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**The Composition of the Rural Labor Force
in Ifrīqīya in the Roman and Early Islamic
Periods: Change or Continuity?**

تركيب القوى العاملة الريفية في إفريقية في العصر الروماني
والعصر الإسلامي المبكر: تغيير أم استمرارية؟

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Abstract in English: This article begins with a brief survey of what is known about the rural workforce in Roman Africa, based on inscriptions, documents, and an overview of important recent scholarship on the topic. In light of the latter, it proceeds with an investigation of the types of agricultural laborers present in early Islamic Ifrīqīya (down to the Hilālī migration of the mid 5th century A.H./11th century A.D.) based on legal sources. It is proposed that during this period there was a mixed labor force of slaves, short and long-term hired workers, tenants, and peasants who were bound to the land like serfs, and furthermore, that no particular type of laborer was dominant during this period.

Keywords: Ifrīqīya; agriculture; land tenure; peasants; Roman Africa; Aghlabids; sharecropping; Maghrib.

الملخص: يتطرق المقال في البداية لمسح ما هو معروف عن اليد العاملة (العمالة) في أفريقيا الرومانية، وذلك بالاعتماد على النقوش والوثائق، فضلاً عن الدراسات الحديثة المتعلقة بهذا الموضوع، وينتقل بعد ذلك وفي ضوء معلوماتنا عن العصر الروماني إلى الحديث عن أصناف العمالة الزراعية المتواجدة في إفريقية في المرحلة الإسلامية المبكرة، وصولاً إلى الهجرة الهلالية في منتصف القرن الخامس الهجري/الحادي عشر الميلادي، اعتماداً بشكل

رئيسي على المصادر الفقهية. وبناءً عليه يفترض البحث وجود قوى عاملة مختلطة من العبيد والأجراء، فضلاً عن المكثرين والأقنان، ويوضح البحث تنوعاً في العمالة، وعدم هيمنة نمط إنتاج زراعي معين خلال هذه الفترة. الكلمات المفتاحية: إفريقية؛ الزراعة؛ حيازة الأراضي؛ الفلاحون؛ أفريقيا الرومانية؛ الأغلبية؛ المزارعة؛ بلاد المغرب.

Introduction: Many studies on the socio-economic history of pre-modern North Africa have rested on the assumption that agricultural production in a given period depended predominantly on a specific category of laborer such as slaves or tenant farmers. Thus the famous Tunisian historian Mohamed Talbi has described Ifrīqīya under the Aghlabids as a land of great estates worked by vast numbers of slaves who were cheaply acquired through conquests and raids and he sees in this the key to its economic prosperity.¹ Other scholars believe that the region witnessed periods of feudalism during which an impoverished peasantry was forced into a dependent status akin to serfdom by the landlords of an aristocratic military elite.² Valuable recent work has been done by historians of the Late Antique economy in North Africa and the wider Mediterranean World which presents a more nuanced and complicated picture of agricultural labor than previously expected.³ They describe a mixed labor force in the countryside of slave and wage laborers, often working side by side in the same estate, and reject the

1- Mohamed Talbi, "Law and Economy in Ifrīqīya (Tunisia) in the Third Islamic Century: Agriculture and the Role of Slaves in the Country's Economy", in A. L. Udovitch, ed., *The Islamic Middle East: 700-1900: Studies in Economic and Social History*, (Princeton: Darwin Press, 1981) pp. 209-249.

2- For example, the influential historian Maḥmūd Ismā'īl 'Abd al-Rāziq believes that in the middle and late ninth century Aghlabid Ifrīqīya and the rest of the Islamic World passed through a period of feudal tendencies. See Maḥmūd Ismā'īl 'Abd al-Rāziq, *Sūsiyūlūjiyā al-Fikr al-Islāmī, Al-Juz' al-Awwal, Ṭawr al-Izdihār: al-Khalḫīya al-Sūsiyū-Tārīkhīya* (Beirut and Cairo: Sīnā li al-Nashr and Al-Intishār al-'Arabī, 2000).

3- Examples are Jairus Banaji, *Agrarian Change in Late Antiquity: Gold, Labour and Aristocratic Dominance*, (Oxford: Oxford University Press, 2001); Noel Lenski, "Peasant and Slave in Late Antique North Africa, c. 100-600 CE", in Rita Lizzi Testa, ed., *Late Antiquity in Contemporary Debate*, (Newcastle on Tyne: Cambridge Scholars Publishing, 2017) pp. 113-155; and Paolo Tedesco, "The Missing Factor: Economy and Labor in Late Roman North Africa (400-600 CE)", *Journal of Late Antiquity*, vol. 11, no. 2, (Fall 2018) pp. 396-431.

commonly-held view of a Roman slave economy which was replaced by the bound peasantry of the colonate in Late Antiquity.

