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### *Islamic Abolitionism in the Western Indian Ocean from c. 1800*

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For Bernard Lewis, 'Islamic abolitionism' is a contradiction in terms, for it was the West that imposed abolition on Islam, through colonial decrees or by exerting pressure on independent states.<sup>1</sup> He stands in a long line of weighty scholarship, which stresses the uniquely Western origins of the ending slavery, and the unchallenged legality of slavery in Muslim eyes prior to the advent of modern secularism and socialism. However, there has always been a contrary approach, which recognizes that Islam developed positions hostile to the 'peculiar institution' from within its own traditions.<sup>2</sup> This paper follows the latter line of thought, exploring Islamic views of slavery in the western Indian Ocean, broadly conceived as stretching from Egypt to India.

Islamic abolition was particularly important in turning abolitionist laws into a lived social reality. Muslim rulers were rarely at the forefront of passing abolitionist legislation,

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<sup>1</sup> Bernard Lewis, *Race and slavery in the Middle East, an historical enquiry* (New York: Oxford University Press, 1990) pp. 78-84.

and, if they were, they often failed to enforce laws that were 'for the Englishman to see.' Legislation was merely the first step, for it proved remarkably difficult to suppress the slave trade, let alone slavery itself, in the western Indian Ocean.<sup>3</sup> Only when the majority of Muslims, including slaves themselves, embraced the process of reform did social relations really change on the ground.

Muslims did not move from unquestioning support for slavery to a grudging acceptance of abolition, for some of the faithful had queried aspects of the practice of slavery since the time of the Prophet himself. It is thus arguable that a minority 'quasi-abolitionist' tradition had emerged, which considered that enforcing the proper conditions of enslavement would eventually cause slavery to wither away.<sup>4</sup> This was because the '*ulama*' taught that the normal condition of humanity was freedom, and that enslavement was only permitted through the capture of obdurate infidels in properly constituted holy wars, or through birth from such captives. Free persons could not sell themselves or their children into slavery, and could not be enslaved for debts or crimes. Neither Qur'an nor Hadith sanctioned the enslavement of non-combatants, or the acquisition of slaves from the lands of the infidel by purchase or tribute, and the founders of the schools of law were equally silent on such issues.<sup>5</sup>

Although misgivings about methods of enslavement had an established pedigree in Islam, these doubts were forcefully rekindled by a wave of holy wars that rocked Islam in the eighteenth and nineteenth centuries. These titanic civil wars entailed the massive

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<sup>2</sup> William G. Clarence-Smith, *Islam and the abolition of slavery* (New York: Oxford University Press, 2006) pp. 16-19.

<sup>3</sup> R. W. Beachey, *The slave trade of Eastern Africa* (London: Rex Collings, 1976), and *A collection of documents on the slave trade of Eastern Africa*, London: Rex Collings 1976).

<sup>4</sup> John Hunwick, 'Islamic law and polemics over race and slavery in North and West Africa, sixteenth to nineteenth century,' *Princeton Papers, Interdisciplinary Journal of Middle Eastern Studies*, 7, 1999, pp. 43-68.

enslavement of 'bad Muslims,' from Senegal to Sumatra, and from Somalia to Sichuan. Moreover, this period witnessed the onset of the Western abolitionist crusade, which challenged Muslims to re-open the issue.

From around the 1870s, a few Muslim reformers began to move beyond 'quasi-abolitionism' to an outright assault on slavery. The earliest and most radical proposals came from modernist 'lay' intellectuals in British India, causing a furious backlash from conservative Muslim scholars. In the Nile valley, Egyptian abolitionism, which arose in the 1880s, was more circumspect, and it initially associated '*ulama*' with the 'laity.' Abolition in the Sudan was eventually incorporated into a far-reaching 'second message of Islam,' which was preached by 'lay' intellectuals, and which was rejected as heretical by some believers. Shi'i and Sufi variants of anti-slavery arose in Persia, while a weaker Ibadi version emerged along the Oman-Zanzibar axis.

Despite all this, the belief that slavery was licit in Islamic law, at least in an abstract sense, proved to be tenacious. Thus, Shaykh Hagi Hassan, a leading Somali '*alim*, chided the Italian authorities in 1924 in these terms: 'All our slaves have escaped, and have gone to you, and you have ordered that they be set free. We are not happy about this. We have abandoned our law, because according to our law we can imprison slaves and make them work. We are true Muslims, in the line of the Prophet Muhammad and all the saints. The government has its law, and we have ours. We accept no law but our own. Our law is that of God and the Prophet.' The venerable old *shaykh* went on to prophesy war with the infidel, if the slaves were not returned, followed by the end of the world in 58 years' time.<sup>6</sup>

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<sup>5</sup> R. Brunschvig, 'Abd,' *Encyclopaedia of Islam, volume I*, (Leiden: E. J. Brill, 1960), pp. 24-40.

<sup>6</sup> Cesare M. de Vecchi di Val Cismon, *Orizzonti d'impero; cinque anni in Somalia*, (Milan: A. Mondadori, 1935), pp. 27-8. This passage is partially cited, with a different translation from mine, in Omar A. Eno, 'The abolition of slavery and the aftermath stigma: the case of the Bantu/Jareer people on the Benadir coast of southern

### The South Asian testing ground

It was in response to a quixotic attempt by a lone British magistrate to outlaw slavery in India in 1808 that the registrar of the East India Company's Calcutta court asked its Muslim *muftis* for their opinion on slavery. In a classic re-affirmation of the 'quasi-abolitionist' perspective, they replied that it was only legal to enslave 'infidels fighting against the faith,' although this did not clearly distinguish between captives taken in battle and non-combatants. Those enslaved in this manner passed on their status to their descendants, and could be transferred by sale, gift, or inheritance. However, they rejected the sale of one's self or one's children into slavery, common in India in times of famine, as well as enslavement through debt. Imported Africans were not legally slaves, if they had been kidnapped or taken by fraud.<sup>7</sup>

This *fatwa*, which conflicted in places with the widely used twelfth-century CE Inner Asian *Hidaya* code, increasingly defined British policy. The *Hidaya*, for example, stated that descendants of those enslaved before the advent of Islam were legally slaves. In an 1830 appeal to the civil court in Calcutta, the judges chose the 1808 *fatwa* over the *Hidaya*, adding that the burden of proof as to slave origins lay with the owner.<sup>8</sup> In 1841, the *muftis* of the Company's Madras court confirmed the rulings of their Calcutta colleagues.<sup>9</sup> In 1843-44, the Company upped the stakes by ceasing to recognize slavery in law in directly ruled

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Somalia,' in Gwyn Campbell, ed., *Abolition and its aftermath in Indian Ocean Africa and Asia*, (London: Routledge, 2005) p. 87.

<sup>7</sup> Amal K. Chattopadhyay, *Slavery in the Bengal Presidency, 1772-1843* (London: The Golden Eagle Publishing House, 1977) pp. 158, 170-7.

<sup>8</sup> D. R. Banaji, *Slavery in British India* (Bombay: D. B. Taraporevala Sons & Co., 1933) p. 43.

<sup>9</sup> Indrani Chatterjee, *Gender, slavery and law in colonial India* (New Delhi: Oxford University Press, 1999) p. 213.

India, without paying compensation, and then gradually began introducing similar legislation for indirectly ruled princely states from 1855.<sup>10</sup>

A conservative Muslim reaction against these trends was seen most forcefully in the 'Indian Mutiny' of 1857-58, which, for some Muslim participants, was a holy war to restore the powers of the Mughal emperor in Delhi. By the same token, the rising was an attempt to return to established forms of slavery. Thus, Shah Ahmad Sa'id, an influential Naqshbandi Sufi *shaykh*, was one of those who affixed his seal to a *fatwa* justifying slavery, and a little later to another *fatwa* declaring the 1857-58 conflict with the British to be a *jihad*.<sup>11</sup>

British defeat of the rebels created an enlarged space for modernist Muslim 'lay' intellectuals. Accepting British rule as inevitable, they were determined to attack slavery as part of a wider reform of Islam. Sayyid Amir 'Ali (1849-1928), a Shi'a from Bengal, published *A critical examination of the life and teachings of Mohammed* in 1873, and it was reprinted countless times thereafter under the more catchy sub-title or title *The spirit of Islam*. In famous words, often cited by later generations, Amir 'Ali wrote that, 'the Moslems especially, for the honour of their noble Prophet, should try to efface that dark page from their history - a page which would never have been written but for their contravention of the spirit of his laws. ... The day is come when the voice which proclaimed liberty, equality, and universal brotherhood among all mankind should be heard with the fresh vigour acquired from the spiritual existence and spiritual pervasion of thirteen centuries. It remains for the Moslems to show the falseness of the aspersions cast on the memory of the

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<sup>10</sup> Chattopadhyay, *Slavery*, pp. 250-3; Benedicte Hjejle, *Slavery and agricultural bondage in South India in the nineteenth century* (Copenhagen: Scandinavian Institute of Asian Studies, 1967), p. 98.

<sup>11</sup> Avril Powell, 'Indian Muslim modernists and the issue of slavery in Islam,' in Indrani Chatterjee and Richard Eaton, eds., *Slavery and South Asian history* (Bloomington: Indiana University Press, 2006), pp. 271-2.

great and noble Prophet, by proclaiming in explicit terms that slavery is reprobated by their faith and discountenanced by their code.'

