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Protecting Freeborn Muslims: The Sokoto Caliphate’s Attempts to Prevent Illegal Enslavement and its Acceptance of the Strategy of Ransoming

Jennifer Lofkrantz

This article builds upon previous work on the discourse of legal and illegal slavery in Islamic West Africa and on the issue of illegal enslavement as a major cause of the Sokoto jihad. It argues that the protection of freeborn Muslims was a major policy concern for the Sokoto government but that, due to internal factors, the government could not stop the enslavement of freeborn Muslims nor enforce the legally preferred remedy of free release. The government’s acceptance of the ransoming of illegally captive individuals by family and friends is interpreted as a demonstration of the weakness of the Sokoto Caliphate government.

The issue of legal and illegal enslavement had been debated in African Muslim societies from at least the fifteenth century and was of special importance in the western and central Sudan region of West Africa. For the Sokoto Caliphate government, the prevention of illegal enslavement of freeborn Muslims was a major policy concern. Its policies concerning illegal enslavement can therefore be used as yet another lens through which to evaluate the relative strength and weakness of the central government. Rather than merely point out the conflicted nature of official responses to illegal enslavement, it will be demonstrated that, while the state tried to follow religious guidelines, its inability to enforce compliance and its economic dependence on booty in the form of captives and on plantation slavery meant that it had to accept a more modified stance in the form of condoning ransoming. Ransoming refers to the practice of paying for the release of a captive at the time of capture or soon afterwards. Ransoming differs from redemption in that a redeemed slave remains in a subservient status in his
or her owner’s society, whereas a ransomed captive returns to their previous status in their own society.

The Sokoto government’s inability to enforce the legally correct and recognised method of free release and its acceptance of ransoming as the means to regain the freedom of freeborn Muslims demonstrates its relative weakness. This will be shown by first reviewing the debate on legal and illegal enslavement in the central Sudan prior the nineteenth century; secondly, by discussing the prevention of illegal enslavement as a motivator of the Sokoto jihad and as a goal of the state that was established; thirdly, by examining the political, economic and social structures that prevented the Sokoto Caliphate from being able to safeguard the freedom of freeborn Muslims. Finally, it will be demonstrated that, since it could not enforce free release, the Sokoto Caliphate condoned ransoming as a practical means for ensuring the freedom of freeborn Muslims.

Considering the importance of the Sokoto Caliphate, it is not surprising that it has been an important subject of study for the past 40 years. The Sokoto Caliphate was founded in 1804, and was the largest state in sub-Saharan Africa in the nineteenth century. Population estimates range from 8 million to 10 million. By the mid-nineteenth century, the Caliphate encompassed an estimated 150,000 square miles. The state was centred on the Hausa cities of modern-day Northern Nigeria but stretched westwards to modern-day Burkina Faso, eastwards to the Central African Republic, northwards into Niger and southwards into Yorubaland. It was an Islamic state whose founders envisioned a society grounded in Islamic precepts, the Mālikī fiqh (school of law) and the Sufi Qādiriyya ṭarīqa (order). The Sokoto Caliphate had political, economic and social relationships with Muslim and non-Muslim states in West Africa, the Maghrib, Ottoman territories and the Arabian Peninsula. The success of the Sokoto jihad and the establishment of the Sokoto Caliphate helped to inspire later reform movements in the western Sudan. The Sokoto Caliphate was also one of the largest slave societies in modern history. In 1860, at the outbreak of the American Civil War, there were possibly as many slaves in the Caliphate as there were in the United States.

Important work has been done on the Sokoto Caliphate’s political history. These studies highlight disagreement about the relative strength of the Caliphate government. They also demonstrate the existence of a complex political system, at both the emirate and caliphate level, consisting of a multitude of different types of stakeholder competing for their own perceived best interests. Both Murray Last and Mervyn Hiskett argue that the reformers established a strong centralised state. Making extensive use of Arabic documents created by officials of the Sokoto Caliphate, Last provided the first in-depth study of the political development of the Sokoto Caliphate and the relationships between various office holders and power players within the government structure. Concentrating on the role of the vizier, he argues that the Caliphate government provided a strong, centralised form of governance. Hiskett argues that the political, religious and social goals of the reformers who led the jihad and founded the Sokoto Caliphate were largely met. He argues that the reformers successfully replaced the Hausa city-state system with a centralised Islamic government and an Islamic system of law.
Countering the argument that the Sokoto Caliphate was a strong centralised state, M.G. Smith and J.S.Trimingham argue that there was significant slippage on the emirate level to Hausa forms of administration. Smith argues, that in the case of Kano, the re-adoption of certain Hausa titles and political institutions in the 1820s under the reign of Ibrahim Dabo (1819–1846) was an issue of practicality in order to entrench the position of the new ruling class. Trimingham characterises the organisation and governance of the Caliphate as loose and decentralised and argues that, in the Emirates, the new elites were unable to form governments based upon the ideals of the jihad. More recently, Sean Stilwell, while focusing on the government of Kano Emirate and extrapolating to the Caliphate as a whole, has demonstrated the importance of royal slaves in the running of the government. In so doing, he illuminates the gap between theory and practice in the exercise of political power and the nature of both the patron-client and the household-style politics of the state.

