Maritime Trade from 3rd/9th-Century Ifrīqiya: Insights from Legal Sources

Antonia Bosanquet*

Although maritime trade along the coast of 4th/10th-century Ifrīqiya has been studied in some detail, less is known about its development in the 3rd/9th century, when the province was under Aghlabid rule. This is partly due to the nature of the information contained in the Arabic historical and geographical sources on which many studies rely. This paper argues that legal texts are an additional source that can expand our knowledge of trade practices in 3rd/9th-century Ifrīqiya and assist our interpretation of the information contained in historical and geographical sources. Using the information given in the legal sources, it offers new findings about maritime trade in 3rd/9th–century Ifrīqiya and argues that the period of Aghlabid rule was key to the economic development of the province.

Introduction

Literary and documentary evidence indicates that by the late 4th/10th century, the coastline of Ifrīqiya[1] was a busy landscape of ports, inlets and *ribāt*s, or small fortified structures,[2] serving a lively trade network around the western Islamic Mediterranean. Geographical texts from the 4th/10th and 5th/11th centuries, such as Ibn Ḥawqal's (d. after 367/978) *Ṣūrat al-arḍ*[3] or al-Bakrī's (d. 487/1094)[4] *Masālik wa-l-mamālik*, describe a fertile agricultural landscape, productive industry, and a sophisticated system of land and sea routes by which to transport people and goods. A similar impression is given by the documentary evidence retrieved from the Cairo Geniza and other archival sources.[5] Letters, contracts and lists of

---

* **Correspondence details:** Dr. Antonia Bosanquet, DFG Center for Advanced Study "RomanIslam – Center for Comparative Empire and Transcultural Studies", Universität Hamburg, Asien-Afrika-Institut, Geschichte und Kultur des Vorderen Orients, Edmund-Siemers-Allee 1, 20146 Hamburg, Germany, antonia.bosanquet@uni-hamburg.de

1 Ifrīqiya was the westernmost province of the ʿAbbāsid Empire, corresponding to what is today western Libya, Tunisia and eastern Algeria. Talbi, *Ifrīḳiya*.

2 On the definition of the *ribāt* and its function, see Khalilieh, Ribât system.

3 Ibn Ḥawqal, *Kitāb Ṣūrat al-arḍ*, ed. de Goeje. Ibn Ḥawqal began his journeys in 331/943, but the date of his death is not clear. The last revision of a work attributed to him appeared around 378/988.

4 al-Bakrī wrote in the 5th/11th century, but most of his information was derived from the 4th/10th-century author al-Warrāq. On al-Bakrī's text, see Gilliot, *al-Bakri*.

5 On the Cairo Geniza, see Goldberg, *Trade and Institutions*; Goitein, *A Mediterranean Society*. On European documentary material, see Valérian, *Les Sources Italiennes*.

cargo and trade wares reflect a trade system that was particularly dense between the coasts of Ifrīqiya, Sicily and Egypt, but which also extended further east and north of this Mediterranean triangle.[6]

However, most written evidence for this activity derives from the period of Zirid rule over Ifrīqiya (362/972-543/1148), after the Fatimids had moved their capital to Cairo in 358/969. There is less evidence for trade by sea from the period of Aghlabid rule, which lasted from 184/800 to 296/909, when the Fatimids conquered Ifrīqiya. It seems likely, as Dominique Valérian and Christophe Picard have argued, that the foundations for the flourishing Islamic naval trade began in the 3rd/9th century, during the stability and prosperity that the region experienced under the Aghlabids.[7] But studies of this period contain little discussion of how this development took place, what ports were relevant for Ifrīqiyan traders, what goods were transported and what structures existed to support maritime trade from the coast of Ifrīqiya. Answers to these questions are important not only for understanding the continuity and development of trade in Ifrīqiya but also for contextualizing the development of coastal towns and *ribāṭ*s during this period and for relating the role of maritime trade to the integration of Arab Ifrīqiya into the Mediterranean region and the ʿAbbāsid Empire during the 3rd/9th century.

One of the reasons for the lack of detailed discussion of these questions is the relative paucity of references to maritime trade in the Arabic literary sources on which most historians of this period rely. Historical and geographical texts are a mine of information about the routes, political loyalties, and agricultural produce of the region in question, but they contain few detailed descriptions of how trade was conducted and rarely mention maritime trade. This study will show that Islamic legal texts can be used to supplement the information provided by other Arabic literary sources. It will show that this literary genre is an important and relatively reliable historical source, and that findings from legal texts indicate that maritime trade was a vibrant and systematized institution by the mid-3rd/9th century.

I will begin this paper by introducing the genre of legal texts and discussing their relevance as historical sources. Following an overview of which legal sources are relevant for studying trade in 3rd/9th-century Ifrīqiya, I will summarize how these texts can be used and describe the limitations of this category of texts. Then I will show how, despite these challenges, these texts can still be used to acquire insights about this historical period. I will then review texts from other Arabic literary genres, particularly historical and geographical works, that are relevant for understanding economic relations in 3rd/9th-century Ifrīqiya. I will refer to some of the shortcomings of these texts as sources for reconstructing the economic history of early Islamic North Africa and indicate how these can be balanced by reference to legal texts.

Following this discussion of the sources, I will present the information that legal sources offer about maritime trade from the coast of 3rd/9th-century Ifrīqiya. Based on this information, I will put forward five main findings. The first is that maritime trade from the Ifrīqiyan coast was a well-established commercial institution by the 3rd/9th century. The second is that Ifrīqiya's role as a passage province between al-Andalus and Baghdad was a key element

---

6   Friedman and Goitein, *India Traders*.

7   Valérian, *Ports et Réseaux d'échanges*, 53; Picard, *Sea of the Caliphs*, 237-238.

in the development of maritime trade along its coastline, and that local, non-elite, consumption of imported goods is not widely testified in the literary sources. The third is that most wares transported by ship were bulk wares such as grain and not the luxury goods mentioned in geographical texts. The fourth observation is that jurists tended not to distinguish between land and sea trade, and that this may be related to the nature of goods transported in both cases. The fifth finding is the nature of the risks associated with maritime trade and in particular, the different risks and benefits associated with the different categories of open-sea and coastline navigation.

My analysis of the information offered by legal sources will relate this to the impression given by historical and geographical texts. Although this impression is sometimes confirmed by the discussions in legal literature, the different functions of the various genres can lead to a different emphasis in their presentation of information. Therefore, it is helpful to draw on a wide range of literary sources to understand 3rd/9th-century maritime trade. In a further step, which cannot be undertaken in this paper, the findings from the literary sources should be related to the information provided by material evidence in order to gain a fuller and more accurate picture of this period.

Legal Sources Relating to Trade in 3rd/9th-century Ifrīqiya

The legal sources referred to in this study are the collections of questions about the permissibility of certain practices, or requests for solutions for interpersonal conflicts, that were put to religious scholars, along with the responses that the scholars gave to these questions.[8] In a student-teacher context these responses may be referred to as *ajwiba* (sing. *jawāb*), meaning answer. Beyond this context they are usually referred to as *fatāwā* (sing. *fatwā*), a term best translated as expert legal opinion.[9] A *fatwā* may include a hadith, Qur'anic verse or earlier legal opinion by which the scholar explains his opinion. Some legal compendia, such as the *Mudawwana* of Saḥnūn b. Saʿīd (d. 240/854), discussed below, were dedicated to the answers of a single jurist. Others contained opinions given by a variety of scholars. For example, some legal compendia contain chapters with a specific thematic focus, such as maritime trade, in which the *fatāwā* of numerous jurists are brought together, enabling an overview and comparison of the various opinions on specific questions.

The legal compendia played an important role in regulating interpersonal conflicts and social practice. They also played a key role in the education of new generations of religious scholars, who would study these texts in order to widen their own knowledge of legal theory and practice. Partly because of this educational and religious function, the legal compendia frequently contain *fatāwā* that appear disconnected from the social-historical context of the writer, or to which a degree of attention is dedicated that is incommensurate with the social relevance of the topic at hand. For example, some legal authors discuss questions relating to eunuchs and intersexed individuals at great length and in great detail.[10] Rather than interpreting their attention to mean that there was a large number of eunuchs and intersexed individuals in

---

8   An introduction to this genre is given by Hallaq, From *fatwā*s to *furūʿ*.

9   Fierro, Compiling *Fatāwā*, 45.

10   Ali, *Marriage and Slavery*, 23.

the society in which these jurists worked, it seems more plausible to conclude that these questions intersected with the wider theoretical framework with which the jurists worked, and that this was the reason why these questions were repeated and discussed in several legal compendia. For the same reason, it is also possible that questions put to a jurist may have no obvious social significance, but are relevant for an academic discussion. Although the term *ajwiba* is often used for answers given in this context, the boundaries between the genres are fluid and the question of social relevance is one of the challenges for historians working with this material, which are discussed in more detail below.[11]

Another category of juristic response is the *nawāzil* (sing. *nāzila*). For the premodern period, this legal genre is especially widespread in the Islamic West, and is sometimes seen as specific to this region.[12] A *nāzila* is comparable to a *fatwā* in that it consists of a question and an answer from a jurist. But the genre is associated specifically with actual situations and with questions that have not been put previously, so that the jurist is required to exercise his own reasoning, rather than refer to earlier teaching on the topic.[13] These specificities make *nawāzil* texts particularly relevant as a historical source, although, like *fatwā* texts, they cannot be uncritically seen as reflecting social reality.