This article will begin with an overview of what is known about the agricultural workforce in Roman Africa including a discussion of the sources and of the latest scholarship on the subject. It will be followed by an investigation of the evidence for the existence of different types of agricultural laborers (slaves, wage laborers, sharecroppers, tenant farmers, etc.) during the first four centuries of the Islamic period. The sources analyzed are mainly *fatāwā* of the early Mālikī jurists. In addition, the relevant secondary studies will be discussed and critiqued. It will be shown that as was the case during the Roman period, agriculture in early Islamic Ifrīqīya depended on a labor force composed of diverse categories of laborers and that no single type of laborer predominated.

1- Categories of Agricultural Laborers in Roman Africa:

1-1 The Evidence from the Roman Period: It hardly needs to be said that in an empire as vast as that of Rome, which embraced areas of great climactic and topographic diversity, patterns of land tenure were not uniform across all of the provinces and significant regional variations existed. We are fortunate to possess a few sources which shed some light on the nature of the agricultural labor force in Roman North Africa, especially Proconsular Africa and the adjacent provinces, at different moments in history from the High Empire to Late Antiquity.

The earliest of these sources are a group of Latin inscriptions from northwest Tunisia concerning the *Lex Manciana*. These date from the second and early third centuries A.D. (the earliest from the reign of Trajan and the latest from that of Septimius Severus) and were found at seven different sites in and around Wādī Majrada (the ancient Bagradas river), in Proconsular Africa.¹ The *Lex Manciana* was a sharecropping

1- Each inscription is listed here with its name and its number in the *Corpus Inscriptionum Latinarum* (CIL): Henchir Mettich CIL 8.25902, Aïn el Djemala CIL 8.25943, Souk el Khmis CIL 8.15070 and CIL 8.14464, Gasr Mezouar CIL 8.14428, Aïn Zaga CIL 8.14451, and Aïn Wassel CIL 8.26416. These inscriptions are published in the *Corpus Inscriptionum Latinarum*, vol. 8, *Inscriptiones Africae Latinae*, eds. G. Wilmanns and Th. Mommsen, (Berlin: Academiae Litterarum Regiae Borussicae, 1881). The Henchir Mettich, Aïn el Djemala, Aïn Wassel and Souk el Khmis inscriptions were edited, commented on, and translated into German by Dieter Flach in his article "Inschriftenuntersuchungen zum römischen Kolonat in Nordafrika", *Chiron*, vol. 8 (1978) pp. 441-492. A seventh inscription, that of Lella Drebbli, was discovered in 1999. For the most recent edition and translation of it see Hernán González Bordas and Jérôme France,

law unique to the North African provinces governing the relations between hereditary tenant farmers (*coloni*) and landlords. It is believed to have been named after a mid-first century A.D. Roman consul, T. Curtilius Mancian, who owned extensive estates in Proconsular Africa, though Whittaker points out that Mancian himself, rather than introducing an innovation in land-tenure arrangements, had probably only adopted local pre-Roman custom.¹ According to Kehoe, Mancian's regulations for tenants on his private lands in the Bagradas Valley were eventually instituted, after some minor modification, on imperial estates in the same region, probably after Mancian's estates became imperial property.² The second century A.D. Bagradas Valley inscriptions clearly show that the imperial administration itself upheld and promoted the Lex Manciana in Proconsular Africa.

As we learn from the Henchir Mettich inscription, the *Lex Manciana* stipulated that *coloni* pay to their landlord one third of most crops including fruits (mainly figs in the sources), wheat and barley after threshing, and olive and wine after pressing as well as a fourth of beans and a sixth part of the honey from each beehive.³ They also had to provide several days of labor to the landlord each year, usually helping to cultivate the unleased land on the estate that was directly exploited by the landlord.⁴ For each head of livestock grazed by a *colonus* on the land of the estate 4 copper coins (*asses*) had to be paid to the landlord. Newly-planted olive trees were exempt from rent for 10 years while new grapevines and fig trees remained rent-free for 5 years after planting.⁵ On the other hand, if a *colonus* neglected a plot of land for more than 2 years in a row without good reason, he forfeited all claim to it. *Coloni* could keep their leases for life and pass them on to their children.⁶ The Aïn Wassel and Aïn el Djemala inscriptions inform us that the imperial

"A new edition of the imperial regulation from the Lella Drebbilia site near Dougga (AE 2001, 2083)", *Journal of Roman Archaeology*, vol. 30 (2017) pp. 407-427.

1- Charles R. Whittaker, "Land and Labour in North Africa", *Clio*, vol. 60, no. 2 (1978) pp. 331-362, especially 360-361.

2- Dennis Kehoe, "Private and Imperial Management of Roman Estates in North Africa", *Law and History Review*, vol. 2, no. 2 (Autumn, 1984), pp. 241-263.