Nevertheless, Amir 'Ali considered that only in his own day were the times really ripe for this noble endeavour. The Qur'an clearly disapproved of slavery, but Muhammad could not abolish the institution overnight. This would have disrupted society and economy, and might have turned people against Islam. The Prophet thus ordered an immediate amelioration in the status and treatment of slaves, and encouraged manumission, trusting that slavery would soon die out. Reflecting his Shi'i background, Amir 'Ali blamed the Umayyad usurper Mu'awiya for authorizing the purchase of slaves from the infidel, and the employment of servile eunuchs. Conversely, Amir 'Ali praised the Shi'i law-giver Ja'far al-Sadiq, Qarmati dissenters and Mu'tazili rationalists for raising their voices against slavery, but without citing any convincing evidence. To fulfill the Prophet's expectations in his own times, he declared that, 'it is earnestly to be hoped that before long a synod of Moslem doctors will authoritatively declare that polygamy, like slavery, is abhorrent to the laws of Islam.'<sup>12</sup>

Sayyid Ahmad Khan (1817-98), the 'Muslim William Wilberforce,' was from a Sunni background, and proved to be more radical in his thinking on servitude. In London in 1869-70, he was shocked by the strength of popular opposition to Arab slaving. On return to India, he developed a critique of slavery characterized by a passion rare in his usually unemotional prose. Rejecting any form of enslavement of war captives in any age, as 47:4 in the Qur'an only specified ransom or immediate release, he maintained that these 'freedom

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<sup>12</sup> Ameer Ali, *The life and teachings of Mohammed, or the spirit of Islam* (London: W. H. Allen, 1891), pp. 330-1, 366-80.

verses' could never be abrogated by later verses.<sup>13</sup> In Arberrry's translation, 47:4 reads as follows: 'When you meet the unbelievers, smite their necks; then, when you have made wide slaughter among them, tie fast the bonds; then set them free, either by grace or ransom, till the war lays down its loads.'<sup>14</sup> For Ahmad Khan, slavery was contrary to the will of God, and the institution should have rapidly disappeared after his revelations to the Prophet. This iniquitous system risked plunging both owners and slaves into deep immorality. Ahmad Khan expressly rejected the idea that slavery no longer needed to be discussed, because it had already been abolished by colonial legislation. Instead, he argued that 'we have to be certain in our hearts that this practice was contrary to the Islamic religion, and was in essence bad and unworthy.'<sup>15</sup>

The anti-slavery writings of 'the two Sayyids' inspired a number of disciples, and abolition became an integral part of a wider Islamic agenda of social reform in South Asia.<sup>16</sup> Mawlwi Chiragh 'Ali (1844-95), employed in the southern princely state of Hyderabad, was a stout supporter of Sayyid Ahmad Khan, censuring 'fanatical Moslems' who defended concubinage, a topic that his mentor had rather neglected.<sup>17</sup> Muhammad Iqbal (1877-1938), celebrated poet and 'intellectual father of Pakistan,' condemned slave purchases in 1909, and admitted that slavery posed problems for Islam as a religion of social equality, although

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<sup>13</sup> Powell, 'Indian Muslim modernists,' pp 265-71. See also, Ahmed Khan Bahador, *Life of Mohammed and subjects subsidiary thereto* (Lahore: Sh. Mubarak Ali, 1979 reprint of 1870 ed.), pp. 422-7; Shan Muhammad, *Sir Syed Ahmad Khan, a political biography* (Begum Bridge, Meerut: Meenakshi Prakashan, 1969). Ahmad Khan used the plural form 'verses,' because of a numbering of verses whereby this passage was presented as 47:4-5, whereas it is usual today to have it as 47:4.

<sup>14</sup> A. J. Arberrry, *The Koran interpreted*, (Toronto: Macmillan, 1969) Vol. II, p. 220.

<sup>15</sup> Powell, 'Indian Muslim modernists,' pp. 272-5; Aziz Ahmad, *Islamic modernism in India and Pakistan, 1857-1964* (London: Oxford University Press, 1967), pp. 51-2; J. M. S. Baljon, *The reforms and religious ideas of Sir Ahmad Khan* (Lahore: Sh. Muhammad Ashraf, 1970), pp. 43-4, 143; Bashir A. Dar, *Religious thought of Sayyid Ahmad Khan* (Lahore: Dr. Khalifa Abdul Hakim, 1957), pp. 236-9; 258-60; M. Mujeeb, *The Indian Muslims* (London: George Allen and Unwin, 1967), pp. 450-1.

<sup>16</sup> Powell, 'Indian Muslim modernists,' pp. 274-9; Mujeeb *The Indian Muslims*, pp. 450-1.

his solution was to depict slavery in Islam as an institution so benign as to have nothing in common with true servitude.<sup>18</sup> The debate flared up again in the 1930s, when reformers fiercely resisted attempts to rehabilitate concubinage.<sup>19</sup>

Muslims from non-Sunni backgrounds also opposed slavery in South Asia. The Bengali Dilawar Husayn [Delawarr Hosaen] (1840-1914), of Shi'i origins, valiantly defended Sayyid Ahmad Khan, and overtly harked back to Mu'tazili ideas.<sup>20</sup> The Nizari 'Isma'ili (Khoja) community, under the Western-educated and liberal Aga Khan III (r. 1885-1957) opposed servitude in India, at least from 1909.<sup>21</sup> The Lahori Ahmadi, who broke away in 1914, turned explicitly and radically against servitude, whereas the Qadiyani branch of the sect was for a long time more hesitant.<sup>22</sup> Ahmadi missionaries played a further role in assiduously spreading the abolitionist message around the Islamic world.

Ghulam Ahmad Parwez (1903-85) was the most significant figure to carry the radical torch after independence in 1947. Opting to live in Pakistan, he adamantly opposed

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<sup>17</sup> Cherágh Ali, *The proposed political, legal and social reforms in the Ottoman empire and other Mohammadan states* (Bombay: Education Society's Press, 1883), pp. xxxii-iii, 144-83, and *A critical exposition of the popular jihad* (Calcutta: Thacker, Spink & Co., 1885) pp. 193-215.

<sup>18</sup> Muhammad Iqbal, 'Islam as a moral and political ideal,' in Charles Kurzman, ed., *Modernist Islam, 1840-1940, a sourcebook* (Oxford: Oxford University Press, 2002), pp. 304, 307-8.

<sup>19</sup> V. R. and L. B. Bevan Jones, *Women in Islam; a manual with special reference to conditions in India* (Lucknow: Lucknow Publishing House, 1941), pp. 207-10; M. H. Zaidi, *Mothers of the faithful; being a discourse on polygamy, with a biographical sketch of the wives of Muhammad* (Calcutta: the author, 1935), pp. 85-6, 89-91.

<sup>20</sup> Ahamed Meerza Delawarr Hosaen, *Muslim Modernism in Bengal; selected writings of Delawarr Hosaen Ahamed Meerza, 1840-1913, volume 1* (Dacca: Dacca University, 1980, ed. Sultan Jahan Salik), pp. iii-vii, x, 24, 59-60, 65.

<sup>21</sup> Aga Khan III, *Aga Khan III; selected speeches and writings of Sir Sultan Muhammad Shah* (London: Kegan Paul International, 1998, ed. K. K. Aziz), I, pp. 117-18, 310; Eldon Rutter, 'Slavery in Arabia,' *Journal of the Royal Central Asian Society*, 20, 3, (1933) pp. 323-4.

<sup>22</sup> 'Ali, Muhammad, *The Holy Qur-an, containing the Arabic text with an English translation and commentary* (Lahore: Ahmadiyya Anjuman-i-Ishaat-i-Islam, 1920, 2nd ed.), pp. 78, 975, 1192, and *The religion of Islam, a comprehensive discussion of the sources, principles and practices of Islam* (Lahore: The Ahmadiyya Anjuman Isha'at Islam, 1936), pp. 587, 661-70; Hazrat Mirza Bashir-ud-Din Mahmud Ahmad, *Ahmadiyyat, or the true Islam*, Qadian: Book Depot, 1924), pp. 331-3.



demands that slavery be reinstated in the new Islamic country.<sup>23</sup> Criticising literalist and obscurantist '*ulama*', he preached the primacy of Qur'an over Hadith, emphasised social justice, called for monogamy, and taught that slavery had been banned from the dawn of the new faith. He argued that references to slaves in the Qur'an should actually read, 'those whom your right hand possessed,' that is in the past tense, and thus referring only to people already enslaved at the time of the Prophet's revelations. As for 47:4, it meant that, 'the door for future slavery was thus closed by the Qur'an for ever. Whatever happened in subsequent history was the responsibility of Muslims, and not of the Qur'an.'<sup>24</sup>

Conservative South Asian Muslims fought a tenacious rearguard battle on the issue of slavery. Siddiq Hasan Khan, prince consort of the Begum of Bhopal and part of the Ahl-i-Hadis Literalist movement of Wahhabi inspiration, was accused of importing female slaves in 1885, and he defended the legitimacy of slavery.<sup>25</sup> In 1926, Sayyid Muhammad Kifayatullah, president of the Jamiat ul-Ulama, stressed the need to observe traditional rules on slavery, interpreted in a fairly restrictive manner.<sup>26</sup> In works published in 1946 and 1957, Mawlana Sa'id Ahmad Akbarabadi, of the influential Deobandi school, denied that the Prophet had ever ordered the abolition of slavery, or even inspired it, although Islam had improved the status of slaves and had recognized their humanity.<sup>27</sup>

Indeed, a pro-slavery position remained particularly overt in South Asia, perhaps as a reaction to the undoubted strength of liberal opinion in the sub-continent. In articles from

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<sup>23</sup> Ishtiaq Ahmed, *The concept of an Islamic state; an analysis of the ideological controversy in Pakistan* (London: Frances Pinter, 1987), p. 133.

<sup>24</sup> Ghulam A. Parwez, *Islam, a challenge to religion* (New Delhi: Islamic Book Service, 1989), pp. 345-6.

<sup>25</sup> Barbara D. Metcalf, *Islamic revival in British India; Deoband 1860-1900* (Princeton: Princeton University Press, 1982) pp. 268-9, 278-80.

<sup>26</sup> *Oriente Moderno, rivista mensile d'informazioni e di studi per la diffusione e la conoscenza dell'oriente, soprattutto musulmano, pubblicata a cura dell'Istituto per l'Oriente* (Rome) 6, 7 (1926) p. 358; Achille Sékaly, *Le congrès du khalifat (Le Caire 13-19 mai 1926) et le congrès du monde musulman* (La Mekke, 7 juin-5 juillet 1926) (Paris: E. Leroux, 1926), p. 201.