Adding yet another level to the discussion of the relative strength of the central Sokoto government, Paul Lovejoy, in his large corpus of work on the economic and social history of the Sokoto Caliphate, has demonstrated the importance of slavery to the political economy of the state. He argues that slavery was the basis both for the economy and of society and that the functioning of the institution was a vital concern for all stakeholders, including government and religious leaders. As such, the issue of slavery impacted every facet of daily life and economy. An examination of the Caliphate’s goals and achievements with regard to their important policy concern of illegal enslavement builds upon and contributes to the discussion of the form, effectiveness and strength of the central government.

Indeed, Muslim scholars in the western and central Sudan regions of West Africa had debated the issue of legal and illegal enslavement from at least the fifteenth century. John Hunwick, Lovejoy and Humphrey Fisher have addressed this debate. Hunwick has demonstrated that there were significant debates on a myriad of social and legal concerns in Muslim West African societies, including slavery. Lovejoy, in his articles on Aḥmad Bāba’s opinions and Muḥammad Bello’s policies concerning slavery, has shown the complexity and ramifications of these debates, both in terms of justifications for legal enslavement and the impact of the debate on trade. Moreover, as argued by Fisher, the issue of legal and illegal enslavement was an important motivator for the Sokoto jihad. Both Fisher and Lovejoy point out that in the early nineteenth century, slavery was no less debated in the Sokoto Caliphate than it was in Britain. Indeed, at times, policies stemming from the European and the Muslim West African debates could come together, as shown by the influential but never ratified 1824 Anti-slave Trade Accord negotiated between Bello and Hugh Clapperton. However, as Lovejoy demonstrates, there were two very important differences between the debates that took place in Britain and the Sokoto Caliphate. First, British abolitionism was focused on the transatlantic slave trade whereas in the Sokoto Caliphate, the debate was concentrated on the emancipation and protection of Muslims. Secondly, in the Muslim regions of West Africa the slavery debate was centred on religious identity; in other words, on social and cultural categories, rather than on ‘race’ and Enlightenment ideals as in European and European-derived societies.
In the central Sudan, according to local interpretations of Islamic law, the correct manner with which to deal with a captive or enslaved freeborn Muslim was to return that person to a state of freedom. According to all schools of Islamic law, only non-Muslims captured through a legally perpetrated jihad could be legitimately enslaved. The fifteenth-century scholar Muḥammad al-Maghili was of the strong opinion that it was the responsibility of Muslims, and especially of Muslim rulers, to protect the rights of freeborn Muslims and to free them from captivity and enslavement when necessary. Al-Maghili is often credited with introducing Islam and the Maṅkī school of law to Hausaland. While the spread of Islam in the region was a complex process, this accreditation indicates his importance to the intellectual tradition of the area. Al-Maghili’s legal opinions, like those who came after him, were based on the fundamental principle of Islamic jurisprudence that the natural condition, and therefore the default status, of a person is that of freedom. Therefore, a person ought to be presumed to be free unless he or she is proven to be a slave.

The sixteenth-century Timbuktu jurist Ahmad Bābā, who wrote one of the most important treatises on legal and illegal enslavement, also grounded his legal opinions in the principle that the natural condition of a person is that of freedom. It was his opinion that freeborn Muslims ought to be granted free release immediately upon their free status being verified. Yet, as he discusses in Miʿrāj al-Ṣuʿūd, one of the questions repeatedly put to scholars was: who was responsible for proving or disproving a person’s freeborn Muslim status? Did the onus lay with the enslaved individual to prove that he or she was a freeborn Muslim or did the responsibility rest with the captor to demonstrate that the slave was not a freeborn Muslim? Bābā demonstrated in his discussion of the legal opinions of the important scholars Abū’l- Asbagh b. Sahl Muḥammad b. Yāḥyah ibn Zurb, Maḥmūd b. ʿUmar b. Muḥammad Aqīt, and Makhluṭ b. ʿAlī b. Sālhi al-Balbālī that scholarly opinion was that it was the responsibility of the owners to prove that their slaves were not freeborn Muslims; in other words, free status was favoured over that of enslaved. He shared and reiterated this opinion in his judgements and advice.

It was the failure of the pre-nineteenth-century Hausa states to recognise the special protected status of a freeborn Muslim and to follow accepted norms of enslavement that led in large part to the launch of the Sokoto jihad. While the political leadership of the Hausa states considered themselves to be Muslims, they based their legitimacy and therefore their power, leadership and governorship upon pre-Islamic traditional values. Yet, by the end of the seventeenth century, Islam had spread among the general populace, including the rural Fulani population, from its initial base among the Hausa political elite, merchants and intellectuals. With the growth of Islamic education throughout the eighteenth century came a questioning of the traditional religions, values and customs upon which the structure of the eighteenth-century states was based and a desire to reorganise society according to Islamic law.