Before reviewing the challenges associated with using legal texts as historical sources, the key texts for this study will be introduced. The largest and arguably earliest collection of questions and answers is the *Mudawwana* of Saḥnūn b. Saʿīd (d. 240/854), which is still known today as one of the foundational texts of the Māliki legal school. Saḥnūn was a highly esteemed religious scholar who lived for most of his life in Ifrīqiya, where he also served as chief judge, from 234/849 until his death in 240/854.[14] Although the *Mudawwana* is attributed to him, it is likely that Saḥnūn's students, rather than he himself, were responsible for the final form of the work.[15]

Another early collection of *fatāwā* is the compendium of legal queries relating to the administration of the market, answered by the jurist Yaḥyā b. ʿUmar (d. 289/901)[16] and compiled by his student Ibn Shibl al-Ifrīqī (d. 307/909),[17] entitled *Aḥkām al-sūq*.[18] The queries put to Yaḥyā b. ʿUmar make little reference to overseas trade, but the commercial and moral regulations in the book reveal much about economic infrastructures within the province of Ifrīqiya.

Yaḥyā b. ʿUmar's brother, Muḥammad b. ʿUmar, is also relevant for this study. Muḥammad b. ʿUmar taught and lived in Egypt, Ifrīqiya and al-Andalus and enjoyed a high reputation for his legal scholarship before dying in the early 4th/10th century.[19] A collection of answers attributed to him was compiled by Abū l-Qāsim Khalaf b. Abī Firās al-Qarawī, another legal

---

11   On the semantic interchangeability of terms for legal texts, see Fierro, Compiling *fatāwā*, 45.

12   On the *nawāzil* genre in contemporary Islamic law, see Abū Zayd, *Fiqh al-nawāzil*.

13   al-Jayzānī, *Fiqh al-nawāzil*, 24; Fierro, Compiling *fatāwā*, 45, fn. 5.

14   For a biography of Saḥnūn, see Brockopp, Saḥnūn b. Saʿīd.

15   On the formation of the *Mudawwana*, see Muranyi, *Rechtsbücher*.

16   For his biography, see Marin, Ifriqiya et al-Andalus, 23; García Gómez, "Ordenanzas del zoco".

17   On Ibn Shibl, see Ibn Farḥūn, *al-Dībāj al-mudhahhab*, 2, ed. al-Aḥmadī Abū l-Nūr, 312.

18   Yaḥyā b. ʿUmar, *Aḥkām al-sūq*, ed. ʿAlī Makkī.

19   Different death dates are cited for Muḥammad b. ʿUmar in different sources. The latest date of 310/923 given by al-Junaydī is usually accepted as the most accurate.

scholar of lower reputation who lived about 50 years later and who appended the collection with related rulings that he found in other legal texts. Al-Qarawī also added his own comments to some of the answers given by Muḥammad b. ʿUmar, in which he related Muḥammad's answer to the views of other jurists.[20] These views, like the rulings that al-Qarawī added to the end of the work, originate from jurists that lived between the 2nd/8th and the early 4th/10th centuries.[21] The title of the compilation is *Kitāb Akriyat al-sufun wa-l-nizāʿ bayn ahlihā* (Treatise concerning the leasing of ships and the claims between their passengers),[22] and most of the questions focus on maritime trade and contracts involving ships. The rulings in *Akriyat al-sufun* display similarities with other antique rulings relating to maritime adjudication, most notably the Rhodian Sea law, but the way that the rulings are formulated is typical for the procedures of Islamic law and shows intensive engagement with the topic on the part of the jurists who answered the questions.[23]

Other important texts for this study are the collections of *fatāwā* and *nawāzil* attributed to different jurists, although collected by a single compiler. This format, described by Maribel Fierro as the "collective format", was typical for the 9th/15th-century Islamic West.[24] The collective format was a relatively late development, but many of the rulings and discussions that the compilers preserved in their collections had a much earlier origin, although the source texts used by the compilers have now been lost. The largest collective compilation of *fatāwā* is al-Wansharīsī's (d. 914/1509)[25] *al-Miʿyār al-muʿrib wa-l-jāmiʿ al-mughrib ʿan fatāwā ʿulamāʾ Ifrīqiyya wa-l-maghrib*. Al-Wansharīsī was a chief *muftī* and legal scholar in Fez and compiled his collection from the manuscripts that he accessed in a private library in this city. *Al-Miʿyār* contains *fatāwā* and *nawāzil* attributed to jurists from the entire Islamic West, from the 2nd/8th to the 9th/15th century. Many of these *fatāwā* and *nawāzil* are no longer extant as separate texts and have only survived in al-Wansharīsī's collection. For example, although Yaḥyā b. ʿUmar's *Aḥkām al-sūq* was published as a separate work, the book was compiled on the basis of quotations from *Aḥkām al-sūq* in *al-Miʿyār* and not from a separate manuscript.[26] Questions and answers relating to trade in 3rd/9th-century Ifrīqiya that are included in *al-Miʿyār* have been used as sources in this study, if the information provided about the jurist allows us to ascertain that the *fatwā* or *nāzila* originated from this context.

Another collective compilation is that of Abū l-Qāsim b. Aḥmad al-Burzulī (d. 841/1438), the *muftī* of the Zaytuna Mosque in Tunis and a renowned legal scholar.[27] His compilation, known as *al-Nawāzil* or *Nawāzil al-Burzulī* contains a wide range of legal questions and answers attributed to earlier jurists from the Islamic West.[28] Many of the questions and answers

---

20   al-Qarawī, *Akriyat al-sufun wa-l-nizāʿ bayn ahlihā*, ed. ʿAbd al-Salām Jamāṭī and Jaʿfar b. al-Ḥājj al-Sulamī.

21   Cahen, Douanes et commerce, 304.

22   Henceforth *Akriyat al-sufun*. The text was edited and published by Muṣṭafā Ṭāhir in *Cahiers de Tunisie* 31 (1983), 6-53 and by ʿAbd al-Salām Jamāṭī and Jaʿfar b. al-Ḥājj as a monograph in 2009. The latter edition has been used for this paper. On *Kitāb Akriyat al-sufun*, see Khalilieh, *Admiralty and Maritime Laws*, Udovitch, Eleventh century Islamic treatise, and the introduction of Muṣṭafā Ṭāhir in *Cahiers de Tunisie*.

23   Khalilieh, *Admiralty and Maritime Laws*.

24   Fierro, Compiling *fatāwā*, 67.

25   On al-Wansharīsī, see Powers, Aḥmad al-Wansharīsī and Vidal Castro, Aḥmad al-Wanšarīsī.

26   ʿAlī Makkī's introduction to Yaḥyā b. ʿUmar, *Aḥkām al-sūq*, ed. ʿAlī Makkī, 61.

27   Vidal Castro, al-Burzulī.

28   al-Burzulī, *Jāmiʿ masāʾil al-aḥkām*, ed. Muḥammad al-Ḥabīb al-Hīla.

that al-Burzulī includes are also included in al-Wansharīsī's collection, and are remark-ably similar in form and content, despite the differing historical and geographical context. Al-Burzulī's collection contains a chapter dedicated to maritime trade and conflict relating to ships, the content of which will be referred to in this study.

Using Legal Texts as Historical Sources
Historians of the Islamicate world are increasingly aware of the value of legal texts for uncov-ering social history. This is no less the case for the Islamic West, where the unprecedented range and quantity of the rulings in al-Wansharīsī's collection has led to it being cited in most historical studies relating to this region.[29] Legal texts tend to be used less frequently for studies of economic history, but for this field too, both the questions and the answers in legal compendia can refer to circumstances and practices relevant to understanding com-mercial interaction. For example, a question recorded in *Aḥkām al-sūq* about a market seller who adulterates milk with water, and the jurist's answer that the diluted milk is confiscated from the seller and donated to the poor,[30] offers many details about economic interaction in this historical context. The reader can conclude that milk was bought and sold in at least one market in 3rd/9th-century Ifrīqiya, and that at least one seller either engaged in, or was suspected of engaging in, the practice of diluting milk in order to sell greater quantities. The reader can also infer from the question that the buyer was indignant about this practice and that he or she regarded the jurist as someone who could help to rectify the wrong done. The solution offered by the jurist, regardless of whether it was applied, is also revealing for what it reflects about his view of solving conflicts of this nature. Even this basic model of interpre-tation shows that a short question and answer can offer invaluable details about economic production and exchange.

An obvious limitation in working with this genre of literature is its prescriptive rather than descriptive nature. The *fatwā* or *nāzila* of a *muftī* was not legally binding and without further evidence, it is difficult to establish how far his recommendation corresponded to ex-isting social practice or whether it was implemented by the person who asked the question.[31] This limitation is particularly relevant for the interpretation of answers to legal queries, but if a question is clearly being asked in the context of an academic discussion, it can also be relevant for this aspect too.