3- Flach, "Inchriftenuntersuchungen", pp. 477-478, 481.

4- Flach, "Inchriftenuntersuchungen", pp. 480, 483.

5- Flach, "Inchriftenuntersuchungen", pp. 479, 482.

6- Flach, "Inchriftenuntersuchungen", pp. 480, 483.

government gave *coloni* an incentive to cultivate unused and abandoned plots on the estates from which they rented by allowing them to farm these additional lands according to the above-mentioned generous conditions of the Mancian law.¹ Blockley notes that Mancian tenants could use their contracts as security for loans and that they could sell their leases to other *coloni* or resell them to the owners of the estate.²

In 1928 the so-called Albertini Tablets were discovered in eastern Algeria, near Tebessa.³ They consist of a cache of 45 wooden tablets inscribed in Latin from an estate called the *fundus Tuletianos* which date from the 490s during the reign of the Vandal king Gunthamund. This cache includes 34 documents, of which 29 are land-sale documents involving transactions between the *coloni* of the estate.⁴ Remarkably, many of these documents refer to the land parcels in question as being cultivated according to the Mancian law (*ex culturis suis mancianis*). This demonstrates that the Mancian system of tenure continued to be employed 300 years after the latest of the Bagradas inscriptions that refer to it, when Africa was no longer under Roman rule, in a remote region of southern Numidia. The Lex Manciana was applied across a much larger geographic area, and for a far longer time period than scholars had previously imagined. Also noteworthy is that the *fundus Tuletianos* was a private, rather than an imperial estate, indicating that Mancian tenancy existed on both imperial and private lands, and that the *fundus* was located in a semi-arid mountainous region unsuited to grain cultivation. The crops cultivated there were overwhelmingly fruit trees, in contrast to the Bagradas valley where there is some mention of wheat and barley cultivation in the inscriptions. In the Albertini tablets 182 olive trees, 62 fig trees, and just a handful of almond and pistachio trees are mentioned.⁵

1- Flach, "Inschriftenuntersuchungen", pp. 484-489.

2- Jason Blockley, "The Colonnate in Africa: A Legal and Economic History of *Coloni* in Late Antique Africa", (PhD thesis, University of Sydney, 2021) pp. 185, 258.

3- The standard edition of and commentary on the documents is Christian Courtois, Louis Leschi, Charles Saumagne, and Charles Perrat, *Tablettes Albertini: Actes Privés de l'époque Vandale (Fin Du Ve Siècle)*, (Paris: Arts et métiers graphiques, 1952). For a recent study on the documents from the perspective of a legal historian see Hendrik Weßel, *Das Recht der Tablettes Albertini*, (Berlin: Duncker & Humblot, 2003).

4- Weßel, *Recht*, pp. 44-46.

5- See Tedesco, "The Missing Factor", p. 423, chart.

Clearly olive cultivation and olive oil production were the major activities at this estate.

1-2 Roman Africa in Recent Scholarship: For much of the twentieth century, many historians of the Roman economy believed that agricultural surplus was extracted mainly through slave labor on the latifundia during the Late Republic and High Empire only to be replaced by bound tenant-farmers known as *coloni*, who were sometimes seen as precursors to the medieval serfs, in the Late Empire. The tendency was to see a single type of agricultural labor, such as slave labor or serf-like labor, as being characteristic of a certain period. These ideas naturally have also affected the historiography of Roman and Late Antique North Africa. In the last two decades, however, a more nuanced picture of the agricultural labor force in the Roman Empire, particularly in the African provinces, has emerged thanks to the efforts of several contemporary scholars.

In his study on the late antique Egyptian economy, Banaji noted that estate owners relied on mixed work forces combining both slave and wage laborers (with contracts of varying length) which changed in their composition depending on the type of crop and the nature of the task at hand.¹ He adds that the landowners used a “logic of deployment” to select workers of various types according to the circumstances and that therefore we should not assume that there was a single narrow type of agricultural laborer dominant in any given period.²

Lenski has shown with regard to Roman Africa, that while agricultural slaves are attested there during the first six centuries A.D., they do not appear at any time to have been more numerous and more important than tenant farmers, with whom they coexisted throughout this period.³ He concludes that “...tenancy is attested over and over again as the primary mode of organizing farm labor, while there is essentially no evidence that Roman North Africa was ever a ‘slave society’ in anything like the sense described by Finley”.⁴

1- Banaji, *Agrarian Change*, pp. 197-201.

2- Banaji, *Agrarian Change*, pp. 200-201.

3- Lenski, “Peasant”, pp. 113-155.

4- Lenski, “Peasant”, p. 149.