One of the most important complaints of the Muslim community towards the Hausa states was their inability or unwillingness to protect freeborn Muslims from enslavement. Throughout the eighteenth century the political landscape was complex. The region was politically divided into numerous city states, of which the...
most important included Gobir, Kano, Katsina, Rano and Zaria. The eighteenth century was a period of warfare between the Hausa states as each tried to assert dominance and to attain control of both the north–south and east–west trade routes of the central Sudan. These wars produced captives and many of these captured enslaved individuals were freeborn Muslims. Significant numbers of Muslim slaves were sold southwards towards Yorubaland and Asante as well as northwards.13 Towards the end of the eighteenth century, due to the enslavement of captives in the wars between the Hausa states, the enslavement of freeborn Muslims became especially alarming to religious leaders. Individuals such as the Tuareg scholar Jibril b. ‘Umar, and his student, the future leader of the Sokoto jihad, ‘Uthmān ibn Fūḍī, also known as Usman dan Fodio, were amongst the eighteenth century intellectuals who protested the capture and enslavement of freeborn Muslims.14 In the years leading up to the Sokoto jihad, religious leaders, including the future leaders of the movement, repeated the injunction against enslaving freeborn Muslims, and attempted to free captive freeborn Muslims.15

Indeed, both the leader of the Sokoto jihad, ‘Uthmān, and his brother ‘Abdullāhi were educated with the belief that it was the state’s responsibility to protect the rights of freeborn Muslims. In the late eighteenth century, their teacher, Jibril b. ‘Umar, actively protested the enslavement of freeborn Muslims. Through their education, the brothers had inherited the collective assessment of the debates surrounding issues of legal and illegal enslavement as discussed by scholars trained in Mālikī jurisprudence and who belonged to the Qādirīyya tariqa.16 Uthman and ‘Abdullāhi were well versed in the work of both al-Maghīlī and Bābā. Along with Khalīl b. Ishāq’s Mukhtasar, their writings were included in the general corpus of a Mālikī legal education of seventeenth- and eighteenth-century western and central Sudan. Indeed, Jibril b. ‘Umar, relied upon Bābā’s analyses and the analyses upon whom Bābā relied, to challenge the infringement of the rights of freeborn Muslims to protection against enslavement. It is therefore not surprising that ‘Uthmān and the leadership of the jihad believed that it was incumbent upon them to prevent the enslavement of freeborn Muslims.

‘Uthmān’s movement was, in large part, a response to what the Muslim community perceived to be injustices being committed against them and an attempt to protect their freedom from potential enslavement. ‘Uthmān viewed his attack against the Hausa state of Gobir, the first battle of the jihad, as an act of self-defence.17 The concern over the enslavement of freeborn Muslims and the willingness to act against it, though, was not unique to the leaders and participants of the Sokoto jihad. Nāṣir al-Dīn’s 1670s movement, based in Mauritania, for example, was founded in large part to stop the enslavement of freeborn Muslims and their sale into the transatlantic slave trade.18 Just as they were familiar with the debate on legal and illegal enslavement and the ‘proper’ role of the state in the protection of the rights of freeborn Muslims, the leaders of the Sokoto jihad would have been familiar with past uses of political reform in West Africa as a means of achieving their goal.

The emphasis that the leadership placed on the government’s role in facilitating legal slavery while preventing illegal enslavement can be seen in their laws concerning
individuals whose status was unknown. The leadership adopted the viewpoint that it was better to permit a non-Muslim to go free than wrongly to enslave a freeborn Muslim. In his 1802 treatise *Masa’il muhimma*, ‘Uthman forbade the sale of any Fulani on the basis that the Fulani had long been recognised as Muslims. This injunction was later upheld by ‘Uthman’s son Muhammad Bello, despite the fact that Bello did not consider all Fulani to be Muslims. Attempts were also made to stop the export of freeborn Muslims from the Sokoto Caliphate. In the 1830s there were efforts to inspect all northbound caravans, and export checks were also conducted in Katsina, Agadez, Tassaoua and Damergou. Caravans found to be transporting illegally enslaved individuals were subject to the loss of all the caravan’s merchandise. Similar restrictions were also placed on the southern slave trade. One of the justifications for enslavement was to encourage the conversion of non-Muslims to Islam. This purpose is defeated if captives are sold to non-Muslims. Selling slaves, especially those who had converted to Islam, or, worse yet, illegally enslaved freeborn Muslims, to non-Muslims was considered wrongful and was highly discouraged by the government. It was against Sokoto Caliphate law to sell slaves to Christians on the Atlantic Coast. Bello found the practice of selling slaves to non-Muslims so offensive that he condemned Oyo’s slave trade with Europeans on the Atlantic Coast. Later, ‘Umar al-Futi, who had close ties with the Sokoto regime and had married Bello’s daughter Mariam, also adopted this injunction against selling slaves to Christians in his jihad of the 1850s in the western Sudan.

While the Caliphate emphasised caution in the enslavement of individuals whose status was unknown, for people whose status was known, the reformers’ definition of who was considered to be a freeborn Muslim was narrow and might even disagree with an individual’s own definition of his/her religious identity. In deciding Muslim identity, ‘Uthman divided the population of the central Sudan into three categories. The first group comprised of people who followed ‘pure’ Islamic law. This was the group he considered as Muslim and who should be protected. The second category included individuals who followed a mixture of orthodox Islamic practices and pagan practices, while the third group was comprised of people who had never accepted the ‘truth’ of Islam. In his opinion, it was acceptable to enslave members of the last two groups along with their children and to confiscate their property. Indeed, following his father’s direction, Bello disagreed and narrowed Baba’s cheat sheet of Muslim and non-Muslim populations of the region. He argued that the majority of people whom Baba considered Muslims were not actually Muslims. Bello argued that either Baba was mistaken or that by the nineteenth century these populations were no longer Muslim. The Caliphate’s narrow definition of a freeborn Muslim makes its difficulty in protecting the relatively small group that it wanted to protect especially intriguing.