Another challenge is the difficulty of dating the question and the answer, or the different redactional levels within one answer. Most *fatāwā* or *nawāzil* are attributed to a specific *muftī*, enabling (if the biographical details of the *muftī* are known) the question to be situated in a specific social-historical context. However, as mentioned for Yaḥyā b. ʿUmar's work, lat-er compilers had no compunction about adding material that seemed relevant to the discus-sion. Therefore, even if the jurist himself lived in the 4th/10th century, it is possible that later rulings have been integrated into the answer that he gave. In most cases the compiler notes the origin of the extra material, but this is not always the case, and sometimes the manner of

---

29 Shatzmiller, On *Fatwā*s, 21.

30 Yaḥyā b. ʿUmar, *Aḥkām al-sūq*, ed. ʿAlī Makkī, 109.

31 Tillier, *L'Invention du Cadi*, 204-215.

indicating the addition is so oblique that it is easily missed by a non-specialist reader.[32] This concern is also relevant for texts such as the *Mudawwana* that were compiled by students rather than the scholar himself: how far do these actually represent the teaching that the scholar gave on the subject?[33]

We know little about the processes that led to certain *fatāwā* being preserved while others were discarded, and we know almost nothing about the material that was preserved but is no longer extant.[34] Therefore we should be cautious about seeing the legal texts available now as a mirror of legal discussion in the time that it was collected, or from the time that the questions were presented. Rather, these offer historians a keyhole view into a highly variegated reality.

These limitations must be kept in mind by historians using legal texts as sources. In most cases, considerable understanding of the cultural-legal tradition within which the jurist was working is required,[35] not only to appreciate the significance of the ruling and recognize the distinction between descriptive and prescriptive discourse, but also to respond to the problem that the transmission of a ruling by a later author can present.

The reliability of the transmission of early legal teachings by later compilers is being increasingly recognized.[36] Particularly for Saḥnūn's *Mudawwana*, it is also relevant that recent research has emphasized an earlier compilation date for much of the text and a high degree of uniformity in the transmission process.[37] Even if the text was compiled by his students and not Saḥnūn himself, marginal notes on the earliest manuscripts indicate that parts of the written text were circulating a short time after his death and that these texts were checked by other students to ensure their accuracy. This has led to the text being used as a source in several recent studies of legal and social history.[38] Nonetheless, the possibility of additions, omissions and alterations to the rulings given in this text, as in other legal compilations, remains. Using the biographical information about the *muftī* to whom the question was addressed, historians must assess the credibility of each *fatwā* by relating it to the historical-social context and to the intellectual-legal discipline in which the *muftī* worked. Are the question and answer conceivable in the light of what we know about the legal tradition or school in which that particular jurist operated? This is an important method of excluding later interpolations.

The concerns about the dating of additional material are more relevant for understanding the *fatwā* and less for the *fatwā* request or question put to the jurist. It was common practice for answers to be expanded by students or later editors. It is hardly conceivable that an editor or student would falsely attribute a question and answer to a well-known legal authority without this being noticed by his peers or later scholars. Partly for this reason, this study will focus primarily on *fatwā* requests rather than the *fatwā* itself as a source of historical information, using the deductive method demonstrated in the example of the query about

---

32   For example, a switch in authorial voice is often only indicated by the phrase "he said" (*qāla*), leaving the reader to establish which of the earlier speakers is being referred to.

33   Calder, *Studies in Early Muslim Jurisprudence*, 9-17.

34   Fierro, Compiling *fatāwā*, 52.

35   Fadel, *Fatwā*s and social history, 32.

36   El Shamsy, The Ur-Muwaṭṭa.

37   Brockopp, Saḥnūn b. Saʿīd; Muranyi, *Rechtsbücher*.

38   Ali, *Marriage and Slavery*.

adulterated milk, discussed above. Although I will refer to the answer that the jurist gave, the bulk of my argument will rest on the details that the questions relating to trade, and maritime trade in particular, contain.

Other Genres of Arabic Literature as a Historical Source for Understanding Trade in 3rd/9th-Century Ifrīqiya

Very little written material survives from 3rd/9th-century North Africa. Some parchment and paper fragments are preserved in the collection of early Islamic manuscripts that was kept in the Kairouan Mosque,[39] but these are fragments from the Qur'an and literary texts, rather than documentary sources such as letters or contracts. They provide some insight into the movement of texts and ideas from the eastern Islamic Empire to Ifrīqiya but contain little social or economic information relevant to the question of maritime trade.[40] Therefore the texts on which a historian for this period must rely are the literary sources about 3rd/9th-century North Africa, written both within and outside the region. Other than the legal texts discussed above, the main literary sources that are relevant to the question of maritime trade are the historical and geographical texts relating to this region.

Of the historical texts, histories of the conquests and the early caliphate as a whole tend not to discuss Ifrīqiya in detail. The *Tarīkh* of al-Tabarī (d. 310/923) or Khalīfa b. Khayyāṭ (d. 240/854[41]) focus more on events relating to the caliphal centre in Baghdad,[42] and Ifrīqiya, which was already semi-independent by the time that they were writing, receives less attention.[43] The same can be said of most conquest histories. For example, al-Balādhurī's (d. 279/892-3) *Futūḥ al-buldān* includes less information about the Islamic West than about the Islamic East.[44] An exception is Ibn ʿAbd al-Ḥakam's *Futūḥ Miṣr wa l-Maghrib*, which covers the western region in more detail.[45] Although Ibn ʿAbd al-Ḥakam's focus is on the political events of the 2nd/8th century, his presentation of the material reveals a lot about the cultural, social and even economic context of the Islamic West in which he was working.[46]

Histories of the Islamic West or Ifrīqiya specifically include *Kitāb Tārīkh Ifrīqiya wa-l-Maghrib* by Ibn Raqīq al-Qayrawānī (ca. 428/1028),[47] only part of which has survived;[48] *Bayān al-mughrib fī akhbār al-Andalus wa-l-Maghrib* by Ibn ʿIdhārī (d. after 712/1310); and

---

39   Schwartz, *Bibliothek der großen Moschee*.

40   However, the fact that this collection exists at all is in itself an indication of the flourishing economic conditions in Kairouan at the time that it was being created, given the cost of producing manuscripts. The titles of the texts that the collection contained and the names of the scholars who owned them are also important resources for understanding the social history of the scholarly community in 3rd/9th-century North Africa. Brockopp, *Muhammad's Heirs*, 165-193.

41   On alternative death dates for Ibn Khayyāṭ, see Andersson, *Early Sunnī Historiography*, 47.

42   Ibn Khayyāṭ, *Tārīkh*, ed. Ḍiyāʾ al-ʿUmarī, al-Ṭabarī, *Tārīkh al-rusul wa-l-mulūk*, ed. Abū Faḍl Ibrāhīm.

43   On the caliphal focus of the histories, see Hagemann, Muslim elites, 331.

44   al-Balādhurī, *Futūḥ al-Buldān*, ed. de Goeje.

45   Ibn ʿAbd al-Ḥakam, *Futūḥ Miṣr wa-l-Maghrib*, ed. ʿUmar.

46   Brunschvig, Ibn ʿAbd Al-Ḥakam et la conquête de l'Afrique du Nord par les Arabes, 136-140. Zychowicz-Coghill, How the West was won, 540-542.

47   al-Raqīq, *Tārīkh Ifrīqiya wa-l-maghrib*, eds. ʿAbd Allāh al-ʿAlī al-Zīdān and ʿIzz al-Dīn ʿAmrūs, 74.

48   On the recovered text and its attribution to Ibn Raqīq, see Idris, Note sur Ibn al-Raqīq; Talbi, A propos d'ibn Raqīq.

the *Tārīkh* of Ibn Khaldūn (d. 808/1406).[49] Biographical dictionaries, such as Abū l-ʿArab al-Tamīmī's (d. 333/944) biography of saints and martyrs (*Kitāb al-Miḥan*), are also relevant.[50] These texts provide more information about the political history of Ifrīqiya but only include details about the social or economic context when this is relevant to their narrative. This is exemplified by al-Tamīmī's account of a scholar's castigation of the Ifrīqiyan governor Muhammad al-ʿAkkī (r. 180/796-183/799) for trading with non-Muslims from overseas.[51] Al-Tamīmī only mentions the commercial contact between the Arab leader and the non-Muslims in order to explain the scholar's reproach of al-ʿAkkī, and does not contextualize it or offer any further details. Another challenge when working with these texts is that most of them were written considerably later than the period that they describe and incorporate contemporary concerns into their account of earlier events. To refer again to the incident described by al-Tamīmī, his presentation of an earlier scholar's criticism of the governor's actions is surely influenced by his own position, almost an entire century later, as a Mālikī scholar living under Fatimid rule.

Geographical descriptions of Ifrīqiya and North Africa also tend to be written later than the period under study here. Two 3rd/9th-century authors are Ibn Khurradādhbih (d. 299/912) and al-Yaʿqūbī (d. late 3rd/9th century),[52] who is said by the 4th/10th-century Egyptian historian Ibn al-Dāya to have held a position as land tax administrator in the neighbouring province of Barqa and is particularly informative.[53] Ibn Ḥawqal also gives a detailed account of the region in his *Ṣūrat al-arḍ*, but his text can be dated to the second half of the 4th/10th century and is not necessarily an accurate depiction of the 3rd/9th-century context.[54] Al-Bakrī's (d. 487/1094)[55] *Masālik wa-l-mamālik* was compiled using information derived from the 4th/10th-century author al-Warrāq (d. 362/973) ,but even dating the text to this earlier source puts it considerably later than the period under study.