1935 that were re-published in English in 1972, Mawlana Sayyid Abul A'la Mawdudi, founder of the 'fundamentalist' Jamaat-i Islami in India in 1941, upbraided Muslims for being ashamed of slavery, holy war, polygyny and other fundamental aspects of their faith, accusing them of being unaware that to alter any part of Islam was to undermine the entire religious edifice.<sup>28</sup> In 1977, when General Zia ul-Haqq seized power in Pakistan and began to apply *shari'a* law, some seized the opportunity to argue that the need for manumission 'means that slavery cannot be abolished, since to do so would be to deny future generations the opportunity to commit the virtuous deed of freeing slaves.'<sup>29</sup>

On a more mundane level, *fatawa* of 1975 to 1982, from the pen of Sayyid 'Abd al-Rahim Qadri of Gujarat, simply take slavery for granted. As cited by the ardent Hindu critic of Islam, Arun Shourie, one passage reads: 'A slave-woman does not need marriage for the reason the Shariah has made the possession of a slave-woman the substitute of marriage ceremony, and the legal permit for coition with her.' The sayyid merely noted that, 'it is difficult to come by slave-girls in the present times, for the conditions required for lawful slave-girls are difficult to obtain now.' The problem was that a slave woman had to be captured in a *jihad* in the abode of war, brought to the abode of Islam, and apportioned as booty.<sup>30</sup>

### **From caution to radicalism in the Nile valley**

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<sup>27</sup> Ahmad, *Islamic modernism*, pp. 254-5; Mujeeb *The Indian Muslims*, p. 450.

<sup>28</sup> Abul A'la Mawdudi, *Purdah and the status of woman in Islam* (Lahore: Islamic Publications Ltd., 1972) pp. 20-2, 28, 218-19. See also his *Human rights in Islam* (Lahore: Islamic Publications Ltd., 1977), pp. 17-19.

<sup>29</sup> Jamal J. Elias, *Islam* (London: Routledge, 1999) p. 108.

<sup>30</sup> Arun Shourie, *The world of fatwas, or the shariah in action* (New Delhi: ASA Publications, 1995), pp. 5-11, 531, 533-4.

In contrast to India, the number of slaves in Egypt and the Sudan was rising fast in the nineteenth century, so that proposals for abolition more directly affected powerful material and social interests. Moreover, slave ownership was widely distributed through the free population, making it more difficult to push through a programme of abolition. Slaves came mainly from the Sudanese marches to the south. During the Egyptian cotton boom of the 1860s and 1870s, triggered by the abolition of slavery in the United States, even modest Egyptian peasants bought slaves. Apart from agricultural work, they performed domestic tasks and substituted as *corvée* workers for the state. Moreover, White Circassian concubines from the Caucasus became status symbols, even for men of quite modest status.<sup>31</sup> The Egyptian '*ulama*', some of whom were substantial owners of slaves, remained circumspect.<sup>32</sup>

'Quasi-abolitionism' was slow to gather steam in Egypt. Edward Lane reported from around the 1830s that 'the slave is either a person taken captive in war or carried off by force from a foreign hostile country, and being at the time of capture an infidel; or the offspring of a female slave by another slave, or by any man who is not her owner, or by her owner if he does not acknowledge himself to be the father.'<sup>33</sup> This wording allowed for the enslavement of non-combatants, while saying nothing about tribute and purchase.

Enslaving free Muslims was the most obvious abuse. 'Abd al-Rahman al-Jabarti (1754-1825), a distinguished scholar of Ethiopian origins, denounced Muhammad 'Ali, Pasha

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<sup>31</sup> Gabriel Baer, 'Slavery and its abolition,' in Gabriel Baer, ed., *Studies in the social history of modern Egypt* (Chicago: University of Chicago Press, 1969) pp. 163-6; Reda Mowafi, *Slavery, slave trade and abolition attempts in Egypt and the Sudan, 1820-1882* (Malmö: Scandinavian University Books, 1981) pp. 13-14, 23-4; Beachey, *The slave trade*, pp. 130-1.

<sup>32</sup> Daniel Crecelius, 'Non-ideological responses of the Egyptian *ulama* to modernization,' in Nikki Keddie, ed., *Scholars, saints and Sufis; Muslim religious institutions in the Middle East since 1500* (Berkeley: University of California Press, 1972) pp. 169-70, 178, 186-7.

<sup>33</sup> Edward W. Lane, *An account of the manners and customs of the modern Egyptians* (London: Alexander Gardner, 1895, 2nd ed.) p. 115.

of Egypt, for acting in this way in conquering the Sudan from 1820.<sup>34</sup> Similar complaints came from the Sudanese side, with the Egyptian forces accused of raising taxes in slaves, or enslaving Muslims for failing to pay uncanonical taxes.<sup>35</sup> When illicitly taken into bondage, free Muslims could gain redress in *shari'a* courts. Cases brought by those claiming to be have been wrongly enslaved were common in Cairo from at least 1749, with pious merchants paying the legal fees, and many petitioners were released.<sup>36</sup>

Methods of enslaving infidels also came into question. The Tunisian Shaykh Muhammad b. 'Umar al-Tunisi, residing in the Sudan from 1803 to about 1820, noted of the sultans of Darfur and Wadai that 'in their raids on idolaters, [they] do not obey what is prescribed by God's word. They never summon these idolaters to adopt Islam before attacking them.' Raids were preceded neither by peaceful proselytism, nor by repeated warnings as to the consequences of unbelief.<sup>37</sup> Similarly, Egyptian officers rounded up Animists like cattle, with no suggestion that they might convert to Islam, or live as peaceful tributaries.<sup>38</sup> Cowed survivors of punitive raids then furnished a regular tribute in slaves.<sup>39</sup> However, Mustafa Pasha Fehmi, Egyptian Foreign Minister in 1880, implicitly admitted that the *shari'a* prohibited the provision of slaves as tribute, and he was backed in his opinion by

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<sup>34</sup> Gilbert Delanoue, *Moralistes et politiques musulmans dans l'Égypte du XIXe siècle* (Cairo: Institut Français d'Archéologie Orientale, 1982) p. 57.

<sup>35</sup> Rudolph Peters, *Islam and colonialism; the doctrine of jihad in modern history* (The Hague: Mouton, 1979) pp. 68-9; Jay Spaulding, 'Slavery, land tenure and social class in the northern Turkish Sudan,' *International Journal of African Historical Studies*, 15, 1 (1982) pp. 4, 10-12.

<sup>36</sup> Terence Walz, 'Black slavery in Egypt during the nineteenth century, as reflected in the Mahkama archives of Cairo,' in John R. Willis, ed., *Slaves and slavery in Muslim Africa*, (London: Frank Cass, 1985) II, pp. 147-9, 158.

<sup>37</sup> Mohammed ibn-Omar el-Tounsy, *Voyage au Darfour* (Paris: Benjamin Duprat, 1845, ed. and tr. by S. Perron), pp. viii-xi, 269-70, and *Voyage au Ouadây* (Paris: Benjamin Duprat, 1851, ed. and tr. by S. Perron) pp. 404-5, 467-90.

<sup>38</sup> John Hunwick and Eve Troutt Powell, *The African diaspora in the Mediterranean lands of Islam* (Princeton: Markus Wiener, 2002) pp. 53-4.

<sup>39</sup> Baer, 'Slavery,' pp. 164-5.

Cairo's *shaykh al-Islam*.<sup>40</sup> By the early 1880s, the 'vast majority' of Cairo's '*ulama*' were said to accept that only unbelieving captives taken in a holy war could legitimately be enslaved.<sup>41</sup>

The issue came to a head with the establishment of Manumission Bureaux in 1877, as a result of considerable international pressure. Some '*ulama*' backed the Egyptian government, citing 47:4 and 24:33 in the Qur'an to prove that Islam did not sanction slavery in modern times, although the second passage merely recommended the manumission of worthy slaves.<sup>42</sup> However, some judges in Cairo's *shari'a* courts refused to allow the marriage of slave women freed by these secular institutions, insisting that the women had to obtain their owners' consent, and allegedly driving some of them into prostitution.<sup>43</sup>

As a showdown with Britain loomed in 1881, opinions were divided. The *shaykh al-Islam* refused to concede 'the civil rights of a person born free' to those liberated by the state. Having consulted the most learned scholars, he declared that he 'would be overriding the law in decreeing the abolition of slavery.'<sup>44</sup> Muhammad al-Anbabi, Shaykh al-Azhar in 1882, considered existing slavery to be a perversion of the institution as permitted in holy law, which only sanctioned the enslavement of idolaters in war for the purpose of converting them. He added that reducing captives to slavery was not directly enjoined in holy law, but was a matter of custom.<sup>45</sup>

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<sup>40</sup> Y. Hakan Erdem, *Slavery in the Ottoman empire and its demise, 1800-1909* (London: Macmillan, 1996) pp. 89-90.

<sup>41</sup> Baer, 'Slavery,' p. 188.

<sup>42</sup> Beachey, *A collection*, p. 33.

<sup>43</sup> Judith E. Tucker, *Women in nineteenth-century Egypt* (Cambridge: Cambridge University Press, 1985), pp. 177-8, 187-8; Baer 'Slavery,' pp. 183-5.

<sup>44</sup> Erdem, *Slavery*, pp. 89-90.

<sup>45</sup> Baer, 'Slavery,' p. 188; Tucker, *Women*, p. 178.

It was at this point that Muhammad ‘Abduh (1849-1905), the key figure in Egyptian modernism, intervened, albeit in a more cautious and equivocal manner than Indian ‘lay’ radicals. ‘Abduh came from a humble background, and was part of the professional stratum of the ‘*ulama*’. He was also caught between Egyptian nationalism and British colonialism.<sup>46</sup> This may explain why he was so coy in his most influential work, *The theology of unity*. The only clear reference to slavery comes in a tantalizing rhetorical question: ‘If religion eagerly anticipates the liberation of slaves, why have Muslims spent centuries enslaving the free?’ This could be read as referring only to reducing free Muslims to servitude, and his rather confusing answer is that a careful reading of the Qur’an supports his interpretation, and that he will confound his critics in another book.<sup>47</sup>

Nevertheless, ‘Abduh’s reputation for opposing slavery was well known. Indeed, a conservative author, Shaykh Husayn al-Jisr of Tripoli in Syria, roundly criticised ‘Abduh’s modernist views on slavery, in a book published in 1904-05, around the time of Abduh’s death.<sup>48</sup> Commenting on 2:177 in the Quran, where ransoming a slave was numbered among actions of true piety, ‘Abduh trod a fine line between traditionalist exegesis and modernist interpretation. He argued that manumission was a form of charity obligatory for the faithful. From this he deduced that freedom was the norm, indeed a necessity for the perfection of humanity. Only in exceptional cases could liberty be breached, and only in a transitory manner. In effect, he transformed captives into modern prisoners of war.<sup>49</sup> In a fatwa, found among his papers after his death, ‘Abduh also attacked concubinage. Muslims

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<sup>46</sup> M. A. Zaki Badawi, *The reformers of Egypt* (London: Croom Helm, 1978).