Impacting the Caliphate’s ability to enforce its will concerning legal and illegal slavery was the political structure of the Sokoto Caliphate. In setting up the post-jihad state, the leaders of the movement first chose to model their society and government on that of the Prophet at Medina and the four Companions that succeeded him. This was a patriarchal and direct form of government that was democratic in the sense
that the Prophet, followed by the four Companions who were each elected Caliph after the Prophet’s death, ruled in consultation with community elders. Yet, unlike the original Muslim community at Medina, the Sokoto Caliphate covered a vast territory. It was a four-month journey from east to west and a two-month journey from north to south. Due to the sheer distances involved, the central government had to abrogate powers to local authorities. Therefore, they adapted the constitutional frameworks of the Umayyad and ‘Abbasid dynasties who also had to deal with governing a state over a large geographic region. These political structures were in accordance with respected texts of jurisprudence. In so doing, the new state leadership was in keeping with the goal of the jihad of establishing an Islamic community governed in accordance with Islamic law.

The Caliphate was initially divided into four and later reorganised into two sections. The north and east of the Caliphate was governed directly by Sokoto whereas the south and west sections were governed through Gwandu. The amīr at Gwandu was subordinate to the Sarkin Musulmi at Sokoto but was in charge of the southern and western emirates. Initially, local amirs were chosen from and by local leaders with the approval of the governments at Sokoto and Gwandu. An emissary from Sokoto supervised each local amīr. In this way, the central government had oversight over the activities of the emirates, but lacked a means to take direct action. In total, the Caliphate was comprised of 30 emirates and 2 capital districts; yet the emirates themselves could be divided into many sub-emirates. Bauchi, for example, had nine sub-emirates and numerous semi-autonomous districts. There was no central standing army. Obedience to the central authority and the Caliphate’s unity was dependent on the prestige of ‘Uthmān, ‘Abdullaḥi, Bello and their heirs.23 The government in Sokoto needed to work with the amirs, taking into consideration the political, economic and strategic concerns of the emirate governments in order to maintain a unified state.

Despite its desire to limit enslavement, and instead of decreasing the number of people enslaved, the founding of the Sokoto Caliphate actually led to an increase in slavery within the region that included the enslavement of freeborn Muslims. This was due to the development of the plantation economy and to the importance of booty collection as a source of personal and public income. Indeed, slavery came to form the root of many social and political relationships throughout the core emirates of the Caliphate and fell within the official jurisdiction of the state. Taxes, for example, were often paid in slaves.24 The increase in enslavement also highlighted the state’s inability to enforce its will in terms of protecting freeborn Muslims from enslavement. It was difficult for the state to meet its goal and promise of fair enslavement while simultaneously trying to fulfill the needs of a range of interests, including those of plantation owners and soldiers. As the state was organised to produce a continuous stream of new captives, slave raiding and the chances of taking captive freeborn Muslims increased.

Key to the increase in slavery and therefore of enslavement was the growth of the plantation sector in the nineteenth century. Plantations had long existed in the central Sudan, especially in Kano, but in the eighteenth century, this sector had suffered due to warfare between the Hausa states and to periodic draught.25 The founding of the
Sokoto Caliphate for the first time unified the various Hausa states. This unification led to a solidification of a regional economy that was based, in large part, on slave-produced plantation agriculture. Agricultural products formed an important component of the Caliphate’s trade and took advantage of and supplied the various climatic zones of the central Sudan. Grains such as millet and sorghum were traded northwards to the Sahel and southern Sahara in exchange for livestock and salt while cotton and indigo were traded from countryside to the urban dye works within the textile belt of southern Kano and northern Zaria. Other plantation-produced agricultural products included rice, tobacco, locust beans, cowpeas, peanuts, sugar cane, kola nuts and shea nuts.

Internationally traded products included prepared indigo, tobacco; dried onion leaves and finished goods such as cotton textiles. Increased agricultural production was also needed in order to support the burgeoning Caliphate population. For example, according to observations made by European travellers, the population of Kano city, the most important economic centre of the Caliphate, rose from 30,000 to 40,000 people in 1824, to 60,000 in 1851, and to 100,000 in 1900.

Initially, government officials, especially Bello, were concerned not just with economic growth but with consolidating and defending the state. Plantations were not only centres of agricultural production but in the early years of the Caliphate those located near ribuṭ (sing. ribaṭ), defensive centres, became the focal points for stabilising the eastern, northern and western frontiers and for providing relative safety for civilian economic, religious, cultural and social life to flourish. The focus on agriculture also more closely integrated Hausa and Fulani. One of the weaknesses of the Hausa states was their inability to incorporate the Fulani into the state. Bello encouraged Fulani to settle in ribuṭ. He was concerned that their nomadic lifestyle would leave vast tracts of land undefended and therefore open to attack from the Caliphate’s enemies. The result of the sedentarisation of the Fulani was a mixed economy as individuals combined pastoral and agricultural activities, and a growth in plantations. The government further encouraged the development of an agriculture economy by freely distributing fields to slave owners and by granting parcels of uncleared land to immigrant merchants and craftsmen who switched to agriculture.