Al-Yaʿqūbī's *Kitāb al-Buldān* contains detailed information about agricultural and industrial production, social practices and transport routes, all of which are valuable for understanding trade relations. Although the other texts were written later, the information that they contain is not irrelevant for our enquiry, as they allow comparison and indicate regions of growth or stagnation. Like the historical authors, the geographical authors were aware of their readership and tended to emphasize those aspects in which their readers would have been more interested. This aspect must be remembered when reading their representation of the region in question.

---

49 Ibn Khaldūn, *Tārīkh Ibn Khaldūn*, 2, ed. Shaḥāda and Zukkār, 156.

50 al-Tamīmī, *Kitāb al-Miḥan*, ed. Yaḥyā Wahīb al-Jabbūrī.

51 al-Tamīmī, *Kitāb al-Miḥan*, ed. Yaḥyā Wahīb al-Jabbūrī, 334-335. Ilisch, Arabische Kupfermünzen, 299; Wietrzichowski, *Untersuchungen zu den Anfängen des frühmittelalterlichen Seehandels.*

52 It is unlikely that the year of 283/897 that is sometimes given for al-Yaʿqūbī's death is correct. Anthony, Was Ibn Wāḍiḥ al-Yaʿqūbī a Shiʿite Historian?, 19.

53 al-Yaʿqūbī, *Kitāb al-Buldān*, ed. Juynboll.

54 Ibn Ḥawqal, *Kitāb Ṣūrat al-arḍ*, ed. de Goeje.

55 Al-Bakrī wrote in the 5th/11th century, but most of his information was derived from the 4th/10th-century author. al-Warrāq. On al-Bakrī's text, see Gilliot, *al-Bakrī*.

Information About 3rd/9th-Century Naval Trade Based on Information in Legal Texts
Like the geographical texts, the questions in legal texts indicate extensive agricultural pro-
duction, a well-developed transport network[56] and a regularized administrative infrastruc-
ture for conveying and selling goods through the province of Ifrīqiya. For example, one of
the queries in Yaḥyā b. ʿUmar's *Aḥkām al-sūq* refers to the inhabitants of the rural regions
selling their goods from the lodging houses where they stayed in Kairouan, rather than in
the market.[57] This indicates the means by which rural traders were able to stay in the city so
that they could trade their goods. It also indicates the relevance of price standardizing in the
market, making sale outside this space a source of irritation to some.

The administrative infrastructure was underpinned by a well-developed legal infrastruc-
ture for regulating trade, which also extended to maritime trade. This was sufficiently so-
phisticated and regularized by the early 3rd/9th century to indicate that it had been func-
tioning for some time. This is reflected by both the expectations implicit in the questions
and the institutions mentioned in the answers. For example, Saḥnūn b. Saʿīd's *Mudawwana*
contains several references to the *amān*, a formal guarantee of protection given to non-Mus-
lims entering Islamic territory for diplomatic or commercial purposes.[58] One of the ques-
tions mentions a merchant who does not have an *amān* and the question of whether his
goods should be confiscated,[59] while most mention the *amān* almost incidentally, to clarify
that the non-Muslim merchant is conducting his business within a legitimate framework.[60]
Questions also refer to Muslim merchants travelling through non-Muslim territory with an
amān. For these questions too, the focus is not the *amān* itself, but this is always mentioned
to clarify the legality of the merchants' presence.[61] It is possible that the *amān* was associat-
ed with proof that the merchants had paid the taxes required upon their arrival in the port,
although this connection is not made explicit. The role that the institution of *amān* plays
in the discussion shows that the presence of non-Muslim traders in Ifrīqiya and of Ifrīqiyan
traders in non-Muslim territory was a regular phenomenon by the 3rd/9th century, and that
merchants had a clear expectation of rules and the consequences of disrespecting these. This
is also indicated by their manner of addressing other questions relating to trade conflict,
which include details such as references to categories of goods, the proportion of investment
held by each party or the terms of the initial agreement. These details, like the fact that they
are mentioned to the jurist, indicate a regularized structure of interaction creating a shared
field of expectations. For this to happen, overseas trade must have been ongoing on a signif-
icant scale for some time.

The fact that the legal framework regularizing trade in the 3rd/9th century also regu-
larized commercial interactions with non-Muslims should not be understood to mean that
there was no distinction between inter-Muslim and Muslim-non-Muslim trade during this

---

56   al-Yaʿqūbī, *Kitāb al-Buldān*, ed. Juynboll, 140.

57   Yaḥyā b. ʿUmar, *Aḥkām al-sūq*, ed. ʿAlī Makkī, 78.

58   On the institution of *amān*, see Schacht, Amān.

59   Saḥnūn b. Saʿīd, *al-Mudawwana*, 3, 10.

60   Saḥnūn b. Saʿīd, *al-Mudawwana*, 3, 24.

61   Saḥnūn b. Saʿīd, *al-Mudawwana*, 3, 23.

period. In this respect, it is noteworthy that the references to trade with Byzantines in the *Mudawwana* all refer to slaves and enslavement. By contrast, questions from a similar period put to the Andalusian jurist ʿAbd al-Malik b. Ḥabīb (d. 238/853)[62] about trade between Muslim merchants mostly refer to foodstuffs. This comparison should not be generalized, but as yet, there is little textual evidence of regularized trade in food or industrial commodities between Ifrīqiyan ports and non-Muslim regions in the early decades of the 3rd/9th century.

The queries put to Saḥnūn make it clear that Byzantine merchants regularly sold slaves in Ifrīqiya. They do not refer to the marketplace as the place of sale and it is possible that the slaves were sold, either to Ifrīqiyan slave dealers or to consumers, at the ports where the merchants disembarked. This might have spared the merchant the need to acquire an *amān* to travel through Muslim territory. Yaḥyā b. ʿUmar's regulation of the marketplace does not refer to slaves or to other goods that had to be imported by ship. Some of the products mentioned, such as grain, honey and oil, are mentioned by Ibn Ḥabīb among the wares transported by ship, but they could equally have been sourced locally. Other products referred to by Yaḥyā b. ʿUmar, such as butter, meat and bread, would have been difficult to transport over long distances because they had a shorter shelf life.

Therefore, it is difficult to assess how far maritime trade impacted on local consumption in Ifrīqiya. None of the queries handled by Yaḥyā b. ʿUmar relate to the luxury products mentioned by the geographers as being imported via ship, such as the furs, leathers, perfumes and exotic slaves described by the geographer Ibn Khurradādhbih, as arriving from al-Andalus.[63] Their absence from legal queries probably reflects their rarity in the Ifrīqiyan marketplace. After arriving in the province, the goods and people described by Ibn Khurradādhbih would have been transported directly to the Aghlabid rulers' court or further east to Baghdad, where the markets had more purchasing power than those of Kairouan. This suggestion is supported by the fact that literary sources mention the eastward transport of slaves and luxury products by ship. For example, al-Tamīmī mentions an Ifrīqiyan slave-dealer who was deterred from sending off a shipment of slaves to the east by the weeping of one of the slave girls,[64] and al-Burzulī cites the opinion of the Andalusian jurist Ibn Bashīr (d. 198/813)[65] about the compensation due for slaves lost at sea, distinguishing here between slaves as private possession and those intended for sale.[66]

Although, or perhaps because, the economic infrastructure of the province was well developed in the 3rd/9th century, it is not clear that goods imported by ship were integral to the daily life of the Ifrīqiyan population. Literary sources, legal queries included, suggest that maritime transport of luxury goods to Ifrīqiya was related more to its role as a passage between Europe and the eastern Islamic Empire[67] than the purchasing power of the urban population. Slaves were imported both for local purchase and for resale further east.

---

62   Muranyi, ʿAbd al-Malik b. Ḥabīb.

63   Ibn Khurradādhbih, *Kitāb al-masālik wa l-mamālik,* ed. de Goeje, 92.

64   al-Tamīmī, *Kitāb Ṭabaqāt ʿulamāʾ Ifrīqiya*, ed. Abū Shanab, 25.

65   For his biography, see Ibn Makhlūf, *Shajarat al-nūr*, 1, ed. ʿAbd al-Majīd Khayyāṭ, 94.

66   al-Burzulī *Jāmiʿ masāʾil al-aḥkām*, 3, ed. al-Ḥabīb al-Hīla, 643.

67   Jankowiak, What does the slave trade; McCormick, *Origins of the European Economy*, 244-254.

Geographical texts tend to focus on luxury products and slaves when describing sea trade. These goods were probably more interesting for readers but they did not constitute the bulk of the wares transported by ship, if the proportion of legal queries is used as an indicator. Most queries relate to more mundane wares, particularly comestibles. Ibn Ḥabīb refers to the variety of foodstuffs transported by ship, describing oil, dates, raisins, olives, vinegar, and honey as food staples and dried meat, nuts, fish, egg, fruit, rice, lupine beans and dairy products.[68] It is relevant that the foods classed as luxury products are mostly those with a shorter shelf life, indicating that the necessity for quick transport and not their availability as such, was what determined their status as luxury.