We are also learning more about the nature of tenant-farming under the colonate in Roman Africa. In the most recent study on the subject, Blockley cautions us against assuming that the situation of *coloni* was similar in all regions of the Late Roman Empire. Blockley describes the colonate in Late Antique North Africa as a “mild” colonate in comparison to other western provinces such as Spain where *coloni* were reduced to a near slave-like status after the Visigothic conquest, and to the eastern provinces where the government imposed stricter controls and punishments on *coloni*.¹ The African colonate was also conservative in Blockley’s estimation. He does not believe that the condition of the African *colonus* changed significantly between the Principate and Late Antiquity.² Even after the end of West Roman rule in Africa, both the Vandals and the Byzantines in the aftermath of Justinian’s reconquest appear to have been content to preserve the existing framework of tenant-landlord relations according to Blockley.³ A clear indication of this is the survival of Mancian tenure under the Vandals as portrayed in the Albertini Tablets.

We have thus far seen that both slaves and tenant farmers were involved in the cultivation of estates in Roman Africa, though the latter outnumbered the former. However, there was also a third category of agricultural laborer whose importance must not be overlooked, nonresident laborers who worked on short term contracts. These were often associated with the harvest season, particularly with the activity of reaping which required considerable extra manpower during a very short and specific timeframe. There were of course slaveowners who rented teams of slaves to other landlords for particular agricultural tasks, as well as *coloni* who performed jobs on neighboring estates for extra income, however, the bulk of the extra manpower needed for reaping was supplied by landless seasonal wage laborers.⁴

1- Blockley, “Colonnate”, p. 211.

2- Blockley, “Colonnate”, p. 272.

3- Blockley, “Colonnate”, p. 211.

4- Shaw observes: “It is important to note that in a society where whole sectors of economic production were dependent on slave labor, the use of slaves for reaping was not a general practice in Africa during the Roman period.” On the other hand, Shaw also notes that for the tasks of transporting grain to the threshing floor and threshing the grain a landowner would employ all of the labor that was regularly available on his estate including even domestic slaves, women, and

These workers typically were organized into gangs led by charismatic foremen who recruited and directed them and negotiated with the estate owner or his representatives over wages and work conditions for the group. An example of just such a person is the so-called Harvester of Maktar, known from a funerary inscription found at Maktar in central Tunisia which was recently the subject of an illuminating study by Shaw, who tentatively dates the inscription to the late fourth or fifth centuries A.D.¹ Workers were frequently recruited in town squares or regional fairs held in the countryside and their ranks included townsmen as well as pastoral nomads.² The work was certainly difficult and intensive, however, the foremen were often able to negotiate from a strong position since landlords were hard-pressed to come up with the extra manpower needed during harvest season and they sometimes competed amongst each other in order to secure the services of an itinerant harvesting gang. In a good harvest season, the workers, and in particular, their foremen, were well-compensated.³

From the above information we can deduce that there were three major categories of agricultural laborer that coexisted in Roman and Late Antique North Africa. These were the *coloni* (tenant farmers), temporary wage-laborers, and agricultural slaves. For this reason, Tedesco believes that Banaji's conclusions regarding the mixed nature of agricultural labor in Late Antique Egypt, as witnessed in the use of the supposedly mutually exclusive categories of slave and wage labor together for the same task, are also applicable to Late Antique Africa.⁴ In terms of numbers, tenant farmers appear to have comprised the bulk of agricultural laborers, followed by landless wage laborers, and lastly by

children. These observations reinforce Banaji's assertion that landlords employed mixed workforces composed of different categories of laborers which varied in composition according to the type of job at hand. Brent D. Shaw, *Bringing in the Sheaves: Economy and Metaphor in the Roman World*, (Toronto: University of Toronto Press, 2013) pp. 79, 80.

1- Shaw, *Bringing in the Sheaves*, p. 66.

2- Shaw, *Bringing in the Sheaves*, pp. 70, 85.

3- Shaw estimates that in one harvest season a team foreman could earn 2 or 3 times the annual salary of a Roman legionnaire. See Shaw, *Bringing in the Sheaves*, p. 85.

4- Tedesco, "The Missing Factor", p. 417.

slaves.¹ Furthermore, scholars such as Blockley and Sirks have pointed out that it is incorrect to see in the Late Antique African *colonus* a prototypical serf.² For these reasons we should be skeptical of narratives that describe Late Antique North Africa as a slave or feudal society.

