, in the chapter on taking *jizya* from the Majus, 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 ‘Uthman took *jizya* from the Majus of the Berbers. Malik said: ‘All non-Arab peoples who have no scripture, whether Fezzanis, Slavs, Berbers, Turks or others, have the status of Majus in this matter. If they are summoned to Islam and do not respond [favorably], they are to be summoned to pay *jizya* and left to profess their religions. If they respond [favorably], the response is to be accepted’”. End of verbatim quotation.

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 having been taken captive, either him or his forebear. God Most High knows best.”<sup>37</sup>

#### IV.

The examination of the line of questioning from Said ibn Ibrahim al-Jirari, who declares to be a jurist from the land of Tuwat(central Algeria), leads us toward some interesting observations. First, Al-Jirari’s style of questioning shows that he was a well-educated man due to his references of particular texts of Imam Suyuti, and particular hadith narrations. Another note would be that his style of Arabic, in the original text, was very eloquent and scholarly, which can lead us to the aforementioned conclusion as well. This sets him apart from the line of questioning from Yusuf al-Isi in the first section of the fatwa on the legality of obtaining particular groups of people into slavery, which we do not present in the present work. Isi does not reference any scholarly text or narrations of the Prophet Muhammad(peace be unto him), and his style of Arabic is clearly not as eloquent as al-Jirari’s. This could be an indication that al-Isi was just a novice and disciple of the Ahmad Baba, and not of a scholarly stature like that of al-Jirari.

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<sup>37</sup> All of what is recorded in this article concerning the fatwa of Ahmad Baba is taken from the annotated and translated edition by John Hunwick and Fatima Karrak entitled, *Mi’raj al-Su’ud: Ahmad Baba’s Replies on Slavery*.

The second observation that we can make from the fatwa is the meticulous and scholarly fashion in which Ahmad Baba answered al-Jirari's questions, in particular about the narrations referenced from the texts presented by Imam Suyuti, and the narrations quoted in the *Mustadrak* of al-Hakim. Ahmad Baba exposes his high level of scholarship and sound logic to dispel any notions of superiority or inferiority of human beings based on the color of one's skin. He shows that he was a well-rounded scholar of high repute by disputing the curse of Ham, using the works of the famed historian Ibn Khaldun on one hand, while commenting on legal edicts (fatawa) on zakat from major legal texts of the Maliki school, such as the *Mudawwana*, on the other. This display of scholarship and eloquence is a testimony to the standard by which Islamic scholarship stood in that particular region of West Africa.

This defense against the Hamitic Hypothesis is sufficient for us to dispel of these types of myths and untruths. Shaykh Ahmad Baba clearly set the platform for the believer to stay on the path of truth and to discard of any notion concerning the bond between Blackness and the slave condition. In his words, "The cause of slavery is unbelief." May Allah reward him and grant him success.

### V.

In conclusion, the link between blackness and slavery has been based solely on a myth that the descendants of Ham were cursed with black skin, big lips, and other attributes. This myth served as a precursor to the idea that Black people were to be forever slaves and subordinate to whites. Slavery in Islam is solely based on the belief or non-belief. As John Ralph Willis stated, "Non-belief is the signal cause of possession---- the underlying principle for the existence of slavery in Islam." However, some scholars

were affected by negative cultural attitudes and stereotypes toward Blacks due to the presence of these myths and legends in the Arabic literature and society. Ibn Khaldun's statement that, "the only people to who accept slavery are the Negroes, owing to their low degree of humanity and their proximity to the animal stage", seems out of place that a scholar of his caliber would believe such a statement.

W. McKee Evans, as mentioned earlier, makes the argument that "in addition to aspiring to a universal system of brotherhood, Muslim achievements include establishing new links between blackness and inferiority." This would be difficult to argue since many of Blacks residing within Arab communities still feel the heat of racism, and *still* are referred to as "*abd* or *abid*" meaning slave, which is synonymous with the term Black as a lowly status. These attitudes and treatment towards Blacks have resulted in a myriad of problems, and still cause an arrested development of Black peoples around the world. The exploitation of Africa as a whole, probably with the exception of the Northern countries, is a prime example of the subjugation of its people. The plight of African-Americans with police brutality and the ongoing systemic racism such as the pre-school to prison pipeline for Black males is another. The historical association with Blackness and criminal activity, laziness, and illicit sexual behaviors are all social factors that have limited the upward mobility of people of African descent on the global stage. Muslim groups have not been immune to these racist attitudes, nor are they innocent of discriminatory behavior toward Black people. History bears witness to this as a fact.

The fatwa of Ahmad Baba represents the scholarly protest and rejection of race as a basis for slavery or captivity in Islam. It is significant because there simply was not much protest from Muslim scholars about the subject during the era of its activity. It is

*the* fatwa that is referred to when looking for scholarly opinion on slavery. Ahmad Baba thoroughly dismantles any connection with blackness and servility.

Racial attitudes toward Blackness in the Muslim world still persist. Blacks still suffer from these negative stereotypes, whose genesis often stem from the Hamitic Hypothesis (the alleged curse) and other untruths that made many lighter skinned peoples more comfortable in their own skin. The fact is that traditional and contemporary scholarship has failed to fully recognize the great contributions of Black Africans, and make a place for these contributions in the curriculums of its educational institutions, and within public discourse. Perhaps this speaks to a larger problem within the racially stratified societies of many Muslim countries, where light skinned Arabs or non-Arabs have a deeper problem of accepting the universality of the message of Islam. Despite much historical research and traditional studies in the sacred sciences, the Muslim world has failed to realize the true message of brotherhood where people of color are concerned.

Black Muslims carry the burden of narrating the true History of Islam in Africa and the African Diaspora, and establishing institutions and educational outlets that disseminate knowledge that dispels myths and untruths such as the Hamitic Hypothesis. The responsibility is ours to make knowledge of the sacred Islamic traditions of the African Diaspora commonplace in the public square. The *F.I.I.S.T. Institute* seeks to carry such a responsibility, and establish new links between tradition and scholarship in African and African-American societies. This is very important because there is a wealth of information that needs to be made for public discourse such as the lives of African Muslim scholars, the authored texts of such scholars, as well as the traditions of learning

that can be used as models for Islamic education in the West. We ask Allah for success, and may He bless and grant peace to our beloved Prophet Muhammad and his family and Companions.

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