Perhaps because of the lack of differentiation between goods transported by land or sea, jurists tended not to distinguish between land and sea trade as legal categories and the topic did not receive its own chapter in most legal compendia. Instead, questions involving ships were discussed in relation to the broader subject that they touched upon.[69] For example, a question about goods lost in a shipwreck could appear in a chapter on trade, while a conflict regarding the use of a ship may be assigned to the chapter on hiring and renting property. Although the compilation of maritime rulings in *Kitāb Akriyat al-sufun* indicates that one compiler was interested in this aspect specifically, it does not affect the general perception of maritime trade as indistinguishable from other trade activities. Similarly, rather than a separate court dedicated specifically to maritime affairs, such as the maritime courts of the Greeks, in the Islamic legal system cases relating to sea trade or travel were brought to ordinary courts,[70] or dealt with by the market superintendent (*muḥtasib*) responsible for the port city.[71]

The lack of distinction is also indicated by the jurists' discussion of piracy, which uses the same term (*luṣūṣ*, thieves or *luṣūṣ al-baḥr*, sea thieves) as that used for bandits who robbed overland trade caravans.[72] Their answers draw on rulings relating to land banditry, further reflecting the extent to which sea trade was understood as an aspect of trade more generally, rather than a separate category.[73]

Many of the questions put to 3rd/9th-century jurists refer to the risks associated with maritime trade. The most significant risk factor was weather conditions. Some queries relate to ships wrecked due to storms and to the loss of lives and goods as a result, while others mention storms delaying the beginning of a journey, forcing a ship to make an unscheduled stop, or altering the course taken by the ship.[74] For example, al-Wansharīsī records a *nāzila*

---

68 Khalilieh, *Admiralty and Maritime Laws*, 313.

69 Udovitch, Eleventh century Islamic treatise, 38.

70 Khalilieh, *Admiralty and Maritime Laws*, 255-266.

71 On the *muḥtasib*, see Buckley, Muhtasib; Darrāj, Al-Ḥisba wa-āthāruhā; Stilt, *Islamic Law in Action*.

72 al-Wansharīsī, *al-Miʿyār al-muʿrib*, 8, ed. Ḥajjī, 300. Al-Burzulī, *Jāmiʿ masāʾil al-aḥkām*, 3, ed. al-Ḥabīb al-Hīla, 650.

73 See the parallels between the destruction of a ship and the death of a camel in al-Burzulī, *Jāmiʿ masāʾil al-aḥkām*, 3, ed. al-Ḥabīb al-Hīla, 651.

74 Ibn Abī Zayd, *al-Nawādir wa-l-ziyādāt*, 7, ed. ʿAbd al-ʿAzīz al-Dabbāgh, 110.

put to the Ifrīqiyan jurist Ibn ʿAbdūs[75] (d. 260/874) from a group of merchants who arranged ship transport from Alexandria to Tripoli, but who were blown off-course by a storm and forced to land in Sousse.[76] In addition to the inconvenience of extra travel, these unscheduled landings could be a problem because ports often imposed different docking fees. In theory, merchants from outside the Islamic Empire were required to pay a standard tax of one tenth of the value of their goods when entering a port.[77] However, the monies paid by merchants could vary significantly from one port to another, as the local governor or controller of the port could impose further tolls and fees for entry.[78] Some queries refer to disputes between the ship captain and the merchant as to which of them should pay the extra costs in these cases.[79] Other queries reflect disputes between the merchant and the captain about whether payment was due if weather conditions prevented the goods from reaching their agreed destination, or by an agreed date. Because of the danger of sailing outside the shipping season, the onset of a storm shortly before the end of this season could mean that a journey was delayed by several months. In general, jurists agreed that merchants were not entitled to a refund in these cases.[80]

Storms could also lead to the jettisoning of cargo to lighten the ship, provoking questions about how the costs incurred should be shared between passengers.[81] Both Ibn Ḥabīb and Yaḥyā b. ʿUmar discuss the compensation due for cargo jettisoned in the Mediterranean and a teaching from Saḥnūn on the topic is included in al-Qarāfī's (d. 684/1285) *al-Dhakhīra*.[82] In both cases the passengers became joint owners of all the goods on board, meaning that the losses were shared equally amongst them.[83]

Another risk was water damage caused to wares, whether through rain, washover, or a leak in the cargo storage area.[84] This was a particularly serious problem for the transport of foodstuffs, which could rot or decay if they became wet. As with jettisoned cargo, jurists tended to rule that financial loss due to water damage should be shared between all the merchants whose wares were being transported rather than limited to the individual whose goods had sustained the damage. Leaky containers for fluids such as oil, are also mentioned as causes for the loss of wares during the ship's passage. Some jurists mention procedures for ascertaining whether food wares were lost because of faulty packaging or whether they were stolen or consumed by the shippers, which suggests that theft was also a common cause of lost wares.[85]

---

75   Muḥammad b. Ibrahim b. ʿAbd Allah b. ʿAbdūs b. Bashīr. On this jurist, see Ibn Farḥūn, *al-Dībāj al-mudhahhab,* 2, ed. al-Aḥmadī Abū l-Nūr, 174-175.

76   al-Wansharīsī, *al-Miʿyār al-muʿrib*, 8, ed. Ḥajjī, 308.

77   Abū Yūsuf Yaʿqūb b. Ibrāhīm, *Kitāb al-Kharāj*, 132.

78   Khalilieh, Legal aspects from a Cairo Geniza, 201. Cahen, Douanes et commerce.

79   Idris, Commerce maritime, 237.

80   al-Wansharīsī, *al-Miʿyār al-muʿrib*, 8, ed. Ḥajjī, 310.

81   Khalilieh, *Admiralty and Maritime Laws*, 159.

82   Khalilieh, *Admiralty and Maritime Laws*, 302. Al-Wansharīsī, *al-Miʿyār al-muʿrib*, 8, ed. Ḥajjī, 311; al-Qarāfī, *al-Dhakhīra*, 5, ed. Muḥammad Bū Khubza, 487.

83   Ibn Abī Zayd transmits the same ruling from the ʿUtbiyya. Ibn Abī Zayd, *al-Nawādir wa-l-ziyādāt*, 7, ed. ʿAbd al-ʿAzīz al-Dabbāgh, 112.

84   Ibn Abī Zayd, *al-Nawādir wa-l-ziyādāt*, 7, ed. ʿAbd al-ʿAzīz al-Dabbāgh, 114; Al-Burzulī, *Jāmiʿ masāʾil*, 3, ed. al-Ḥabīb al-Hīla, 657; Khalilieh, *Admiralty and Maritime Laws*, 320.

85   Khalilieh, *Admiralty and Maritime Laws*, 315.

Theft or loss of food products deemed essential for survival were sanctioned more severely by jurists. For example, Saḥnūn is quoted in al-ʿUtbiyya as ruling that no freight costs are paid to the captain of a ship carrying foodstuffs which is wrecked either during the journey or after its arrival at the port.[86] In contrast to cases where other wares are damaged, the captain's statement exonerating himself from responsibility for damage to foodstuffs is not accepted unless accompanied by proof.[87] This is probably the basis for Ibn Ḥabīb's distinction between basic and luxury products, or products that spoil easily, mentioned above.

In addition to bad weather and theft by shippers, another factor for the unpredictability of sea travel was pirates, who patrolled both the shallow waters around ports and the routes usually taken by merchant ships. In the most extreme cases, pirates could tow the whole boat away, in which case the merchant was exempted from paying the freight costs.[88] More frequently the pirate attacks resulted in the theft or destruction of the cargo, which led to disputes about the division of losses and the question of responsibility for the attack. The queries make clear that pirate attacks and the measures to avoid these could incur considerable delay or change of destination.

It is not clear who the pirates attacking the Muslim merchant ships were. The jurists' distinction between pirates (luṣūṣ al-baḥr) and Byzantines (rūm) or Christian sailors suggests that they did not see these attackers as coming from Sicily or the other nearby Byzantine islands.[89] It is possible that the "sea thieves" arrived from along the coastline west of Ifrīqiya, where Aghlabid control was weak or absent. These people's experience of sailing and the proximity of their small ports to Ifrīqiyan waters would have enabled them to attack merchant ships around Ifrīqiya and to escape with ease. As Andy Merrills has shown, piracy was a possibility for many people living along the North African coast during the late Antique period before the Arab conquest and was generally unaffected by the change in rulers.[90] It is likely that recourse to piracy continued after the Arab conquest, especially in the regions at the edges of Arab control.

There is no evidence that the state undertook any measures to counteract the practice of piracy in Ifrīqiyan waters, but if Aghlabid forces had wished to pursue pirates based in this region, they may have been prevented by the inhabitants' alliance with the Rustamid rulers, who used some ports in today's Algeria, or even the Umayyads, who may have been associated with the Andalusian sailors settled in Tenes. Although it is unclear how strong the alliances between the inhabitants of the coast and the broader political networks in the region were, it is evident that the Aghlabids were not willing to force their authority over the people living along this coastline. The fact that jurists held the captain liable for goods lost to pirates if the captain knowingly sailed into pirate-infested waters may also indicate a suspicion of collusion between some captains and the pirates raiding the ships.[91]

---

86 Ibn Abī Zayd, *al-Nawādir wa-l-ziyādāt*, 7, ed. ʿAbd al-ʿAzīz al-Dabbāgh, 111. On the ruling that precious metals should never be jettisoned, see al-Burzulī, *Jāmiʿ masāʾil al-aḥkām*, 3, ed. al-Ḥabīb al-Hīla, 643.