2- Categories of Agricultural Laborers in Early Islamic North Africa:

2-1 The Arabic Sources: Of prime importance for the study of the economic and social history of medieval Islamic North Africa are the voluminous collections of legal questions and problems addressed to prominent jurists accompanied by the responses of the latter. These collections devote significant space to agricultural matters including problems concerning farm laborers' contracts, contracts for the sale and rent of agricultural land, and disputes over irrigation water. It has been emphasized by many scholars that these questions were not theoretical cases but rather based on common problems of daily life.³ The earliest of these sources, and the most important one for understanding conditions in Ifrīqīya under the Aghlabids and the governors (*wulāt*) who preceded them, is *Al-Mudawwana al-Kubrā*.⁴ This was compiled by the great Qayrawānī jurist Saḥnūn (d. 240/854). It is based on the opinions of the founder of the Mālikī school, Mālik b. Anas (d. 179/795) and of the latter's teachers in Medina, which were transmitted to Saḥnūn by his teachers in Ifrīqīya and in the Mashriq, most notably Ibn al-Qāsim al-'Utaqī, (d. 191/806), an Egyptian scholar who was a famous companion of Mālik.⁵ The *Mudawwana* was itself the subject of many later commentaries and abridgements, due to the great esteem in which it is held by Mālikī scholars, second only to the *Muwaṭṭa'* of Mālik. The famous collections of *fatāwā* (also called *nawāzil*) that were compiled in

1- Tedesco, "The Missing Factor", pp. 412-414; Kyle Harper, *Slavery in the Late Roman World AD 275-475*, (Cambridge: Cambridge University Press, 2011) p. 26, also cited in Tedesco, "The Missing Factor", p. 413.

2- Blockley, "Colonnate", pp. 255-260; A.J.B. Sirks, "The Colonnate in Justinian's Reign", *The Journal of Roman Studies*, vol. 98, (2008) pp. 120-143, especially p. 143.

3- Talbi, "Law", p. 230; David Powers, *Law, Society, and Culture in the Maghrib, 1300-1500*, (Cambridge: Cambridge University Press, 2002) p. 208.

4- Saḥnūn (Ibn Sa'īd al-Tanūkhī), *Al-Mudawwana al-Kubrā li al-Imām Mālik*, no editor mentioned, 4 vols. (Beirut: Dār al-Kutub al-'Ilmiya, 1994).

5- N. Cottart, "Mālikīyya", in *Encyclopaedia of Islam* 2, vol. 6, (Leiden: Brill, 1991) pp. 278-283, especially 278-279.

North Africa in the late medieval period, notably the works by Al-Burzulī (d. 841/1438) and Al-Wansharīsī (d. 914/1508), contain a wealth of legal opinions related to agriculture, however, they include only a few relevant *fatāwā* from the early Islamic period in Ifrīqīya prior to the Hilālī migration of the mid fifth-century A.H./eleventh century A.D.¹

2-2 The Current State of Scholarship on Agricultural Slavery in the Islamic West: In a study published four decades ago, Talbi presented a bold thesis on the economy and agriculture in early Islamic Ifrīqīya.² He argued that Aghlabid Ifrīqīya (third century A.H./ninth century A.D.) owed its prosperity to a slave economy. Relying primarily on the *Mudawwana al-Kubrā* and on passages in the biographies of Mālikī scholars and sufi saints from the Aghlabid period, he established beyond any doubt that slaves were used in agricultural activity during this period. He adds that the countryside of Ifrīqīya at this time was characterized by the existence of large estates belonging to members of the powerful aristocracy which comprised several villages, medium estates of the type farmed by prominent scholars like Saḥnūn himself, and small subsistence landholdings. Of these, the two former categories were farmed almost exclusively by slave labor while only the smallest plots were farmed by a free but impoverished peasantry.³ Talbi sees in the great aristocratic estates of early Islamic Ifrīqīya a possible continuation of the latifundia of the Roman period, which he assumes were also exploited primarily through slave labor.⁴

According to Talbi, in the eight century A.D. the bulk of the slaves consisted of local North Africans who were enslaved by the Arab conquerors, though by the end of the century this source had dried up due to the conversion of the natives to Islam and the revolts of the Khawārij. In the ninth century A.D. Ifrīqīya obtained a cheap supply of European slaves as a result of the Aghlabid conquest of Sicily and frequent

1- Abū al-Qāsim b. Aḥmad al-Balawī al-Tūnisī al-Burzulī, *Fatāwa al-Burzulī: Jāmi' Masā'il al-Aḥkām*, ed. Muḥammad al-Ḥabīb al-Hayla, 7 vols (Beirut: Dār al-Gharb al-Islāmī, 2002); Abū al-'Abbās Aḥmad b. Yaḥyā al-Wansharīsī, *Al-Mi'yār al-Mu'rib wa al-Jāmi' al-Mughrib 'an Fatāwā 'Ulamā' Ifrīqiya wa al-Andalus wa al-Maghrib*, multiple editors, 13 vols (Rabat and Beirut: Dār al-Gharb al-Islāmī and Wizārat al-Awqāf al-Maghribīya, 1981).

2- Talbi, "Law", pp. 209-249.

3- Talbi, "Law", p. 214.