<sup>47</sup> Muhammad ‘Abduh, *The theology of unity* (London: G. Allen and Unwin, 1966), pp. 125, 135, 140, 152-4.

<sup>48</sup> A. Hourani, *Arabic thought in the liberal age, 1798-1939* (London: Oxford University Press, 1970), pp. 222-3.

<sup>49</sup> Riad Nourallah, personal communication, summarizing IV, 433, in ‘Abduh’s collected works, edited by M. ‘Amarah.

had abused this custom abominably for centuries, corrupting the ethics of the faithful. While accepting that concubinage could be a legitimate by-product of war, he called on political and religious authorities to stamp out the practice in the name of public interest.<sup>50</sup>

When participating in a government that was desperate to prevent a British assault in 1882, 'Abduh sent a letter to Wilfrid Blunt, who was attempting to mediate. This missive was much closer to 'quasi-abolitionism' than to modernist ideas: 'The present Ministry is trying hard to suppress domestic slavery. The Mohammedan religion offers no obstacle at all to this; nay, according to Mohammedan dogma, Moslems are not allowed to have slaves except taken from infidels at war with them. In fact they are captives or prisoners taken in legal warfare, or who belonged to infidel peoples not in friendly alliance with Mohammedan princes, nor protected by treaties or covenants. But no Moslem is allowed to be taken as a slave. Moreover, if a person is an infidel, but belongs to a nation in peaceful treaty with a Mohammedan prince, he cannot be taken as a slave. Hence the Mohammedan religion not only does not oppose abolishing slavery as it is in modern times, but radically condemns its continuance. ... A fetwa will in a few days be issued by the Sheykh el Islam to prove that the abolition of slavery is according to the spirit of the Koran, to Mohammedan tradition, and to Mohammedan dogma.'<sup>51</sup>

Understanding 'Abduh's position is rendered all the more difficult by the intervention of his forceful disciple, the Lebanese Muhammad Rashid Rida (1865-1935), who long outlived his master. In response to questions from readers around the globe, Rida published opinions on slavery over several decades, in the widely disseminated Cairo

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<sup>50</sup> Riad Nourallah, personal communication, summarizing a 1927 fatwa in *al-Manar*; Jacques Jomier, *Le commentaire coranique du Manâr; tendances modernes de l'exégèse coranique en Égypte* (Paris: Maisonneuve et Cie, 1954), pp. 231-2.

<sup>51</sup> Wilfrid Blunt, *Secret history of the English occupation of Egypt* (London: T. Fisher Unwin, 1907) pp. 253-4.

journal *al-Manar* (the lighthouse). Generalizing from this medley of statements, much that was inimical to slavery appeared. There was no longer a caliph, necessary to declare a holy war and testify that the enslavement of captives was in the public interest. Even led by a caliph, holy wars should be defensive. It was wrong to enslave non-combatant women and children in war, kidnap children, buy slaves from the infidel, or fail to seek proof of servile descent. Moreover, freeing slaves was the greatest offering to God. Sudden liberation would have been disruptive in Islamic lands, but gradual abolition accorded with the spirit of Islam, and was the final goal of the faith. If Muslim rulers had obeyed Qur'an and Hadith, slavery should have died out over time. Amelioration in conditions of servitude paved the way for abolition, which rulers were at liberty to decree in the public interest.

For all that, Rida's views contained ambiguities, and probably became more conservative over time. He recalled 'Abduh saying that men should free and marry concubines, but commented that respected jurists rejected this interpretation. Rida clung to the notion that taking slaves in holy wars against infidel aggressors was licit, as long as captives were not Muslims, Arabs, or close relatives. Children inherited servile status only if both their parents were slaves, a borrowing from Shi'i law. In 1922, he took the line that Muslims were obliged to retain slavery whenever their enemies did so, to improve their bargaining position. Towards the end of his life, Rida even opined that servitude could be a refuge for the poor and weak, notably women, and could give all women a chance to bear children.<sup>52</sup>

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<sup>52</sup> Amal Ghazal, 'Debating slavery in the Arab Middle East; abolition between Muslim reformers and conservatives,' in Behnaz Mirzai, Ismael M. Montana, and Paul E. Lovejoy, eds., *Islam, slavery and diaspora* (Trenton NJ: Africa World Press, forthcoming); Mazheruddin Siddiqi, *Modernist reformist thought in the Muslim world* (Islamabad: Islamic Research Institute, 1982), p. 182; A. Chris Eccel, *Egypt, Islam and social change; al-Azhar in conflict and accommodation* (Berlin: Klaus Schwarz, 1984), pp. 416-17; Jomier, *Le commentaire*, pp. 231-2; Peters, *Islam*, pp. 126-7; Badawi, *The reformers of Egypt*, p.114; Hourani, *Arabic thought*, pp. 142, 239.



An associate of Rida, Ahmad Shafiq (1860-1940), himself the son of a Circassian concubine, revealed similar contradictions.<sup>53</sup> Shocked by the experience of attending one of Cardinal Charles Lavigerie's famous harangues on Muslim slavery in 1888, Shafiq published a short rebuttal in 1891, written in French but soon translated into Arabic. He considered that international law had superseded 47:4 in the Qur'an, by determining the treatment of prisoners of war, and yet he clung to the *jihad* against unbelievers as a licit manner of making slaves, as long as wars were 'in the interest of Islam,' and were preceded by a summons to either convert or accept Islamic rule. He conceded that this meant that few, if any, of Egypt's slaves had been properly enslaved, but went on to suggest that the West should support Egypt's efforts to create a vast African empire and convert its inhabitants to Islam, given that free Muslims were not to be enslaved.<sup>54</sup> This little work was widely discussed and disseminated.<sup>55</sup> Ali 'Abd al-Wahid Wafi wrote a scholarly French thesis on slavery in 1931, which implicitly reproduced the premises of Shafiq's book, although it overtly confined itself to early Islamic times.<sup>56</sup>

More radical critiques of slavery slowly emerged in modernist Egyptian circles, either deriving from 'Abduh, or coming from South Asian modernism through the Sudan and the wider Arab world. Qasim Amin (1865-1908) called for monogamy in two controversial books

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<sup>53</sup> Eve M. Troutt Powell, *A different shade of colonialism; Egypt, Great Britain and the mastery of the Sudan* (Berkeley: University of California Press, 2003) pp. 137, 145, 170; Martin Kramer, *Islam assembled; the advent of the Muslim congresses* (New York: Columbia University Press, 1986), p. 121.

<sup>54</sup> Ahmed Chafik, *L'esclavage au point de vue musulman* (Cairo: Imprimerie Nationale, 1938, 2nd ed.).

<sup>55</sup> Börte Sagaster, *'Herren' und 'Sklaven': Der Wandel im Sklavenbild türkischer Literaten in der Spätzeit des Osmanischen Reiches* (Wiesbaden: Harrassowitz, 1997), p. 31; Ehud R. Toledano, *Slavery and abolition in the Ottoman Middle East* (Seattle: University of Washington Press, 1998), p. 45; Powell, *A different shade*, pp. 145-6.

<sup>56</sup> Ali Abd Elwahed, *Contribution à une théorie sociologique de l'esclavage* (Paris: Éditions Albert Mecheleinck, 1931).

in 1899 and 1900, rejecting concubinage by implication.<sup>57</sup> Mansour Fahmy, who dedicated his 1913 Paris thesis to Qasim Amin, called for the abolition of slavery, which had corrupted Muslim women. He subsequently lost his job at the university, because he had dared to criticize the Prophet, and was not reinstated till 1919.<sup>58</sup> A new Arabic edition of Sayyid Ahmad Khan's pioneering *Ibtal-i ghulami*, originally published in 1893, stirred interest in 1958.<sup>59</sup> As for Sayyid Amir 'Ali, his statements were reproduced verbatim in a thesis published in Khartoum in 1972.<sup>60</sup>

However, many Egyptian '*ulama*' stuck to older positions. After the British conquest of 1882, one told the new authorities that, as the Prophet had not prohibited slavery, neither could they.<sup>61</sup> Shaykh Muhammad Ahmad al-Bulaqi, of al-Azhar, refuted modernist theses on women in 1899, by implication defending concubinage.<sup>62</sup> However, pious '*ulama*' refrained from taking as concubines girls who might have been wrongly enslaved.<sup>63</sup> Even the question of eunuchs, who had to be slaves in Islamic law, caused divisions. At a congress of Islamic scholars, held in Egypt in 1908, the majority pronounced that the *shari'a* prohibited not only the making but also the owning of eunuchs, but this ruling was

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<sup>57</sup> 'Abdelhamid M Ahmad, *Die Auseinandersetzung zwischen al-Azhar und der modernistischen Bewegung in Ägypten* (Hamburg, Universität Hamburg, 1963) pp. 103-8; Hourani, *Arabic thought*, pp. 164-70.

<sup>58</sup> Mansour Fahmy, *La condition de la femme dans l'Islam* (Paris: Éditions Allia, 1990) pp. 9-12, 93-113, 159-60.

<sup>59</sup> Forough Jahanbakhsh, *Islam, democracy and religious modernism in Iran, 1953-2000, from Bazargan to Soroush* (Leiden: Brill, 2001), p. 38 (n. 74).

<sup>60</sup> Abbas I. M. Ali, *The British, the slave trade and slavery in the Sudan, 1820-1881* (Khartoum: Khartoum University Press, 1972) pp. 68-9.

<sup>61</sup> Erdem, *Slavery*, p. 92.

<sup>62</sup> Ahmad, *Die Auseinandersetzung*, pp. 101, 104-5.