Key to this plantation agricultural economy was labour, mostly in the form of slave labour. Out of a Sokoto Caliphate population of 8 to 10 million there were between 2 million and 4.5 million enslaved individuals. However, the concentration of slaves varied across emirates with the core emirates having the higher slave populations. In nineteenth-century Kano, the economic hub of the Caliphate, European travellers in the early to mid-nineteenth century estimated the slave population as being between one third and one half of the total population, with a significant number working on plantations. There were similar ratios for Katsina and Zaria.

As well as having its economy based on slave labour, the enslavement of new captives formed an important role in the politics of the state and its social organisation. For the most part, these new slaves were derived from the booty collected in wars and raids. From the beginning of the jihad and the founding of the Sokoto Caliphate, the collection of booty in the form of captives was important in Caliphate warfare and state maintenance. Indeed, the collection and distribution of booty had long played an
important role in the warfare of the western and central Sudan and the warfare associated and subsequent to the jihad was no different. According to the *Tadhkirat al-nisya¯n*, raiding and the collection of booty was an important component of warfare in the region from at least the Moroccan invasion of Songhay in 1591. A common military technique in the establishment of the Sokoto Caliphate was to raid a particular village or town, taking captive whoever was not killed in the fighting.

Booty in terms of captives was an important motivator for the soldiers. The collection of booty was of such significance that ‘Uthmân addressed the topic in *Tanbih al ikhwân alâ ard al-sûdân*. He argued that being motivated by booty collection ought not to be counted against an individual if that person had still fought to ‘make God’s law supreme’. Here, he disagreed with the ninth-century jurist ibn ‘Arafa’s qualification of a mujâhid. This difference was important, since Sokoto Caliphate officials regularly referred to ibn ‘Arafa’s opinions in forming their policies. According to ibn ‘Arafa a person who is motivated to fight in order to collect booty or to demonstrate his bravery cannot be considered a mujâhid. Like his father, Bello also faced the problematic situation of booty. After one expedition against Gobir, his troops were prepared to desert if they did not receive what they considered to be a more equitable share of the captives.

Moreover, booty was an important source of income for both the jihad and for the state throughout the nineteenth century. Booty was one of the seven income sources for the public treasury along with the fifth, the land tax, the poll tax, the tithe, inheritance, and property with a missing or no owner. The Sokoto treasury received one fifth of all the booty gathered by the emirates. It was of such importance that the imperial tribute rates of the eastern emirates were raised sharply in the 1840s in order to maintain state revenues. As indicated in an undated letter, most probably from the 1890s from the Amîr of Katsina to the Sarkin Muslimi of Sokoto, the collection booty remained an important part of military expeditions. Therefore, the Caliphate was faced with the challenge of balancing the need for booty collection as compensation for soldiers, as a source of government income, and as the source for new slaves for plantations with its goal of safeguarding freeborn Muslims from enslavement.

Adding to the problematic situation that continuous raiding was required in order to produce booty for the public treasury was the social concern of employing the growing number of sarakai, or nobles, in culturally legitimate occupations. Throughout the nineteenth century, in the lineage-based emirates, the ranks of the sarakai grew exponentially. In 1820, the typical household may have consisted of a mai sarauta, his wives, concubines and children, yet by 1900, it could have numbered c.1000 adult men. The problem, according to Last, was how these elite men could be legitimately employed. Legitimate occupations for sarakai were as scholars, soldiers and governors. Throughout the nineteenth century, excess sarakai were often sent to the frontier where they engaged in activities away from the direct supervision of scholars, senior officials and their elders, who usually resided in Sokoto and near other main cities. They were supposed to be defending the border and occasionally raiding into enemy territory. Often, however, in order to make a living, since
raiding across the border was not sufficiently lucrative, they raided the local population, including Muslims. The Lander brothers observed this problem in the mid 1850s. They stated that,

> many thousands of his [Bello’s] men, fearing no law and having no ostensible employment are scattered over the whole face of the country. They commit all sorts of crimes; they plunder, they burn, they destroy, and even murder, and are not amenable to any earthly tribunal for their actions.

For both political and economic reasons, the Caliphate required the continuous raiding of frontier regions and the enslavement of the frontier populations, even after the state was well established. While the targets of these raids were the non-Muslim population, Muslims were often swept up and taken captive.

Indeed, freeborn Muslims were taken captive through politically sanctioned raids, warfare and criminal activity. During the Kano civil wars of the late nineteenth century, freeborn Muslims were often taken prisoner, their status disregarded, and sold as slaves. For example, both Halıma and Khadija were free women who were captured during this conflict in the 1890s and sold as slaves. Baba of Karo recounts that when she was a child in the 1890s, Ibrahim Nagwamase, also known as Mai Sudan, continuously raided the Katsina-Zaria region and also sent raiding parties into her region of southern Kano. According to Baba, it was possible to trace the captives, enter into negotiations with their captors, and arrange their ransoms.

Caravans were often targeted. One of the inherent risks of being a caravanner was the possibility of being raided. The inability of the state to safeguard caravans on the main transportation routes and to protect their members from captivity demonstrates the relative weakness of the state. In his correspondence, Bello acknowledged the problem to the north of the Sokoto Caliphate, especially by the Tuareg Kel Gress. In the 1850s, to the north, the roads in and out of Zinder especially gained a reputation for being attacked. In an attempt to control the situation and as a deterrent, ‘Abdullāhī advocated the enslavement of the women and children of highwaymen as punishment. Obviously, he did not consider those who would engage in highway robbery and their families as ‘true’ Muslims. Highway robbery was not a problem limited to the Sokoto Caliphate. The raiding of caravans was also an issue throughout the western Sudan and western and central Sahara. French colonial officials gathered a myriad of individual case examples of pillaged caravans and kidnapped caravanners that took place in the last half of the nineteenth century. In the late-nineteenth-century Sahara, caravan chiefs, whose families were more likely to have the money for ransom payments, were often targeted for kidnapping and ransoming.