4- Talbi, "Law", p. 237.

maritime expeditions against other Christian lands in the Western Mediterranean Basin.¹ Talbi believes that the change in the balance of naval power between the Muslim states of North Africa and the Christian maritime powers to the benefit of the latter in the late tenth century A.D. put an end to the supply of cheap slaves obtained from overseas with disastrous consequences for agriculture in Ifrīqīya.² In Talbi's view, it was the end of the cheap slave supply in the tenth century, rather than the Hilālī migration of the mid-eleventh century, which caused a great agricultural and economic decline in Ifrīqīya, whose effects, in his view, lasted until the modern period.³

In his important study on slavery in the Maghrib and al-Andalus during the eleventh and twelfth centuries (under the Almoravids and Almohads), Binmalīh devoted several pages to the issue of the employment of slaves in agricultural labor.⁴ He collected a few references in the primary sources, some of them indirect, which seem to support the existence of agricultural slaves in the period of his study, but he concluded that the use of slaves in agriculture was only seasonal, and that in any case we do not possess enough information on agricultural slavery in the countryside because the sources focus overwhelmingly on domestic slaves in the towns and cities.⁵

The most recent and thorough treatment of the question of the use of slaves for agricultural work in Islamic North Africa was undertaken by Khālīd Ḥusayn Maḥmūd in his book on slaves in the economy of the medieval Maghrib.⁶ Relying on Mālikī works ranging chronologically from the *Mudawwana* of the third century A.H./ninth century A.D. to the great compilations of *nawāzil* from the later medieval period by scholars such as al-Māzūnī (d. 883/1478) and al-Wansharīsī (914/1508), as well as the works of Ibādī and Ismā'īlī Fatimid scholars along with other sources, Maḥmūd has firmly established that the use of agricultural

1- Talbi, "Law", pp. 214-215.

2- Talbi, "Law", p. 224.

3- Talbi, "Law", p. 223.

4- 'Abd al-Ilāh Binmalīh, *Al-Riqq fī Bilād al-Maghrib wa al-Andalus*, (Beirut: Mu'assasat al-Intishār al-'Arabī, 2004), pp. 350-358.

5- Binmalīh, *Al-Riqq*, pp. 350-358.

6- Khālīd Ḥusayn Maḥmūd, *Al-Raqīq wa al-Nashāt al-Iqtisādī fī Bilād al-Maghrib khilāl al-'Aṣr al-Wasīṭ*, (Cairo: Al-Hay'a al-Miṣrīya al-'Āmma li al-Kitāb, 2022).

slaves was a practice known across the entire medieval Maghrib from Jabal Nafūsa in the east to the Atlantic coast in the west and from the Mediterranean coast in the north to the oases of the Sahara in the south.¹ Thus the practice was not limited to Aghlabid Ifrīqīya as Talbi proposed, nor does it appear to have been discontinued in later periods. Maḥmūd demonstrates that slaves were employed in all manner of tasks, including sowing, plowing, irrigating, harvesting, digging wells, maintaining irrigation systems, gardening, guarding fields, transporting and storing grain, and gathering wood.² In some cases they appear as overseers of orchards.³ They were also extensively employed as shepherds to tend the flocks. Maḥmūd asserts, contrary to Binmalīh, that employment of slaves in agriculture was often permanent, and not merely seasonal.⁴

The latest research has shown that agricultural slavery was common in the central and western Maghrib, as well as Ifrīqīya, and furthermore that it was not discontinued after the third century A.H./ninth century A.D. The question that must now be answered is whether slave labor existed side-by-side with other types of agricultural labor. Was there ever a genuine slave economy in North Africa during the Islamic period, as Talbi has posited for the third century A.H./ninth century A.D., or are we rather dealing with a mixed labor force similar to what Banaji and Tedesco have proposed for Late Antique Egypt and Africa respectively? To answer this question, we will look at evidence for the existence of two other types of agricultural labor in medieval Islamic North Africa: hired temporary labor as well as tenant farming of a more permanent nature.

2-3 Hired Labor and Sharecropping Contracts in Early Islamic North Africa: The legal sources from the medieval Islamic West (al-Andalus and North Africa) from the sixth century A.H./twelfth century A.D. onwards, particularly the major late medieval collections of *nawāzil*, are replete with references to and examples of contracts for the hire of agricultural laborers. The common terms for these arrangements in the sources include *muzāraʿa* (a generic term for a sharecropping contract, in which the duration of the contract, the division of the harvest,

1- Maḥmūd, *Al-Raqīq*, pp. 9-46.

2- Maḥmūd, *Al-Raqīq*, pp. 9-41.

3- Maḥmūd, *Al-Raqīq*, pp. 42-43.