<sup>63</sup> Chafik, *L'esclavage*, p. 49.

contested.<sup>64</sup> An undated text from around this time conveniently blamed the use of eunuchs on the Ottomans.<sup>65</sup>

Matters came to a head in 1894, when several high-ranking Egyptians, including the president of the legislative council, were arrested for buying slaves. The subsequent show trial resulted in a single conviction, and revealed much support for buying slaves, albeit not for selling them.<sup>66</sup> The legislative council then meekly accepted abolitionist legislation in 1895, by which time rural labour surpluses and the dissolution of guilds had made slavery economically marginal.<sup>67</sup> Although traditionalists continued to hold that what the Qur'an specifically permitted could not be outlawed, abolition caused little overt contestation, reflecting 'the power of the great international opprobrium felt for the institution.'<sup>68</sup> A guarantee of individual liberty was later inscribed in the 1923 Egyptian constitution.<sup>69</sup>

For all this, the great university of al-Azhar in Cairo prevaricated for decades. A fatwa of 1939 declared that a father could not sell his son, but only because no free child should be sold.<sup>70</sup> Nevertheless, the third edition of a textbook of Maliki law, published in Cairo in 1980, held that Islam had set out to 'cure' slavery. Avoiding any 'counterreaction that would shake the pillars of society and tear apart its structures,' the '*ulama*' recognized the rights of owners and the dangers of vagrancy. Islam thus proceeded by 'reducing the avenues to enslavement and closing them off,' while gradually preparing slaves for

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<sup>64</sup> Demetrius A. Zambaco, *Les eunuques d'aujourd'hui et ceux de jadis* (Paris: Masson et Cie., 1911) pp. 36-8.

<sup>65</sup> Richard Millant, *Les eunuques à travers les ages* (Paris: Vigot Frères, 1908), p. 203.

<sup>66</sup> Powell, *A different shade*, pp. 147-9, 150-5

<sup>67</sup> Baer, 'Slavery,' pp. 181-9.

<sup>68</sup> Eccel, *Egypt*, p. 417.

<sup>69</sup> Brunschvig, "'Abd,' p. 39.

<sup>70</sup> Jomier, *Le commentaire*, p. 232.

freedom.<sup>71</sup> An al-Azhar fatwa, available on the internet in Indonesian in 2001, simply relegated slavery to the domain of history.<sup>72</sup>

Egypt's Muslim Brothers, close to Mawdudi in their literalist or 'fundamentalist' views, were equally ambivalent. Hasan al-Banna, the founder, side-stepped the issue in an article originally published in 1948, and much reprinted thereafter. He elaborated at length on the conditions under which holy war could be waged, stressing defensive aspects, but leaving open the possibility of aggressive campaigns. When it came to slaves, he merely said that, 'we will talk about them in detail on another occasion. For now it suffices to say that Islam replaced the historical sentence for a captive from capital punishment (death) to life imprisonment through enslavement. However, Islam has made it very easy for the slave to regain his freedom.'<sup>73</sup> As he died the following year, it seems that al-Banna never elaborated on this ambiguous formulation.

The Muslim Brothers' most famous ideologue was Sayyid Qutb (1906-66), executed by the Egyptian government. In the first volume of an Arabic commentary on the Qur'an, he declared that Islam was in principle opposed to slavery, and that those already in bondage at the time of the Prophet had rapidly been freed. However, enslaving prisoners of war remained necessary because infidels had refused to give up the institution. Muslims should not be apologetic about past forms of servitude, and they were not responsible for rulers abusing the harem system.<sup>74</sup> This account failed to address the legitimacy of enslaving non-combatants. In *Social justice in Islam*, first published in 1945, Qutb had a section entitled 'human equality,' but slavery did not figure there. He criticized 'idle aristocrats' for whom

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<sup>71</sup> Hunwick and Powell, *The African diaspora*, pp. 17-19.

<sup>72</sup> <http://members.tripod.com/skypin/fatwa/fatwa17.html>

<sup>73</sup> Banna, Hasan al-, (1997) 'Peace in Islam' [http://www.youngmuslims.ca/online\\_library/books/peace\\_in\\_islam/](http://www.youngmuslims.ca/online_library/books/peace_in_islam/)

‘all the work was done by their imported slaves,’ but only to lambast elite corruption. Apologetic snippets addressed the ban on enslaving free Muslims, manumission, good treatment, and the social integration of former slaves. Rather lamely, he concluded that slavery was irrelevant, as ‘this practice has now disappeared, owing to the circumstances of our time.’<sup>75</sup>

Sayyid’s brother, Muhammad Qutb, tackled the issue more squarely, albeit equally ambiguously. He devoted a long and early chapter to slavery in *Islam the misunderstood religion*, published in Arabic in Cairo in 1964, and reprinted and translated many times thereafter. Although Muhammad Qutb eventually left the Muslim Brothers after the assassination of Anwar Sadat in 1981, his earlier views on slavery are still widely quoted. While appearing to condemn slavery, and denouncing Muslim rulers who had enslaved Muslims and traded in slaves, he affirmed the superiority of slavery in Islam, and announced that Muslims were obliged to enslave captives taken in war against infidels who did the same, even though he noted ‘in passing’ that 47:4 in the Qur’an recommended freeing of prisoners of war. When non-Muslim nations decided to abolish slavery, ‘Islam welcomed it.’ Nevertheless, a long passage on servile concubines recommended the practice as superior to Western adultery and prostitution.<sup>76</sup>

The Muslim Brothers gained great political influence in the Sudan, where Hasan ‘Abdallah al-Turabi (1932-) became the regime’s *éminence grise* from 1989 to 2000. Even though the new Sudanese penal code of 1991 failed to recognize slavery as licit, Arab militia units took and sold slaves, during campaigns against non-Muslim southern rebels. Accounts

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<sup>74</sup> Youssef Choueiri, personal communication.

<sup>75</sup> Sayed Kotb [Sayyid Qutb], *Social justice in Islam* (New York: Octagon Books, 1970) pp. 44, 47-9, 112-13, 136, 156-9, 214.

<sup>76</sup> Muhammad Qutb, *Islam, the misunderstood religion* (Kuwait: al-Assriya, 1967) pp. 62-99, 101-7, 110.

of de facto enslavement proliferated, for productive, domestic and sexual purposes, and public auctions of children were reported.<sup>77</sup> Quizzed on this in 1994, al-Turabi answered evasively that slavery had never been a 'substantial institution' in the Sudan before the Egyptian occupation, and that all men were equal in Islam.<sup>78</sup>

This contrasted forcefully with the original line taken by an engineer and Sudanese nationalist, Mahmud Muhammad Taha (c.1909-85). He published the first edition of a controversial work in 1967, arguing that the 'second message' of Islam was the radical social programme outlined in the early Meccan phase of the Prophet's revelations. Once in political control of Medina, Muhammad's revelations had become more apposite to ruling a community steeped in ancient traditions. However, Taha insisted that the Medinan verses had only postponed the implementation of the original Meccan teachings, without abrogating them permanently. Strongly influenced by Sufism, he saw the victory of the 'second message' as the achievement of a higher plane of consciousness, when believers would more truly submit to God's will. On gradualist lines, he argued that the Prophet had been forced to compromise with a situation in which slavery was integral to social order, but that slavery would disappear with the triumph of 'second message,' although he only mentioned this in passing. In any event, President Ja'far Muhammad Numayri's regime

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<sup>77</sup> J. Millard Burr and Robert O. Collins, *Revolutionary Sudan; Hasan al-Turabi and the Islamist state, 1989-2000* (Leiden: Brill, 2003) pp. 75, 276; Jok M. Jok, *War and slavery in Sudan* (Philadelphia: University of Pennsylvania Press, 2001) pp. viii-ix, 2-3, 28-33, 126, 164; Ronald Segal, *Islam's Black slaves, the other Black diaspora* (New York: Farrar, Straus and Giroux, 2001) pp. 216-20; Robert O. Collins, 'The Nilotic slave trade, past and present,' in Elizabeth Savage, ed., *The human commodity; perspectives on the trans-Saharan slave trade* (London: Frank Cass, 1992) pp. 155-9.

<sup>78</sup> Judith Miller, *God has ninety-nine names; reporting from a militant Middle East* (New York: Simon and Schuster, 1996) pp. 129, 160.

sentenced Taha to death for apostasy in 1985, burying him at sea or in an unmarked grave.<sup>79</sup>

Taha's disciples gradually developed their master's message on slavery in a more radical direction. To be sure, 'Abdullahi al-Na'im, who took refuge in the United States in 1985, attacked radical modernists for interpreting 47:4 in the Qur'an as a command for immediate abolition. Numerous other verses regulated slavery, the Prophet and his companions possessed slaves, and the founders of the schools of law all accepted the institution. However, al-Na'im considered that the 'second message' allowed 'modern Islamic law to implement the fundamental Islamic legislative intent to prohibit slavery forever.'<sup>80</sup> Muhammad Khalil adopted a more radical stance. He deplored Taha's concession that the Meccan verses had ever been abrogated at all, even temporarily, citing the teachings of a thirteenth century Hanbali jurist, for whom verses exhorting justice and mercy could never be abrogated. Public interest should always be the guiding principle, and slavery had thus been illegitimate since the time of the Prophet.<sup>81</sup>

### **Shi'i, Sufi, and millenarian attitudes in Persia**

Persia's Muhammad Shah (r. 1834-48) long resisted pressure to restrict the slave trade, even though slavery was much less economically significant in Iran than in the Nile valley. Justin Sheil, British diplomat in Tehran from 1844 to 1853, set out to prove that 'the sacred law distinguished between slaves bought in commercial transactions and captives made in

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<sup>79</sup> Mahmoud M. Taha, *The second message of Islam* (Syracuse: Syracuse University Press, 1987) pp. 2-23; 31, 47, 137-8, 161-4.

<sup>80</sup> 'Abdullahi A. an-Na'im, 'Shari'a and basic human rights concerns,' in Charles Kurzman, ed., *Liberal Islam, a sourcebook* (New York: Oxford University Press, 1998) pp. 228-31, 234, 237.

<sup>81</sup> Mohamed I. Khalil, 'Human rights and Islamization of the Sudan legal system,' in Yusuf Fadl Hasan and Richard Gray, eds., *Religion and conflict in Sudan* (Nairobi: Paulines Publications Africa, 2002).

war.’ Kidnapped Africans could not fall into the latter category. The shah agreed in principle, but responded that, ‘buying women and men is based on the Shari’a of the last Prophet. I cannot say to my people that I am prohibiting something which is lawful.’ The shah further considered that by abolishing the slave trade, ‘I would prevent five thousand people a year from becoming Muslims. This would be a great sin, and I would get a bad name.’