Another important component in the dynamic of raiding, booty-taking and the need for slaves as agricultural workers was the high manumission rate in the Sokoto Caliphate. This meant that new slaves were constantly needed. In discussing slavery, the Qur’ān was biased towards the liberation of slaves. There were several means through which a slave could be freed. Slaves could become lawfully free if they were manumitted. Manumission was viewed as an act of benevolence and many pious owners manumitted slaves for that reason. Manumitting slaves was also
viewed as a way to make amends for committed sins. Owners could also permit slaves to buy their freedom, or pledge to free the slave at a later date or after the owner’s death. The Qu’ran recommends that owners permit their slaves to purchase themselves or to permit a third party to purchase their freedom. A qâdi could order an owner to free a slave on account of mistreatment. A concubine who gives birth to her owner’s child and thereby acquires the title of umm al-walad (mother of the son), gains certain legal rights that eventually lead to her freedom. A slave, who subsequently converts to Islam and is owned by a dhimmi, must be freed or sold by his or her owner, since a non-Muslim is forbidden to own a Muslim, although a Muslim is permitted to continue to own an enslaved individual who converts to Islam. While the chances of a particular individual being manumitted by their owner were low, the emphasis on manumission meant that there was a continual need for new captives to be enslaved. The practice of manumission combined with continuous raiding at the frontiers meant that new people were constantly being taken captive and enslaved, including individuals whose status as freeborn Muslims should have protected them.

It was the failure of the Sokoto state to protect freeborn Muslims from enslavement and to enforce legally correct processes (free release) to return them to a state of freedom that explains the practice of ransoming. The government at Sokoto, especially in the early years, tried to discourage the enslavement of freeborn Muslims. Leaders labelled those who engaged in the practice as ‘unbelievers’. In accordance with the opinions of al-Maghili and Bâbâ, ‘Abdullâhi argued that a captive who claimed to be a freeborn Muslim must be released unless evidence was provided to prove that he was either a slave or a non-Muslim. Yet the government was unable to stop the enslavement of freeborn Muslims. This demonstrated both the strong desire on the part of officials to protect the rights of freeborn Muslims and to implement proper processes as well as their inability to do so. Instead of forcing the free release of Muslims wrongly taken captive, the government condoned their ransoming by family and friends. ‘Uthman discussed ransoming as a strategy for protecting the freedom of freeborn Muslims in Bayân wujâb al-hijra ‘ala l-‘ibâd. As seen in his discussion of ransoming in Risâla lâ ahl al-ḥaramayn al-ṣarîfayn wa lâ ahl al-mashriq, Bello also strongly emphasised the importance of freeing freeborn Muslim from captivity and slavery. In this text, Bello stated that it was incumbent upon Muslims to free enslaved fellow Muslims. He, himself, always freed prisoners whom he captured who proved that they were freeborn Muslims, but this was not enforced on other soldiers. Therefore, despite the intentions of the jihad and the desires of the state, individuals were often left on their own to secure the freedom of those who should never have faced the possibility of enslavement. With the state condoning the practice, these individuals often turned to ransoming.

State support for ransoming as a means of guaranteeing the freedom of individuals who ought not to have been taken captive and to have faced the possibility of enslavement was not unique to the Sokoto Caliphate, or Muslim societies. Indeed, ransoming has been practised throughout the world with both state and non-state support. In condoning ransoming, Caliphate officials were following a strategy similar to the one practised in the neighbouring region of the Maghrib in its long-standing relations
with Europe. Considering the commercial, intellectual and legal links between the western and central Sudan and the Maghrib, it is most likely that the eighteenth-century scholars of Hausaland as well as the nineteenth-century leaders of the Sokoto Caliphate were aware of Maghriban policies on the protection of freeborn Muslims. That the Maghrib and the Sokoto Caliphate would develop similar strategies on the use of ransoming is both important and unsurprising, since both the Maghrib and the western and central Sudan share a common foundation in Mālikî law and both drew on the scholarship of the *bilad al-shingîṭ* in modern-day Mauritania.\(^\text{56}\) Just as West African scholars believed that it was incumbent upon government leaders to free wrongly enslaved Muslims, so too did Maghriban officials. This is exemplified through the actions of the eighteenth-century Moroccan Sultan Sayyид Muhammad ibn Abdallah, also known as Sīdı Muḥammad. The exchange and ransoming of Muslim captives were key components of his negotiations of peace and commercial treaties with England, France, Spain, Denmark, Sweden, Venice, Tuscany, Portugal, the Netherlands, Sicily, Austria and the United States in the 1760s, 1770s and 1780s.\(^\text{57}\) Moreover, he organised individual ransoms of not just Moroccans but of Muslims of any nationality.\(^\text{58}\)