87 Khalilieh, *Admiralty and Maritime Laws*, 313.

88 al-Raṣṣāʿ, *Sharḥ ḥudūd Ibn ʿArafa*, 2, 525.

89 See also al-Wansharīsī, *al-Miʿyār al-muʿrib*, 8, ed. Ḥajjī, 300.

90 Merrills, Rome and the Vandals, 498.

91 Khalilieh, *Admiralty and Maritime Laws*, 124, 129-131.

The risk of bad weather and piracy were more serious for ships travelling through the open sea than for ships travelling along the coast. This was partly because storms in the open sea could be more serious but also because proximity to land meant that it was more likely that ships, goods and sailors could be saved or salvaged. Salvaged cargo is referred to by Yaḥyā b. ʿUmar, who distinguishes between the freight costs that a lessee should pay for goods delivered in their original condition and after being salvaged from the sea.[92] Ibn Saḥnūn (d. 276/870) also refers to the difficulty of identifying cargo salvaged from a vessel wrecked near Barqa.[93] Although the risk of piracy seems to have been equally high for ships in shallow waters, there is some evidence that coast watches could warn ships of impending pirate attacks, or even send out assistance in some cases.[94]

In addition to security, another reason why merchants may have preferred coastline navigation is the opportunities for trade that resting in the smaller harbours or coastal inlets provided. Most ships would have docked for the night, given the difficulty of navigating in the dark, and some of the legal queries reflect the commercial activities undertaken during these additional stops. For example, when answering a question about a ship forced to return to its port of embarkment, Yaḥyā b. ʿUmar evaluates the amount of compensation that should be paid to the lessee according to whether the aborted journey was made across the open sea or along the coastline. In the case of an open-sea passage from Ifrīqiya to Sicily that had to be aborted, Yaḥyā b. ʿUmar specifies that the full freight costs should be returned to the lessee. By contrast, for routes following the coastline from Ifrīqiya to Egypt, the proportion of reimbursement is calculated in relation to the distance that the vessel covered before returning to the departure port.[95] The reason that Yaḥyā b. ʿUmar gives for the full reimbursement of freight costs – that no profit was made during the open-sea journey – indicates his assumption that trading can take place during coastline navigation, so that the lessee did make some profit on his goods even though the end port was not reached.[96] Another ruling refers to a person who loaded their vessel with wheat and then took on more cargo on stops made during the journey.[97]

Probably for similar reasons of safety and trade opportunities, a coastline route also seems to have been preferred for the passage from Ifrīqiya to al-Andalus. The main port associated with crossings to al-Andalus is Tunis, which faces directly into the Strait of Sicily. To cross from here to al-Andalus ships were obliged either to head north into the open sea and then turn westward through the open waters of the Mediterranean towards Spain, or to skirt along the north Tunisian and Algerian coastline until reaching a narrower crossing point. Al-Yaʿqūbī suggests that the latter option was preferred by sailors. He notes that after leaving Tunis, the ships would sail close to the coastline for ten days until reaching Tenes, from where they would cross over to Cordoba.[98] Al-Yaʿqūbī also refers to ports and harbours along the northern coast of Ifrīqiya, such as Jijel, Qalʿat Khaṭṭāb Iskida and Marsā Danhāja.

---

92   Khalilieh, *Admiralty and Maritime Laws*, 295.

93   Ibn Abī Zayd, *al-Nawādir wa-l-ziyādāt*, 7, ed. ʿAbd al-ʿAzīz al-Dabbāgh, 114.

94   al-Burzulī, *Jāmiʿ masāʾil al-aḥkām*, 3, ed. al-Ḥabīb al-Hīla, 462; al-Wansharīsī, *al-Miʿyār al-muʿrib*, 8, ed. Ḥajjī, 207.

95   Khalilieh, *Admiralty and Maritime Laws*, 289.

96   Udovitch, Eleventh century Islamic treatise, 44-45.

97   Ibn Abī Zayd, *al-Nawādir wa-l-ziyādāt*, 7, ed. ʿAbd al-ʿAzīz al-Dabbāgh, 113.

98   al-Yaʿqūbī, *Kitāb al-Buldān*, ed. Juynboll, 143.

It is likely that ships docked at these harbours along their way, allowing them to trade and stock up on supplies before crossing over to al-Andalus. Although the coastline along which these ports were located was less politically stable than the eastern stretches of Ifrīqiya, and Aghlabid control weakened the further west one proceeded along the coastline, there is no indication that this hindered trade activities.

The construction of fortress-like buildings, or *ribāṭ*s, for the purpose of prayer and defence is associated particularly strongly with Aghlabid rule over Ifrīqiya in the 3rd/9th century.[99] In addition to their religious and military relevance, it is likely that the *ribāṭ*s also played an important role in protecting the traders and their goods when they stayed in small harbours.[100] It is also likely that the commercial opportunities engendered by ships stopping en route between Ifrīqiya and the east served as an incentive for the *murābiṭūn*, or inhabitants of these *ribāṭ*s, to live in these buildings. The earliest reference to *murābiṭūn* participating in trade, and to *ribāṭ*s being used for storing trade wares, occurs in a question put to the jurist al-Māzirī (d. 536/1141), although he mentions that his teacher dealt with a similar query.[101] The teacher in this instance is likely to have been al-Lakhmī (d. 458/1085), but even dating the question to this individual cannot connect it with the 3rd/9th century on which this study focuses. However, the question is still relevant for this earlier context. The stone walls of the *ribāṭ* made it suitable for storing food products and wool and ensured protection against thieves, while the well-developed road infrastructure described by al-Yaʿqūbī would have enabled rural producers to take their products to these small harbours, from where they could be sold to maritime merchants.

Certainly, by the 4th/10th century, the level of maritime trade had increased sufficiently to bring considerable prosperity to the settlements along the coastline. Al-Bakrī's description from the late 4th/10th century refers to stone houses, mills, gardens and a saltwork in Monastir, reflecting the wealth that coastal trade brought to this *ribāṭ*, one of the closest port connections to Kairouan. It is noteworthy that the density of *ribāṭ* buildings was higher along the eastern Ifrīqiyan coast than along its western reaches, and the higher level of trade traffic may be one of the factors for this difference. Almost all journeys mentioned in the 3rd/9th-century sources are between Ifrīqiya and Sicily or Ifrīqiya and Egypt. For example, a ruling given by Ibn ʿAbdūs responds to the problem raised by a ship blown off course while travelling from Alexandria to Tripoli,[102] and Ibn Saḥnūn (d. 276/870) mentions a ruling from his father Saḥnūn regarding a ship sailing from Fustat to Tripoli. The same route is mentioned by Yaḥyā b. ʿUmar. Although it is possible that trade along the western coastline was equally high and that this is simply not reflected in the legal or literary sources, the current evidence suggests that the coastline between Tunis and Alexandria was more important for goods transport in the 3rd/9th century and it is likely that this is related to the proliferation of *ribāṭ* structures along this route.

---

99 El Bahi, Les *ribāṭ*s aghlabides.

100 Abidi, Le rôle des ribāts, 118; Jallūl, *al-Ribāṭāt al-baḥriyya*.

101 al-Burzulī, *Jāmiʿ masāʾil al-aḥkām*, 1, ed. al-Ḥabīb al-Hīla, 489.

102 al-Wansharīsī, *al-Miʿyār al-muʿrib*, 8, ed. Ḥajjī, 308.

Conclusion

The legal sources show that naval trade was well established between the Ifrīqiyan coast-line and Egypt, Sicily, and Andalusia in the mid-3rd/9th century, despite the risks that bad weather and piracy posed to travellers and cargo. Naval trade was well integrated into legal discourse, and was structured by standardized procedures, which also provided solutions for recurring problems such as water damage. Ships docked in ports of major cities such as Sousse and Tunis but smaller inlets, which often contained a *ribāṭ* to defend the traders and their goods, were also essential for the development of naval commerce. Their role in naval trade enabled these *ribāṭ* settlements to develop into sizeable towns by the late 4th/10th century. These conclusions are more applicable to the coastline running eastward from Tunis towards the Syrtic Gulf. Naval trade with ports along the coastline west of Tunis is not mentioned in the legal sources, although it is likely that this took place on a smaller scale.

In general, the legal sources reflect the region's incorporation into a developing naval trade network that was largely driven by the trade with the eastern Islamic Empire. The integration of al-Andalus into the empire is also important for this aspect. Many of the goods that were transported to Ifrīqiya were not intended to be sold in this province and there is little evidence that they were transported to other markets in sub-Saharan Africa, despite the fact that land trade with this region was well established by the 3rd/9th century.[103] In many cases the Ifrīqiyan ports functioned as stopover or exchange points, where goods would be reloaded before continuing in their passage further east or west.

The questions put to jurists focus on the transport of foodstuffs by ship. The transport of slaves features only rarely, in contrast to its dominance in historical and geographical portrayals of maritime trade. This difference is attributable to the different functions of the texts in question and to the different perceptions of slaves and agricultural produce. Given the legal sources' treatment of sea trade as an extension of land trade, it is likely that any products that required transport for commercial purposes could also be carried by ship. However, most of the cargo seems to have been staple food products.