Incidentally, this informs us of what the shah saw as the level of imports from Africa at the time. Told of progress accomplished by other Muslim monarchs, he lambasted the Ottomans as Sunni schismatics, and the Omani sultan as ‘a Kharijite, and as such little better than a *kafir*.’

Sheil’s quixotic attempt to reform Shi’i slavery came to divide the ‘*ulama*’. In 1847, he consulted six Persian interpreters of the law, who cited the Hadith of the Prophet that ‘the seller of men is the worst of men,’ and deduced from this that the slave trade was an ‘abomination.’ However, a more eminent *mujtahid* pronounced that infidels taken in war could be enslaved, ‘in order to convert them to Islam.’ The matter was taken higher, to the chief *mujtahid* of the holy city of Najaf, in Iraq. This ‘*alim*’ agreed that slavery was ‘discouraged’ in Islam’s fivefold ethical system, and that the Hadith condemning ‘the seller of men’ was valid. However, in a deft piece of casuistry, he asserted that the buyer of slaves was exempt from the censure proclaimed upon the seller. In the event, Muhammad Shah issued a vaguely worded prohibition on importing slaves by sea shortly before his death, in part influenced by his first minister and Ni’matullahi Sufi *shaykh*, Hajji Mirza Aqasi (Aghasi), who may have been personally opposed to the slave trade.<sup>82</sup>

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<sup>82</sup> John B. Kelly, *Britain and the Persian Gulf, 1795-1880* (Oxford: Clarendon Press, 1968) pp. 495, 594-604; Behnaz A. Mirzai, ‘The 1848 abolitionist farman: a step towards ending the slave trade in Iran,’ in Gwyn Campbell, ed., *Abolition and its aftermath in Indian Ocean Africa and Asia*, (London: Routledge, 2005) pp. 94-102; Vanessa Martin, *The Qajar pact: bargaining, protest and the state in nineteenth-century Persia* (London: I. B. Tauris, 2005), pp. 159-60, 168 (n. 71).



Persia was a good example of formal legislation having little impact for decades. The 1848 decree specifically excluded the overland trade in slaves, and it changed little in terms of imports by sea. The same was true of an Anglo-Persian treaty of 1882, and the complete prohibition on imports that followed the Brussels General Act of 1890, to which Persia was a signatory.<sup>83</sup> Officials were reluctant to enforce legislation, believing the trade to be religiously licit. Slaves dismissed without a letter of manumission suffered from 'social death,' as nobody would employ them. At best, Sunni captives might be legally freed on adopting the Shi'i creed.<sup>84</sup> However, even Shi'i rebels seem to have been enslaved, as in 1853.<sup>85</sup> Moreover, both Sunni and Shi'i groups continued to sell their daughters for reasons of economic distress.<sup>86</sup> A few slaves were still obtained overland from Central Asia, whether by raiding or trading, despite the Russian conquest.<sup>87</sup>

An ambiguous millenarian challenge to slavery originated in Persia, although its effects in the country were probably very limited. 'Ali Muhammad (1819-50) initially declared himself to be the Bab (gate) of the Mahdi in 1843-44, marking the millennium of the occultation of the twelfth Imam, and then claimed to be the Mahdi himself in 1847, abrogating the holy law. The authorities had him executed in 1850, and harshly suppressed the movement.<sup>88</sup> The Bab does not appear to have opposed slavery, and indeed owned African slaves himself. It was Baha'u'llah (1817-92), having received revelations of his own, who took the first steps. In Palestinian exile, he wrote to Queen Victoria in 1869, praising

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<sup>83</sup> Martin, *The Qajar pact*, pp. 160-4.

<sup>84</sup> Heinz-Georg Migeod, *Die persische Gesellschaft unter Nasiru'd-Din Sah, 1848-1896* (Berlin: Klaus Schwarz, 1990) pp. 333, 339-44; Jakob E. Polak, *Persien, das Land und seine Bewohner* (Leipzig: F. A. Brockhaus, 1865), I, pp. 248-9, 252-3.

<sup>85</sup> Martin, *The Qajar pact*, p. 108 (n. 11).

<sup>86</sup> Afsaneh Najmabadi, *The story of the daughters of Quchan: gender and national memory in Iranian history* (Syracuse: Syracuse University Press, 1998), p. 4

<sup>87</sup> Migeod, *Die persische Gesellschaft*, p. 333; Polak, *Persien*, pp. 248-9; Georges Douin, *Histoire du règne du Khédive Ismail* (Rome and Cairo: Société Royale de Géographie d'Égypte, 1936-1941), III-2, p. 664.

her for abolishing the trade in male and female slaves, which accorded with his revelations. In a publication of 1873, he forbade trading in slaves, for 'all are but bondslaves before the Lord.'<sup>89</sup> His successor, 'Abdu'l Baha, glossed this as a prohibition of slavery itself, perhaps on a visit to the United States in 1912.<sup>90</sup> By this stage, however, the Baha'i had formed a separate faith, outside the bounds of Islam.

Within Persia, change was most evident amongst those exposed to Western ideas. Around the turn of the century, Taj al-Saltana, a Persian princess born in 1884 and educated on French lines, opposed slavery. She criticized the treatment of those 'bought and sold like so much cattle.' She wrote of the African slaves of the palace as 'creatures whom God has made no differently from others except for the colour of their skins - a distinction that in all honesty does not exist at the divine threshold.'<sup>91</sup>

The question of freedom agitated Persian Muslims more generally in the context of the granting of a constitution in 1906, but the question was approached from an exclusively political perspective.<sup>92</sup> This is surprising, as political and religious circles became obsessed with the story of the 'daughters of Quchan.' This expression referred to hundreds of women and children from the northeast, who were either sold by their parents to pay their taxes in the spring of 1905, or seized by Türkmen raiders from Russian territory in the autumn of the same year. However agitation inside and outside the new consultative assembly turned around national shame, because all these women had allegedly been sold across the

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<sup>88</sup> Heinz Halm, *Shiism* (Edinburgh: Edinburgh University Press, 1991), pp. 109-10.

<sup>89</sup> Anthony A. Lee, 'Editor's notes,' for the second and third editions of Abu'l-Qasim Afnan, *Black Pearls, servants in the household of the Bab and Baha'u'llah* (Los Angeles: Kalimat Press, 1988 and 1999) <http://bahai-library.com/articles/black.pearls.html>

<sup>90</sup> Baha'u'llah and 'Abdu'l-Baha, *Baha'i world faith; selected writings of Baha'u'llah and 'Abdu'l-Baha* (Wilmette: Baha'i Publishing Trust, 1956), pp. 53, 269.

<sup>91</sup> Taj al-Saltana, *Crowning anguish; memoirs of a Persian princess from the harem to modernity* (Washington: Mage, 1993; ed. by Abbas Amanat), pp. 34, 113.

frontier, to either Armenian Christians or Sunni Muslims. Astonishingly, the question of slavery in Persia itself was hardly ever raised, although Sayyid Muhammad Tabataba'i, one of the leading *'ulama'* of Teheran, made oblique references to this.<sup>93</sup>

The fundamental laws of 1907 established equality before the law and individual freedom, albeit without expressly mentioning slavery.<sup>94</sup> Bernard Lewis alleges that Persia thereby abolished servitude, even though Robert Brunschvig had earlier correctly noted that this was not the case.<sup>95</sup> Indeed, a leading constitutionalist from Najaf, Muhammad Husayn Na'ini, in a famous text dating from 1909, ridiculed opponents who said that the new laws would impose apostasy by erasing a set of social differences between people, including those between 'the free and the coerced.' 'All these issues,' he exclaimed, 'are further from the quest for constitutionalism than the sky is from the earth.'<sup>96</sup>

In contrast, the *mujtahid* and Ni'matullahi Sufi leader, 'Ali Nur 'Ali Shah (or Wafa 'Ali Shah, 1847-1918), issued an uncompromising fatwa in 1912, taking the 'quasi-abolitionist' argument to its logical conclusion. A supporter of the constitution, he stated that, 'the purchase and sale of human beings is contrary to the dictates of religion and the practice of civilisation; and therefore in our eyes any persons, men or women alike, who are claimed as slaves, are in legal fact completely free, and the equals of all other Muslims of their community.' This was because there had been no properly constituted *jihad* after the last Shi'i Imam had been occulted, and it was impossible to prove unbroken descent from legal

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<sup>92</sup> Vanessa Martin, *Islam and modernism; the Iranian revolution of 1906* (Syracuse: Syracuse University Press, 1989), pp. 113-38, 165-200.

<sup>93</sup> Najmabadi, *The story*, notably pp. 40-1, 48.

<sup>94</sup> Eugène Aubin, *La Perse d'aujourd'hui; Iran, Mesopotamie* (Paris: Librairie Armand Colin, 1908), pp. 210-12; Martin, *The Qajar pact*, p. 165.

<sup>95</sup> Lewis, *Race and slavery*, p. 79; Brunschvig, "'Abd,'" pp. 38-9.