While ransoming became a practical means for the freeing of individuals who ought not to have been taken captive and to have faced the possibility of enslavement, it was limited. Not all of the individuals in the western and central Sudan and within the Sokoto Caliphate who could have been ransomed were ransomed. Successful ransom negotiations were dependent on communication between the captor and the ransom payer and usually on the social status of the captive. In terms of communication, ransoming and enslavement were polar opposites. Successful enslavement involved suppressing communication between the captive and his or her family and friends and quickly moving the captives away from territory where they could escape or seek help. Successful ransom negotiations, on the other hand, required communication between the captor and the ransom payer. The Tuareg Kel Gress usually waited in the general area of their raids to see whether or not someone would send an emissary to conduct ransom negotiations. In late-nineteenth-century upper Niger, in the aftermath of Samori’s raids captives were often held to see whether or not surviving relatives and friends were willing and able to ransom them back.\(^\text{59}\) Information could also be passed through long-distance traders and through trading diasporas.\(^\text{60}\) Indicating state support for ransoming, in the Sokoto Caliphate, it was possible to travel to politically sanctioned markets in order to gather information about captive relatives and occasionally to find and ransom them. In the latter half of the nineteenth century, Muslim prisoners brought to Kano were most often ransomed.\(^\text{61}\)

However, mediators were usually used to negotiate ransoms between the captor and those willing to pay a ransom. Demonstrating state support for ransoming in the Sokoto Caliphate, the mediator was most probably a government official. For example, in the late 1890s, the ransom negotiations for Baba of Karo’s aunt and her children involved both the Sarkin Zarewa and the Amīr of Katsina as mediators.\(^\text{62}\) Even cases of captive freeborn Muslims that were of personal interest to powerful
officials were dependent on negotiating ransoms and using mediators. For example, in answering a query on the progress of a particular set of ransom negotiations, the third Sarkin Musulmi and ‘Uthmān’s son, Abūbakar Atiку expressed concern for the captives and was waiting to hear back from the mediator.63 Similarly, in the 1890s, a mediator was also involved in making contact for ransom negotiations in the case of a grandson of the Sarkin Musulmi ‘Abd al-Raḥmān.64

The second factor affecting the outcome of ransom negotiations was the social status of the captive. Here, the role of the individual was more important than the role of the state as it was dependent on the resources of the captive and of those of his or her family. This is because ransom fees were high. According to Zinder oral tradition, important and elite captives were always offered for ransom.65 Similarly, due to their status and upon payment of a ransom, Kado nobles from Anzourou, northwest of present-day Niamey, were most often returned by their Tuareg captors.66 While the captive and the payer of ransom may have been motivated by a desire to prevent the enslavement of the captive, the captor was often motivated to ransom the captive instead of selling him or her into the slave trade because of the higher ransom fee. On average, ransom prices throughout the western and central Sudan and not just the Sokoto Caliphate were twice the slave price and sometimes more.67 Yet prices varied. In the 1850s and 1860s, during the Ningi raids on Kano Emirate, the Ningi were demanding on average 200,000 cowries in ransom per person. In the 1890s, Baba of Karo’s uncle paid ransom prices 400,000 cowries for his wife, 400,000 for his children and 400,000 for his unborn child. The ransom price of the Sarkin Musulmi ‘Abd al-Raḥmān’s grandson, Barayi Zaki was set at 20 black kore cloths, 40 wawa cloths, 20 kudi da kudi cloths, 3 youths and 2 girls.68

Yet, from at least the fifteenth century, when Al-Maghīlī advised the Amīr Muḥammad Rumfa of Kano that he needed to preserve a surplus in his treasury for ransoming captives, there existed throughout the region the idea that the state bore some responsibility for paying the ransoms of freeborn Muslims.69 However, due to the cost of ransoming, there was a debate, especially in the early years of the Sokoto Caliphate, about who should be responsible for the payment of ransoms. Indeed, this was not a new debate in the region. This debate was mainly concerned with the fate of poor ‘good’ Muslims who could not afford large ransom payments. The elite usually had the funds with which to pay the ransoms if negotiations were successfully concluded.

‘Uthmān outlined the main issues of the debate on the responsibility of paying ransoms in Bayān wujūb al-hijra ‘alā ‘l-‘ibād through a discussion of the positions of the scholars ibn Juzayy and Khalīl ibn Ishāq. The disagreement was centred on which order of responsibility for the paying of ransoms should be followed. According to ‘Uthmān’s interpretation, ibn Juzayy argued that the payment of a ransom was first the responsibility of the captive, secondly the State Treasury, thirdly the Muslim community and lastly non-Muslims. According to ‘Uthmān, Khalīl argued for almost the reverse order. Ransom fees should first be paid out of the fay’, second from among the Muslim community and lastly from the captive’s own assets.70 Khalīl reasoned that it was easier for the state and Muslims at large than individuals to pay ransom fees and
that the community benefited more from the return of the individual captive than the captive himself.\textsuperscript{71} In this text ‘Uthmān did not state which order he preferred. However, ‘Abdullāhī made his opinions on the subject clear. In \textit{Diya’ al-ḥukkām}, he stated that there was a community obligation to ransom freeborn Muslims. Yet, he added that wealthy Muslims should pay for their own ransoms, whereas the local imām should organise the ransoms of poor freeborn Muslims.\textsuperscript{72}

In conclusion, the practice of ransoming and the failure to implement the free release of captive freeborn Muslims demonstrates the relative weakness of the Sokoto Caliphate government to impose its will. This can be seen in the treatment of enslavement and slavery in the Sokoto Caliphate. The Sokoto jihad was undertaken in large part to prevent the enslavement of freeborn Muslims; yet, due to political, economic and social structures, the state that was established as a result of the jihad was unable to protect freeborn Muslims from being taken captive and from facing the possibility of enslavement. Since it was unable to enforce the free release of captive freeborn Muslims, the state condoned their release through payment of a ransom.