Rather than the distance covered, or the political relationship with the destination port, the main concern of the jurists when discussing trade journeys is the question of whether the ship crossed the open sea or kept close to the shore. References to the administration of ports occur quite often, and it is apparent that, at least in the large ports, arrivals and departures were carefully controlled by the period under study.

The questions put to 3rd/9th-century jurists surrounding maritime trade, and often the jurists' responses, are an invaluable insight into how trade by sea operated under Aghlabid rule. The legal sources must be treated carefully, to avoid merging the context of their compilation with the context of the various textual components. But if used with caution, they are an important historical resource because of the different viewpoint to other literary genres that they offer. The information that they contain is piecemeal, often disjointed, and it is not always clear from the text how the description of a specific incident relates to the broader historical context. These challenges notwithstanding, the *nawāzil* from 3rd/9th-century Ifrīqiya contribute significantly to understanding how the business of maritime trade developed under Aghlabid rule, and the extent to which its development was linked to commercial, political, and cultural developments further inland.

---

103 al-Yaʿqūbī, *Kitāb al-Buldān*, ed. Juynboll, 135; Savage, Berbers and Blacks.

References

Abidi, Salah, Le rôle des ribāts dans la protection des ports et des mouillages en Ifrīqiya au Moyen Âge, in: Elisabeth Malamut and Mohamed Ouerfelli (eds.), *De la guerre à la paix en Méditerranée médiévale: acteurs, propagande, défense et diplomatie* (Paris, 2012) 105-126.

Abū Yūsuf, Yaʿqūb b. Ibrāhīm, *Kitāb al-Kharāj* (Beirut, 1979).

Abū Zayd, Bakr b. ʿAbd Allāh, *Fiqh al-nawāzil. Qaḍāyā fiqhiyya muʿāṣira*, 2 vols. (Beirut, 1996).

Ali, Kecia, *Marriage and Slavery in Early Islam* (Cambridge, MA, 2010).

Andersson, Tobias, *Early Sunnī Historiography: A Study of the Tārīkh of Khalīfa b. Khayyāṭ* (Leiden, 2019).

Anthony, Sean W., Was Ibn Wāḍiḥ al-Yaʿqūbī a Shiʿite historian?, The state of the question, *Al-ʿUṣūr al-Wusṭā. The Journal of Middle East Medievalist* 24/1 (2016) 15-41.

al-Balādhurī, Abū l-ʿAbbās Aḥmad b. Yaḥyā b. Jābir, *Futūḥ al-Buldān*, ed. M. J. de Goeje (Leiden, 1866).

Brockopp, Jonathan E., *Muhammad's Heirs. The Rise of Muslim Scholarly Communities, 622-950* (Cambridge, 2017).

Brockopp, Jonathan E., Saḥnūn b. Saʿīd (d. 240/854), in: David Powers, Susan Spectorsky and Oussama Arabi (eds.) *Islamic Legal Thought: A Compendium of Muslim Jurists* (Leiden, 2013) 65-84.

Brunschvig, Robert, Ibn ʿAbd Al-Ḥakam et la conquête de l'Afrique du Nord par les Arabes, *Al-Andalus* 40 (1975) 129-179.

Buckley, R. P., The Muhtasib, *Arabica* 39 (1992) 59-117.

al-Burzulī, Abū l-Qāsim b. Aḥmad, *Jāmiʿ masāʾil al-aḥkām li-mā nazala min al-qaḍāyā l-muftīn wa-l-ḥukkām*, ed. Muḥammad al-Ḥabīb al-Hīla, 7 vols. (Beirut, 2002).

Cahen, Claude, Douanes et commerce dans les ports méditerranéens de l'Égypte médiévale: d'après le Minhādj d'al-Makhzūmī, *Journal of the Economic and Social History of the Orient* 7 (1964/1965) 218-314.

Calder, Norman, *Studies in Early Muslim Jurisprudence* (Oxford, 1993).

Conant, Jonathan, *Staying Roman. Conquest and Identity in Africa and the Mediterranean, 439-700* (Cambridge, 2012).

Constable, Olivia Remie, *Trade and Traders in Muslim Spain. The Commercial Realignment of the Iberian Peninsula, 900-1500* (Cambridge, 2002).

Darrāj, Aḥmad, al-Ḥisba wa-āthāruhā ʿalā al-ḥayāt al-iqtiṣādiyya fī Miṣr al-mamlūkiyya, *al-Majallā al-Taʾrīkhiyya al-Miṣriyya* 14 (1968) 17-39.

El Bahi, Ahmed, Les *ribāṭ*s aghlabides: un problème d'identification, in: Glaire Anderson, Corisande Fenwick, Mariam Rosser-Owen and Sihem Lamine (eds.), *The Aghlabids and Their Neighbors: Art and Material Culture in Ninth-Century North Africa* (Leiden, 2019) 321-337.

El Shamsy, Ahmed, The Ur-Muwaṭṭa and its recensions, *Islamic Law and Society* 28/4 (2021) 352-381.

Fadel, Mohammad, *Fatwā*s and social history, *al-Usur al-Wusta* 8/2 (1996) 32-33.

Fierro, Maribel, Compiling *fatāwā* in the Islamic West (third/ninth-ninth/fifteenth centuries), *Jerusalem Studies in Arabic and Islam* 50 (2021) 43-100.

Friedman, Mordechai and Shelomo Dov Goitein, *India Traders of the Middle Ages. Documents from the Cairo Geniza 'India Book'*, Études sur le judaïsme médiéval (Leiden, 2008).

García Gómez, Emilio, "Ordenanzas del zoco" del siglo IX: Traducción del más antiguo antecedente de los tratados andaluces de "hisba" por un autor andaluz, *Al-Andalus: revista de las Escuelas de Estudios Árabes de Madrid y Granada* 22/2 (1957) 253-316.

Gilliot, Claude, al-Bakri (geographer). Abū ʿUbayd ʿAbd Allāh b. ʿAbd al-ʿAzīz, in: Josef W. Meri (ed), *Medieval Islamic Civilization. An Encyclopedia* (New York, 2004) 95-96.

Goldberg, Jessica L., *Trade and Institutions in the Medieval Mediterranean. The Geniza Merchants and their Business World* (Cambridge, 2012).

Goitein, Shelomo Dov, *A Mediterranean Society. The Jewish Communities of the Arab World as Portrayed in the Documents of the Cairo Geniza, Economic Foundations Volume I* (Berkeley, 1999).

Goodson, Caroline, Topographies of power in Aghlabid-Era Kairouan, in: Glaire D. Anderson, Corisande Fenwick and Mariam Rosser-Owen (eds.), *The Aghlabids and their Neighbors. Art and Material Culture in Ninth-Century North Africa* (Leiden, 2017) 88-105.

Hagemann, Hannah-Lena, Muslim elites in the early Islamic Jazīra: The Qāḍīs of Ḥarrān, al-Raqqa, and al-Mawṣil, in: Hannah-Lena Hagemann and Stefan Heidemann (eds.), *Transregional and Regional Elites – Connecting the Early Islamic Empire 1* (Berlin, 2020) 331-358.

Hallaq, Wael B., From *fatwā*s to *furūʿ*: growth and change in Islamic substantive law, *Islamic Law and Society* 1 (1994) 29-65.

Ibn ʿAbd al-Ḥakam, ʿAbd al-Raḥman b. ʿAbd Allāh, *Futūḥ Miṣr wa-l-Maghrib*, ed. ʿAlī Muḥammad ʿUmar (Cairo, 1995).

Ibn Abī Zayd, Muḥammad ʿAbd Allāh al-Qayrawānī, *al-Nawādir wa-l-ziyādāt ʿalā mā fī l-mudawwana min ghayrihā min al-ummahāt,* ed. Muḥammad ʿAbd al-ʿAzīz al-Dabbāgh (Tunis, 1999).

Ibn Farḥūn al-Mālikī, *al-Dībāj al-mudhahhab fī maʿrifat ʿulamāʾ ʿayyān al-madhhab*, ed. Muḥammad al-Aḥmadī Abū l-Nūr, 2 vols. (Cairo, n.d.).

Ibn Ḥabīb, ʿAbd al-Malik, *Ādāb al-nisāʾ,* ed. ʿAbd al-Majīd Turkī (Tunis, 1992).

Ibn Ḥawqal, Abū l-Qāsim, *Kitāb Ṣūrat al-arḍ,* ed. M. J. de Goeie (Leiden, 1873).

Ibn ʿIdhārī al-Marrākushī, *Kitāb al-bayān al-mughrib fī akhbār al-Andalus wa-l-Maghrib*, ed. G. S. Colin and E. Levi-Provençal (Leiden, 1948).

Ibn Khaldūn, ʿAbd al-Raḥmān, *Tārīkh Ibn Khaldūn*, ed. Khalīl Shaḥāda and Suhayl Zukkār, 2 vols. (Beirut, 2000).

Ibn Khayyāṭ, Khalīfa, *Tārīkh*, ed. Akram Ḍiyāʾ al-ʿUmarī (Riyadh, 1985).