<sup>96</sup> Muhammad Husayn Na'ini, 'Government in the Islamic perspective,' in Charles Kurzman, ed., *Modernist Islam, 1840-1940, a sourcebook* (Oxford: Oxford University Press, 2002), p. 124.

slaves on both the maternal and paternal side over a millennium. However, 'Ali Shah was poisoned soon afterwards, in 1918.<sup>97</sup>

It was left to the usurping dictator Riza Shah to enact clear abolitionist legislation in 1928-29, albeit without any specifically religious underpinning.<sup>98</sup> This was part of a general slew of laws enacted in 1927-29, through which the shah sought to reorganize his country on lines pioneered in Turkey, although Cronin surprisingly omits any reference to abolition.<sup>99</sup> The shah was also seeking concessions on the searching of Persian ships by the Royal Navy, although weak Persian authority in Baluchistan, partitioned with British India, resulted in the persistence of clandestine slave exports to Arabia.<sup>100</sup>

Neither 'Ali Nur 'Ali Shah's *fatwa* nor the shah's secular legislation ended the debate in Persia, where rationalist critiques of slavery took a long time to emerge. Persian intellectuals read Sayyid Ahmad Khan's frontal attacks on slavery in a 1958 Arabic edition of his 1893 *Ibtal-i ghulami*.<sup>101</sup> 'Ali Shari'ati (1933-77), who propounded a popular brand of left-wing Islam in Tehran from 1967 to 1973, denounced slavery in quite vague terms as one of the 'evils of class society' that 'true Islam' would overthrow.<sup>102</sup>

Indeed, in 1970, 'Ali Nur 'Ali Shah's own grandson, Sultanhussein Tabandeh, queried the validity of his grandfather's *fatwa* in terms of Shi'i law, and expressed doubts about article 4 of the United Nations Declaration of Human Rights. Tabandeh considered that

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<sup>97</sup> Sultanhussein Tabandeh, *A Muslim commentary on the Universal Declaration of Human Rights* (London: F. T. Goulding, 1970), pp. vii-viii, 26-7. See also on this figure Nasrollah Pourjavady and Peter L. Wilson, *Kings of love; the poetry and history of the Ni'matullahi Sufi order* (Tehran: Imperial Iranian Academy of Philosophy, 1978), pp. 160-3; Javad Nurbakhsh, *Masters of the path; a history of the masters of the Nimatullahi Sufi order* (New York: Khaniqahi Nimatullahi Publications, 1980), pp. 113-14.

<sup>98</sup> Mohamed Awad, *Report on slavery* (New York: United Nations, 1966) p. 77; Brunschvig, "Abd," p. 39.

<sup>99</sup> Stephanie Cronin, *Tribal politics in Iran: rural conflict and the new state, 1921-1941* (London: Routledge, 2007) pp. 113-14.

<sup>100</sup> Suzanne Miers, *Slavery in the twentieth century; the evolution of a global problem* (Walnut Creek: AltaMira, 2003), pp. 165-6, 306-9.

<sup>101</sup> Jahanbakhsh, *Islam*, p. 38.

two kinds of slavery were still licit. Anybody 'taken prisoner fighting against Islam with a view to its extirpation, and [who] persisted in his sacrilegious and infidel convictions' would still be a slave. So would anyone for whom there was 'legal proof that all his ancestors without exception had been slaves descended from a person taken prisoner.' Tabandeh merely commended his grandfather for his good intentions, and rather feebly fell back on the virtues of manumission.<sup>103</sup>

Participants in the Iranian Revolution from 1979 displayed great confusion over slavery. Sayyid Mahmud Taleqani, the 'red ayatollah' who died shortly after the fall of the shah, argued that Islam's commitment to social equality was antithetical to slavery, and that modern Muslims should reject the institution. Reducing fellow Muslims to slavery was a Sunni abuse, as was the slave trade. Nevertheless, it would have been counter-productive for Muhammad to abolish the institution. Moreover, Muslims treated slaves better than adherents of other faiths, and gave them the option of conversion. Taleqani even condoned enslavement in a properly constituted defensive jihad, citing 47:4 in the Qur'an and later elaborations by jurists. He also repeated the distinction made at the time of Sheil's intervention in the 1840s, rejecting the sale of slaves but accepting their purchase.<sup>104</sup>

Despite his sobriquet of 'champion of the oppressed,' Ayatollah Ruhollah Khomeini himself expressed few qualms in accepting slavery, at least in theoretical terms. He gave his imprimatur to a 'question and answer' book written by somebody else, in a hackneyed genre popular among leading ayatollahs from the 1950s. The 1982 edition contained numerous details on the conditions for the sale and manumission of human beings, for

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<sup>102</sup> Ali Shar'iaty, *On the sociology of Islam* (Berkeley: Mizan Press, 1979), pp. 103-9.

<sup>103</sup> Tabandeh *A Muslim commentary*, pp. vii-viii, 27.

<sup>104</sup> Seyyed Mahmood Taleqani, *Islam and ownership* (Lexington: Mazda Publishers, 1983), pp. xii-xiii, 186-200.

slavery still figured as an integral part of the holy law.<sup>105</sup> A more elaborate defense of traditional Islamic notions of slavery was included in a book by a South Asian scholar, Muhammad Hamidullah, which was published in English in the holy Persian city of Qum in 1982.<sup>106</sup>

### **The Ibadi connection in Oman and Zanzibar**

The Omani empire in the western Indian Ocean was dominated by an Ibadi ruling class, one of the last remnants of the Khariji dissenters active in the first centuries of Islam. The Ibadi had a reputation for political radicalism, and their '*ulama*' denounced the standing army of slaves and mercenaries developed by Omani sultans from the seventeenth century, but this was for political reasons, and they had no fundamental objections to slavery. Indeed, Ibadi entrepreneurs came to figure particularly prominently among Muslim traders in East African slaves.<sup>107</sup>

The Omani empire was the scene of a prolonged nineteenth-century tussle with Britain over slavery, which raised problems of how to justify restrictive measures in Ibadi terms. To explain signing the 1822 Moresby Treaty, which restricted slave exports to a mainly Muslim zone of the western Indian Ocean, Sayyid Sa'id b. Sultan Al Bu Sa'id (r. 1806-56), declared that he was prohibiting the sale of slaves 'to Christians of all nations.' While

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<sup>105</sup> Ruhollah M. Khomeini, *A clarification of questions* (Boulder: Westview, 1984), pp. xvi, 86, 220, 254, 274, 278, 353, 354, 429.

<sup>106</sup> Muhammad Hamidullah, *Introduction to Islam* (Qum: Ansariyan Publication, 1982), pp. 27, 36, 72, 88, 127, 129, 156, 195.

<sup>107</sup> Patricia Risso, *Oman and Muscat; an early modern history* (London: Croom Helm, 1986) pp. 27, 46, and *Merchants and faith; Muslim commerce and culture in the Indian Ocean* (Boulder: Westview, 1995) pp. 14, 93; John C. Wilkinson, *The Imamate tradition of Oman* (Cambridge: Cambridge University Press, 1987) p. 222.

this undoubtedly conformed with shari'a prescriptions, his predecessors had shown no such qualms in selling slaves to the French from the 1780s.<sup>108</sup>

Ending the trade with Islamic lands was another matter. Sayyid Sa'id wrote plaintively to Bombay in 1826 that he would be forced into exile, as 'all Muslims would be his enemies,' and the British consul noted in 1844 that there existed no 'party favourable to the abolition of slavery.'<sup>109</sup> The sultan even ordered his subjects to pray that Westerners should come to their senses.<sup>110</sup> His private secretary exclaimed that 'Arabs have carried on the trade since the days of Noah. Arabs must have slaves.'<sup>111</sup> The 1845 treaty, prohibiting all exports of slaves beyond coastal waters, prompted the Sharif of Mecca to send an envoy to remonstrate with the sultan in 1850.<sup>112</sup>

Restricted to East African territories after Sayyid Sa'id's death, the rulers of Zanzibar were increasingly pressed to end all trading in slaves. Sultan Barghash (r. 1870-88) pleaded for time, because of 'the weight of Muslim opinion.'<sup>113</sup> In 1872, his 'council of shaikhs was unanimous in refusing to "commit suicide."<sup>114</sup> Sultan Barghash opined that 'the Koran sanctions slavery,' even if it earnestly enjoined manumission, and his subjects protested that abolition amounted to 'force and plunder.'<sup>115</sup> At best, the sultan threatened prison

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<sup>108</sup> C. S. Nicholls, *The Swahili coast; politics, diplomacy and trade on the East African littoral, 1798-1856* (London: Allen and Unwin, 1971) pp. 222-4, 231; Beatrice Nicolini, *Il sultanato di Zanzibar nel XIX secolo; traffici commerciali e relazioni internazionali* (Turin: L'Harmattan Italia, 2002) pp. 138, 140; M. Reda Bhacker, *Trade and empire in Muscat and Zanzibar; the roots of British domination* (London: Routledge, 1992) p. 103.

<sup>109</sup> Nicholls, *The Swahili coast*, pp. 226, 244.

<sup>110</sup> Nicolini, *Il sultanato*, p. 154.

<sup>111</sup> Bhacker, *Trade*, pp. 129-30.

<sup>112</sup> Beachey, *The slave trade*, pp. 52-3.

<sup>113</sup> Kelly, *Britain and the Persian Gulf*, p. 632.

<sup>114</sup> Abdul Sheriff, *Slaves, spices and ivory in Zanzibar; integration of an East African commercial Empire into the world economy, 1770-1873* (London: James Currey, 1987) p. 236.

<sup>115</sup> Sir Bartle Frere, 'Correspondence respecting Sir Bartle Frere's mission to the East Coast of Africa, 1872-73,' in *Parliamentary Papers*, vol. 61 (C-820, 1873), pp. 51, 54.

sentences for those caught kidnapping Muslim children on the coast.<sup>116</sup> After Zanzibar had adhered to the Brussels General Act in 1890, Sultan 'Ali b. Sa'id (r. 1890-93) was derided as the slave of the British for issuing a restrictive proclamation.<sup>117</sup> Conservative British officials delayed full abolition by writing of the twin perils of economic chaos and the undermining of indirect rule.<sup>118</sup> Sir Arthur Hardinge, British Resident in Zanzibar, argued that the measure would be regarded as 'manifest despoliation.'<sup>119</sup>

Despite all this, Sultan Hamid b. Muhammad (r. 1896-1902) proclaimed the abolition of slavery on the islands of Zanzibar and Pemba in 1897. When chosen by the British to succeed to the throne, he owned no slaves, which the American consul attributed to poverty.<sup>120</sup> Personal conviction seems a more likely explanation for this lack of slaves, as even the poorest free family owned a slave in Zanzibar at the time.<sup>121</sup> Sultan Hamid presented abolition as Islamic, but also as a generous personal act, and one necessary to obtain free labour for clove and coconut plantations.<sup>122</sup> In a preamble to his decree, he wrote: 'And whereas the Apostle Mohamed ... has set before us as most praiseworthy the liberation of slaves, and We are Ourselves desirous of following his precepts, ...'<sup>123</sup> Unfortunately, it remains unclear exactly why Sultan Hamid might have become personally convinced that slavery should go.

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<sup>116</sup> Lyndon Harries, *Swahili prose texts; a selection from the material collected by Carl Velten from 1893 to 1896* (London: Oxford University Press, 1965) pp. 206-7.