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**Notes**

[1] These estimates are uncertain, due to a lack of census data for the nineteenth century and complications in the data arising from the division of the Sokoto Caliphate into British, French and German spheres at the time of conquest. For a discussion on the difficulty of determining the population of the Sokoto Caliphate, see Paul Lovejoy, \textit{Slavery Commerce and Production: Essays in the Social and Economic History of the Central Sudan} (Trenton NJ: Africa World Press), 1–2.


[6] For a compilation of Paul Lovejoy’s work on slavery and the economy of the Sokoto Caliphate, see Lovejoy, \textit{Slavery, Commerce and Production in the Sokoto Caliphate of West Africa}.


[21] In response to a series of enquiries that originated from Tuwāt and southern Morocco about the enslavability of certain captives, Ahmad Bābā devised a list of ethnicities whose members were generally considered to be Muslims and another whose members were generally considered not to be Muslims. See Hunwick and Harrack; John Hunwick, ‘Islamic Law and Polemics over Race and Slavery in North and West Africa (16th–19th century)’, Identifying Enslaved Africans. The ‘Nigerian’ Hinterland and the African Diaspora, (Proceedings of the UNESCO/SSHRC Summer Institute, York University 14 July to 1 August 1997); Lovejoy, ‘The Context of Enslavement in West Africa: Ahmad Bābā and the Ethics of Slavery’.


[29] Lovejoy, Slavery Commerce and Production, 9.


[38] In terms of governance, the emirates of the Caliphate could be divided into two broad groups. The majority of emirates were lineage-based. They were established with the support of a large cohesive group. Offices, titles and major government functions were distributed among members of this founding group and their descendants. Instead of being formed by a large cohesive group, a minority of emirates were formed with the help of a varied group of individuals such as friends and slaves attached to the amīr. Office-holding dynasties did not form in these clientage-based emirates. See Burnham and Last, 320–321.


On the treatment of slaves and the avenues of manumission advocated in the Qu’ran, see, for example, passages 4: 92, 5: 89, 16: 71, 24: 32, 24: 33, and 90: 13. For Malik ibn Anas’ opinion, the founder of the Mālikī school of law which was the school of law followed in Islamic West Africa, see Al-Muwatta of Iman Malik ibn Anas, translated by Aisha Abdurrahman Bewley (London: Kegan Paul International Limited), 320–326. See also, Bernard Lewis, Race and Slavery in the Middle East (Oxford: Oxford University Press, 1964), 3–12; Joseph Schacht, Introduction to Islamic Law (Oxford: Clarendon Press, 1964). For the practice of murgu in the Sokoto Caliphate, see Paul Lovejoy, 'Murgu: The Wages of Slavery in the Sokoto Caliphate', Slavery and Abolition 14 (1993): 168–185. It is important to note, as it has been done elsewhere, that there is a big gap between theory and practice. While there were thoughtful owners and judges who followed the law many did not. The power dynamics were such that there was usually little except an owner’s personal ethics to stop an owner from abusing a slave. Except in a tiny minority of cases a slave’s ability to gain freedom was at the behest of the owner. As the late nineteenth-century scholar and thinker, Imam Imoru, observed, ‘People have nothing but contempt for slaves in Hausaland. The slaves suffer; people look at slaves as worthless creatures; they do not consider slaves human beings; and they treat them harshly’ (Stilwell, 7).


Abdullāhi ibn Fūḍi, Diya‘ al-hukkām, 5.


An important difference between ransoming practices in the Maghrib and in the Sokoto Caliphate is that the Maghrib favoured the ransoming of captives held in North Africa whereas the ransoming of captives held by Sokoto Caliphate forces was highly debated and was only practised towards the end of the nineteenth century. See Jennifer Lofkrantz, ‘Ransoming Policies and Practices in the Western and Central Bilād al-Sūdān c 1800–1910’ (Ph.D. diss., York University, 2008), 44–82.


Economic History Project Interview with Dan Rimin Kano, Kano, 12 and 30 December 1975. Copies of these interviews are held at the Tubman Institute, York University.

Mary F. Smith, 69.


Sarkin Bayaro Abdullāhī to the Sarkin Musulmi ‘Abd al-Rāhmān, undated, Backwell, 23–24.


Lofkrantz, 104–111.

Kano State Cultural and History Bureau KAN PRO 1/11/7 Rano – 1955–1959, 19; Mary F. Smith, 69; Backwell, 23–24.

Al-Maghīlī, 21.

 Originally fāy’ referred to war booty and then the revenue raised from the people and territory conquered by force. It also generally refers to the revenue collected by an Islamic state from non-Muslim sources. See Hunwick, *Sharī‘a in Songhay*, 74ff.

‘Uthmān ibn Fūdī Bayān wuju‘ al-hijra ‘alā ‘l-‘ibad, 123.

Abdullāhī ibn Fūdī, Ḍiya‘ al-ḥukkām, 5.