4- Maḥmūd, *Al-Raqīq*, p. 54.

the amount of seed, tools, animals, etc. which either party must provide, all have to be stated in the contract), *mughārasa* (a contract in which the landlord provides land to a laborer who plants trees and cares for them in exchange for a share of their fruits and which expires with the death or destruction of the trees), *musāqāh* (an “irrigation” contract in which the laborer undertakes to irrigate and care for an orchard for a specified period in return for a share of the fruit that it yields), and *khimāsa* (a sharecropping contract reportedly derived from local custom by which the sharecropper retains one fifth of the harvest).¹ It should be pointed out that in the two earliest Mālikī sources, the *Muwaṭṭaʿ* and the *Mudawwana*, *mūsāqāh* is used as the generic term for sharecropping whereas the other terms mentioned above are rarely, if ever, encountered in those two texts.

We have far fewer surviving legal opinions on agricultural and economic matters in general from the earlier period prior to the Hilālī migration of the mid fifth century A.H./eleventh century A.D. Nonetheless, there are several passages in the *Mudawwana* and other early legal sources which make it clear that landowners in early Islamic Ifrīqīya made use of hired workers in addition to slave labor in order to cultivate their lands.

The hired laborer (*ajīr*, pl. *ujarāʾ*) often appears as a distinct category from the slave in the early Mālikī sources.² Many passages in the *Mudawwana* make reference to wage laborers performing agricultural work. In a response to a question about the permissibility of making hired workers work during the night as well as during the day, it is mentioned that irrigating crops was one of the tasks which often required wage laborers to work into the night. The response to a question about the permissibility of an employer making a hired laborer under a one year contract travel with him to perform his work elsewhere, enumerates various types of work commonly performed by such laborers among which are plowing and harvesting. It is added however, that hired laborers in this case may include slaves who are rented out by their

1- For more detail on these contracts see Yaḥyā Abū al-Maʿāṭī Muḥammad ʿAbbāsī, “Al-Milkiyāt al-Zirāʿīya wa ʾĀthāruhā fī al-Maghrib wa al-Andalus 852-1095 A.D. (238-488 A.H.): Dirāsa Muqārana,” 2 vols (PhD Dissertation, Cairo University, Dār al-ʿUlūm, 2000), pp. 150-186.

2- *Mudawwana*, vol. 1, pp. 519-520.

owners to work for another landlord.¹ In a question concerning a sharecropping contract for an orchard, it is asked whether the sharecropper can impose as a condition on the landowner the assistance of a hired laborer (*ajīr*) or a slave (*‘abd*), to which the reply is negative.² Another legal question concerns the case of a worker hired by a landlord to care for his sheep who simultaneously tends sheep belonging to other owners.³

There is an entire section of the *Mudawwana* devoted to sharecropping contracts (*musāqāh*).⁴ In it we learn that the sharecropper may receive half, a third, a quarter, or less of the harvest for his share as long as this is stipulated in the contract. It is permissible for the landlord to enter into sharecropping contracts with farmers who will work on estates from which the landlord is absent.⁵ Any beasts of burden and slaves that are employed on an enclosed garden or orchard (*hā’it*) at the time that it is leased to a sharecropper may be used by the latter to assist his work.⁶ The jurists differ as to whether or not the landlord is responsible for paying the sharecropper’s living expenses (*naḥḥa*) while the latter is working in the estate.⁷ According to Mālik b. Anas, sharecropping was limited to fruit bearing trees, grapevines, and date palms, while it was impermissible for field crops unless the owner of the field crops was incapable of cultivating the field himself.⁸ Sharecropping contracts for olive trees could also stipulate that the sharecropper press the olives after harvest and divide the oil.⁹ A two year sharecropping contract is mentioned and in principle contracts could last several years, indeed contracts involving date palms were supposed to last until the cutting or death of the tree.¹⁰ Some landlords had deputies who recruited and oversaw the sharecroppers.¹¹ It is not allowed for the sharecropper

1- *Mudawwana*, vol. 3, pp. 445-446.

2- *Mudawwana*, vol. 3, p. 563.

3- *Mudawwana*, vol. 3, p. 447.

4- *Mudawwana*, vol. 3, pp. 562-580.

5- *Mudawwana*, vol. 3, pp. 562-563.

6- *Mudawwana*, vol. 3, p. 563.

7- *Mudawwana*, vol. 3, pp. 563-564.

8- *Mudawwana*, vol. 3, p. 577.

9- *Mudawwana*, vol. 3, p. 565.

10- *Mudawwana*, vol. 3, pp. 568, 570.

11- *Mudawwana*, vol. 3, p. 572.