<sup>117</sup> Norman R. Bennett, *A history of the Arab state of Zanzibar* (London: Methuen, 1978) pp. 165-6, 169.

<sup>118</sup> Frederick Cooper, *From slaves to squatters; plantation labour and agriculture in Zanzibar and coastal Kenya 1890-1925* (New Haven: Yale University Press, 1980) pp. 34-68.

<sup>119</sup> Beachey, *The slave trade*, p. 295.

<sup>120</sup> Bennett, *A history*, p. 179.

<sup>121</sup> Bhacker, *Trade*, p. 132.

<sup>122</sup> Arthur H. Hardinge, *A diplomatist in the East* (London: Jonathan Cape, 1928) p. 197; L. W. Hollingsworth, *Zanzibar under the Foreign Office, 1890-1913* (London: Macmillan, 1953) p. 217.

<sup>123</sup> Beachey, *A collection*, p. 125.



Abolition was officially decreed on the mainland ten years after Zanzibar, but met with considerable passive resistance from a Muslim population that belonged mainly to the Shafi'i school of Sunni Islam. Some East African owners refused British compensation, while others took the money but argued that the Europeans had bought their slaves, who could therefore not become clients of former owners.<sup>124</sup> Even slaves themselves 'believed that waiting for their master to manumit them would improve their social status more than the piece of paper provided by an alien authority.'<sup>125</sup> Muslims generally spurned manumission certificates signed by officials, or even by the sultan of Zanzibar, so that the latter persuaded owners to sign instead.<sup>126</sup> Religious courts continued to deal with slavery, affecting the right to take concubines, the authorization of marriage in return for a fee, inheriting from slaves who lacked an heir, and allocating land.<sup>127</sup>

Attitudes amongst Ibadi '*ulama*' on Zanzibar only gradually became more critical of servitude. In 1909, the Ibadi chief *qadi*, Shaykh 'Ali b. Msellum al-Khalassi, 'dared to stand alone in open defiance against the ban on the status of slavery.' This probably contributed to British threats to abolish his position.<sup>128</sup> However, the Ibadi chief *qadi* of Zanzibar in 1914, Shaykh 'Ali b. Muhammad al-Mundhiri, proved to be more flexible. He stated that slaves freed by the government could not become clients of their former owners, but that it was legitimate for infidels to buy slaves and emancipate them, even if their owners

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<sup>124</sup> Ahmed I. Salim, *Swahili-speaking peoples of Kenya's coast, 1895-1965* (Nairobi: East African Publishing House, 1973) pp. 112, 114; Patricia W. Romero, *Lamu; history, society, and family in an East African port city* (Princeton: Markus Wiener, 1997) pp. 123, 129-30; Cooper, *From slaves to squatters*, pp. 52, 74-6; Hardinge, *A diplomatist*, pp. 362-3.

<sup>125</sup> Cooper, *From slaves to squatters*, p. 76.

<sup>126</sup> Beachey, *A collection*, pp. 38-9; Hardinge, *A diplomatist*, pp. 363-4.

<sup>127</sup> J. Spencer Trimingham, *Islam in East Africa* (Oxford: Clarendon Press, 1964) pp. 137-8, 148; Margaret Strobel, *Muslim women in Mombasa, 1890-1975* (New Haven: Yale University Press, 1979) pp. 51-4; Cooper, *From slaves to squatters*, pp. 189-90, 229; Romero, *Lamu*, pp. 130-1, 147, 158-9.

<sup>128</sup> Randall L. Pouwels, *Horn and crescent: cultural change and traditional Islam on the East African coast, 800-1900* (Cambridge: Cambridge University Press, 1987) pp. 120, 191.

objected, for 'the aim was honourable under Islam.' Liberated individuals were entitled to all the rights of free persons. In a more pragmatic vein, he noted that any *qadi* who opposed the authorities risked dismissal.<sup>129</sup>

Greater flexibility may have reflected changing opinions in Oman. 'Abdallah b. Hamid al-Salimi (1869/70-1914), a blind scholar influential in Oman's Ibadi revival at this time, was asked by Zanzibari petitioners whether it was lawful to hire slaves freed by the Europeans without the consent of owners. They also wanted to know whether such slaves were allowed to marry without their owners' permission. Al-Salimi answered that 'this is a scourge that has stricken Zanzibaris, as a punishment for the injustice they inflicted upon the slaves,' without specifying whether he meant bad treatment or illegitimate enslavement, or perhaps both. He ruled that if the intentions of Christians were honourable in freeing slaves, then the measure was acceptable, whereas if 'extortion and injustice' were their motives, then it was not legitimate.<sup>130</sup>

It took a good deal longer for Ibadi opinion to shift to outright abolition. In 1963, an Ibadi imam, fighting the sultan ensconced in Masqat, 'repudiated slavery.'<sup>131</sup> The reasons for this decision were not clear, but it may have been intended to gain support from Prince Faysal b. 'Abd al-'Aziz, who had himself rather unexpectedly abolished the institution a year earlier in Sa'udi Arabia.<sup>132</sup> It was not till 1970 that a palace coup placed the Western-educated Sultan Qabus on the throne of Oman, resulting in the official ending of servitude.<sup>133</sup>

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<sup>129</sup> Strobel, *Muslim women*, p. 52.

<sup>130</sup> Amal Ghazal, personal communication, citing 'Abd Allah al-Salimi, ed. (1999) *Jawabat al-Imam al-Salimi lil-Imam Nur al-Din 'Abd Allah b. Hamid al-Salimi*, [n.p.], 2nd ed..vol. 5, p. 396.

<sup>131</sup> Miers, *Slavery*, p. 360.

<sup>132</sup> Gerald de Gaury, *Faisal, king of Saudi Arabia* (London: Arthur Barker, 1966) pp. 151, 155.

<sup>133</sup> Miers, *Slavery*, p. 347.

## Conclusion

There was an Islamic abolitionist current at work in the western Indian Ocean, although how it actually contributed to the freeing of slaves requires a great deal more detailed research. There appears to have been a considerable lag between the official freeing of slaves by decree and real changes in social relations in the localities, but there has been very little investigation into exactly how the latter occurred. A fair amount of evidence has been amassed about Muslims who refused to free their slaves in any meaningful sense, but almost none into what happened when attitudes changed.

A small exception to this general rule concerns analyses of how Sufi orders dealt with the practical and religious problems of former slaves, at least in eastern Africa. Sufis sought to integrate ex-slaves socially, while educating them in the Islamic faith. In German East Africa, the former slave Ramiyya symbolically became a *shaykh* of the Qadiriyya order, together with Rimaliza, once a great slave trader.<sup>134</sup> In Kenya, Habib Salih, the 'Sharif of the coconut cutters,' worked among former slaves in Lamu from around 1880, persuading ex-slaves and ex-masters to frequent the same mosque.<sup>135</sup> Somalia's main orders, the Ahmadiyya, Salihyya and Qadiriyya, formed large agricultural settlements for ex-slaves.<sup>136</sup>

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<sup>134</sup> K. S. Vikør, 'Sufi Brotherhoods in Africa,' in N. Levtzion and R. L. Powels, eds., *The history of Islam in Africa* (Athens: Ohio University Press, 2000), pp. 448-9.

<sup>135</sup> A. H. M. el-Zein, *The sacred meadows: a structural analysis of religious symbolism in an East African town* (Evanston: Northwestern University Press, 1974) pp. 117-43.

<sup>136</sup> Lee V. Cassanelli, 'The ending of slavery in Italian Somalia; liberty and the control of labor, 1890-1935,' in Suzanne Miers and Richard Roberts, eds., *The end of slavery in Africa* (Madison: University of Wisconsin Press, 1988) pp. 322-3; J. Spencer Trimingham, *Islam in Ethiopia* (London: Frank Cass, 1965, reprint of 1952 ed.) 238-44.

Such settlements were often in areas infested by tsetse flies, and hence unattractive for Somali pastoralists.<sup>137</sup>

In terms of the ideas that supported liberation, about which a little more is known, 'quasi-abolitionist' positions were not new in Islam, but they gained greater support from the eighteenth century. That said, 'quasi-abolitionism' was something of a problematic phenomenon in Islam. In some cases, it was manipulated as an excuse for inaction. In other cases, it left open the possibility that slavery could be restored in the future, if social and political conditions were to change.

A more unambiguous Islamic intellectual assault on slavery only appears to have emerged in the 1870s. The rise of such ideas was linked to greater autonomy on the part of 'lay' leaders, as the '*ulama*' ceased to be so important as sources of ethical teachings. The penetration of Western abolitionist ideas was significant, but most of this current of thought remained quite clearly Islamic in nature, rather than becoming purely secular. The boundaries between 'quasi-abolitionism' and abolitionism proper remained contested and confused, however, with many Muslims mixing elements of the two positions for a long time.

The majority of the faithful eventually accepted abolition as religiously legitimate, but pinpointing the crucial moment of transition remains difficult. Khaled Abou el Fadl, writing at the dawn of the third millennium, is vague: 'Muslims of previous generations reached the awareness that slavery is immoral and unlawful, as a matter of conscience.'<sup>138</sup>

Reuben Levy thought that this had happened after the Second World War, and yet

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<sup>137</sup> G. P. Salvadei, 'Il tramonto della schiavitù nelle colonie italiane di diretto dominio,' in *Atti del quarto congresso nazionale della Società Antischiavista d'Italia* (Rome: Anonima Romana Editoriale, 1927) pp. 166-7.

<sup>138</sup> Khaled Abou el Fadl, *Speaking in God's name; Islamic law, authority and women* (Oxford: Oneworld, 2001) p. 269.

examples of belief in the legitimacy of slavery abounded in the 1950s.<sup>139</sup> The 1960s probably constituted the true watershed, when an Islamic consensus against slavery became dominant, mainly informed by the cautious gradualism of Sayyid Amir 'Ali, rather than the radical views of Sayyid Ahmad Khan. The abolitionist victory was not uncontested, however, and some Muslims continue to believe that what God has instituted, no human being can set aside.<sup>140</sup>

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<sup>139</sup> Reuben Levy, *The social structure of Islam* (Cambridge: Cambridge University Press, 1957) pp. 88-9.

<sup>140</sup> Clarence-Smith, *Islam*, pp. 219-21.