Ibn Khurradādhbih, Abū l-Qāsim ʿUbayd Allāh b. ʿAbd Allāh, *Kitāb al-masālik wa-l-mamālik: Liber Viarum et Regnorum, Auctore Abu'l-Kâsim Obaidallah Ibn Abdallah Ibn Khordâdhbeh, et Excerpta e Kitâb Al-Kharadj, Auctore Kodâma Ibn Djaʿfar,* ed. M. J. de Goeje (Leiden, 1889).

Ibn Makhlūf, Muḥammad, *Shajarat al-nūr al-zakiyya fī ṭabaqāt al-mālikiyya*, ed. ʿAbd al-Majīd Khayyāṭ, 2 vols. (Beirut, 2003).

Idris, Hady Roger, Commerce maritime et ḳirāḍ en Berbérie orientale: D'après un recueil inédit de fatwās médiévales, *Journal of the Economic and Social History of the Orient* 4 (1961) 225-239.

Idris, Hady Roger, Note sur Ibn al-Raqīq (ou al-Raqīq), *Arabica* 17/3 (1970) 311-312.

Ilisch, Lutz, Arabische Kupfermünzen an der Ostsee und die Gesandtschaft Karls des Großen an den Kalifen, *Numismatisches Nachrichtenblatt* 61 (2012) 296-302.

Jallūl, Nājī, *al-Ribāṭāt al-baḥriyya bi-Ifrīqiyya fī l-ʿaṣr al-wasīṭ* (Tunis, 1999).

Jankowiak, Marek, What does the slave trade in the Saqaliba tell us about early Islamic slavery?, *International Journal of Middle East Studies* 49 (2017) 169-172.

al-Jayzānī, Muḥammad b. Ḥusayn, *Fiqh al-nawāzil. Dirāsa taʾṣīliyya taṭbīqiyya*, 4 vols. (Dammam, 2006).

Khalilieh, Hassan, *Admiralty and Maritime Laws in the Mediterranean Sea (Ca. 800-1050): The Kitāb Akriyat al-Sufun Vis-à-Vis the Nomos Rhodion Nautikos* (Cambridge, 2006).

Khalilieh, Hassan, Legal aspects from a Cairo Geniza responsum on the Islamic law of the sea, *The Jewish Quarterly Review* 96 (2006) 180-202.

Khalilieh, Hassan, The Ribât system and its role in coastal navigation, *Journal of the Economic and Social History of the Orient* 42 (1999) 212-225.

Marin, Manuela, Ifriqiya et al-Andalus, à propos de la transmission des sciences islamiques aux premiers siècles de l'Islam, *Revue de l'Occident Musulman et de la Méditerranée* 40 (1985) 45-53.

McCormick, Michael, *Origins of the European Economy: Communications and Commerce AD 300-900* (Cambridge, 2002).

Merrills, Andy, Rome and the Vandals, in: Christian Buchet, Pascal Arnaud and Philip de Souza (eds.), *The Sea in History – The Ancient World* (Cambridge, 2017) 496-508.

Muranyi, Miklos, *Die Rechtsbücher des Qairawaners Sahnun b. Saʿid: Entstehungsgeschichte und Werküberlieferung* (Stuttgart, 1999).

Muranyi, Miklos, ʿAbd al-Malik b. Ḥabīb, *Encyclopaedia of Islam, THREE* (2010).

al-Nāmī, ʿAmr (ed.), *Ajwibat ʿulamāʾ Fazzān* (attributed to Jannāw b. Fata al-Madyūnī and ʿAbd al-Qahhār b. Khalf) (Constantine, 1991).

Nef, Annliese, Comment les Aghlabides ont décidé de conquérir la Sicile, *Annales islamologiques* 45 (2011) 191-212.

Picard, Christophe, *Sea of the Caliphs. The Mediterranean in the Medieval Islamic World* (Cambridge, 2018).

Powers, David S., Aḥmad al-Wansharīsī (d. 914/1505), in: Oussama Arabi, David Stephan Powers and Susan Ann Spectorsky (eds.), *Islamic Legal Thought. A Compendium of Muslim Jurists* (Leiden, 2013) 375-399.

al-Qarāfī, Shihāb al-Dīn Aḥmad b. Idrīs, *Al-Dhakhīra*, ed. Muḥammad Bū Khubza, 14 vols. (Beirut, 1994).

al-Qarawī, Abū l-Qāsim Khalaf b. Abī Firās, *Kitāb Akriyat al-sufun wa-l-nizāʿ bayn ahlihā,* ed. ʿAbd al-Salām Jamāṭī and Jaʿfar b. al-Ḥājj al-Sulamī (Tetouan, 2009).

al-Qarawī, Abū al-Qāsim Khalaf ibn Abī Firās, *Kitāb Akriyat al-sufun wa-l-nizāʿ bayn ahlihā,* ed. Ṭāhir, Muṣṭafā, *Cahiers de Tunisie* 31 (1983) 6-53.

al-Raqīq, Ibrāhīm b. al-Qāsim, *Tārīkh Ifrīqiya wa-l-maghrib*, eds. ʿAbd Allāh al-ʿAlī al-Zīdān and ʿIzz al-Dīn ʿAmrūs (Beirut, 1990).

al-Raṣṣāʿ, Abū ʿAbd Allāh Muḥammad al-Anṣārī, *Sharḥ ḥudūd Ibn ʿArafa*, 2 vols. (Beirut, 1993).

Saḥnūn b. Saʿīd, *al-Mudawwana al-kubrā riwāyat Saḥnūn,* 15 vols. (Riyadh, n.d.).

Savage, Elizabeth, Berbers and Blacks: Ibāḍī slave traffic in eighth-century North Africa, *The Journal of African History* 33 (1992) 351-368.

Schacht, Joseph, Amān, *The Encyclopaedia of Islam* 1 (1960) 429.

Schwartz, Werner, *Bibliothek der großen Moschee von al-Qayrawān/Tunesien. Vorarbeiten zu ihrer Geschichte* (Cologne, 1986).

Shatzmiller, Maya, On *Fatwā*s and social history, *al-Usur al-wusta* 9/1 (1997).

Stilt, Kristen, *Islamic Law in Action: Authority, Discretion, and Everyday Experiences in Mamluk Egypt* (Oxford, 2012).

al-Ṭabarī, Abū Jaʿfar Muḥammad b. Jarīr, *Tārīkh al-rusul wa-l-mulūk*, ed. Muḥammad Abū Faḍl Ibrāhīm, 11 vols. (Cairo, 1964).

Talbi, Mohamed, A propos d'ibn Raqīq, *Arabica* 19/1 (1972) 86-96.

Talbi, Mohammed, Ifrīḳiya, *Encyclopédie de l'Islam* 1 (1965) 1047-1050.

al-Tamīmī, Abū l-ʿArab Muḥammad b. Aḥmad b. Tamīm, *Kitāb al-Miḥan*, ed. Yaḥyā Wahīb al-Jabbūrī (Tunis, 2006).

al-Tamīmī, Abū l-ʿArab Muḥammad b. Aḥmad b. Tamīm, *Kitāb Ṭabaqāt ʿulamāʾ Ifrīqiya*, ed. Muḥammad b. Abī Shanab (Paris, 1915).

Tillier, Mathieu, *L'invention du Cadi. La Justice des Musulmans, des Juifs et des Chrétiens aux Premiers Siècles de l'Islam* (Paris, 2017).

Udovitch, Abraham L., An Eleventh century Islamic treatise on the laws of the sea, *Annales Islamologiques 27* (1993) 37-54.

Valérian, Dominique, *Les sources italiennes de l'histoire du Maghreb médiéval: Inventaire critique* (Saint Denis, 2006).

Valérian, Dominique, *Ports et réseaux d'échanges dans le Maghreb médiéval* (La Vergne, 2019).

Vidal Castro, Francisco, Aḥmad al-Wanšarīsī (m. 914/1508): Principales aspectos de su vida, *Al-Qanṭara* 12 (1991) 315-352.

Vidal Castro, Francisco, al-Burzulī, *Encyclopaedia of Islam THREE* (2010).

al-Wansharīsī, Abū l-ʿAbbās Aḥmad b. Yaḥyā, *al-Miʿyār al-muʿrib wa-l-jāmiʿ al-mughrib ʿan fatāwā ʿulamāʾ Ifrīqiya wa-l-maghrib*, ed. Muḥammad Ḥajjī, 13 vols. (Beirut, 1981).

Wietrzichowski, Frank, *Untersuchungen zu den Anfängen des frühmittelalterlichen Seehandels im südlichen Ostseeraum unter besonderer Berücksichtigung der Grabungsergebnisse von Groß Strömkendorf* (Wismar, 1993).

Yaḥyā b. ʿUmar al-Andalusī, *Aḥkām al-sūq*, ed. Maḥmūd ʿAlī Makkī (Cairo, 1956).

al-Yaʿqūbī, Ibn Wāḍiḥ, *Kitāb al-Buldān*, ed. A. W. T. Juynboll (Leiden, 1860).

Zychowicz-Coghill, Edward, How the West was won: Unearthing the Umayyad history of the conquest of the Maghrib, in: Andrew Marsham (ed.), *The Umayyad World* (London, 2020) 539-70.