(*musāqī*) to be burdened with additional heavy work such as digging a well on the property or building a wall around it. If this happened then he became a hired laborer (*ajīr*) and the landlord had to provide him with sufficient provisions, something that he was not obliged to do for a sharecropper.¹

The specific type of sharecropping arrangement known as *khimāsa* does not appear in the *Mudawwana*, though this does not necessarily mean that the practice was unknown in Ifrīqīya during the middle of the third century A.H./ninth century A.D. when the *Mudawwana* was compiled, it is rather more likely that it was a local tradition that had not yet been widely accepted by the jurists. Its earliest appearance in the sources is in a legal opinion by the celebrated Mālikī jurist Abū al-Ḥasan al-Qābisī (d. 403/1012) who lived in Ifrīqīya during the Fatimid and early Zirid periods. In this *fatwā* Al-Qābisī was asked about the legitimacy of a contract in which the landlord provided land, beasts of burden, and seed to a sharecropper who provided only his labor. The landlord would receive four fifths of the crop after harvest and the remaining fifth would be left to the sharecropper. Al-Qābisī replied that such an arrangement was permitted, however, the sharecropper had the right to choose between taking his fifth of the harvest or receiving the equivalent salary for his labor (*ujra*).² The *khimāsa* contract differed from the sharecropping contracts described in the *Mudawwana* in that the landowner had to provide not only land but also accessories such as the seed while the sharecropper only provided his labor. Mālik himself was said to have frowned upon the imposition of such conditions on the landowner in a sharecropping agreement.³ Furthermore, the text of the *fatwā* uses the term *zar* (field crops, especially grains), which were supposed to be excluded from the *musāqāh* contracts.

In addition to a section on sharecropping contracts the *Mudawwana* also has a section concerning the renting (*kirā*) of land for agricultural

1- Khalaf b. Abī al-Qāsim Muḥammad al-Azdī al-Qayrawānī Abū Saʿīd al-Barādhīʿī, *Al-Tahdhīb fī Ikhtisār al-Mudawwana*, ed. Muḥammad al-Amīn Wald Muḥammad Sālim bin al-Shaykh, 4 vols., (Dubai: Dār al-Buḥūth li al-Dirāsāt al-Islāmīya wa lḥyāʾ al-Turāth, 2002) vol. 3, p. 414.

2- Abū al-Ḥasan al-Qābisī, *Fatāwā al-ʿAllāma Abī Ḥasan al-Qābisī*, Ed. Al-Ḥusayn Akrūm, 2 vols., (Rabat: Wizārat al-Awqāf, 2017), vol. 2, p. 539; Al-Wansharīsī, *Miʿyār*, vol. 8, p. 158.

3- See *Mudawwana*, vol. 3, pp. 563, 577; Al-Barādhīʿī, *Tahdhīb*, vol. 3, p. 411.

purposes.¹ The rental contracts vary in length, some last for only a year, or until the crop is harvested, while others can last for tens of years. The crops cultivated are usually grains like wheat and barley. In addition, legumes are mentioned as well as non-food crops like flax and cotton. Fruit trees could cover no more than one third of the rented plot of land.² In a long-term contract the renter could plant fruit trees on the land. The most striking difference between *musāqāh* and *kirā'* is that in the latter type of agreement it is forbidden for the renter to pay the landlord out of a portion of the harvest. The jurists insisted on a strict separation between sharecropping and renting. Indeed, they deemed it impermissible for the rent on land to be paid in any type of food, drink, or animal fodder as well as in some non-food plant-derived products such as cotton and linen.³ It was allowed to pay the rent in coin (*dirhām* or *dīnār*), precious metal (gold or silver), and even with lumber and slaves.

From the above information we can see that there were at least three major categories of free agricultural workers in early Islamic Ifrīqīya. First there were the *ujarā'*, workers who were hired by landlords to farm or perform agriculture-related tasks on their estates. Secondly, there were sharecroppers, who worked land in return for a share of the harvest. This category included those who tended fruit trees according to the *musāqāh* agreement, which by its very nature would have implied a long-term contract, and sharecroppers who planted and harvested grain according to the practice of *khimāsa*. The third category consisted of farmers who rented land to grow primarily field crops and paid their rent in cash. Such contracts were often only for a year or two, though in some cases they could last for a decade or more.

2-4 Bound Peasant Labor in Early Islamic North Africa: Having established the existence of both free and slave labor in the agricultural scene in early Islamic Ifrīqīya, it remains for us to determine if the phenomenon of bound peasants or serfs was present as well. It is well-attested in other regions of the Islamic World during the early period and as we shall see there is at least indirect evidence of its presence in Ifrīqīya. Forand has argued that when the caliph 'Umar b. al-Khaṭṭāb

1- *Mudawwana*, vol. 3 pp. 533-561.

2- *Mudawwana*, vol. 3, p. 557; Al-Barādhi 'ī, *Tahdhīb*, vol. 3, p. 471.

3- *Mudawwana*, vol. 3 pp. 547-549.

declared most of the agricultural land in the Iraqi *Sawād* to be *fay*’ whose revenue was for the support of the Muslim community, he was treating the *Sawād* as a giant *waqf* or charitable endowment and this meant that the peasants who farmed the land became part of the *waqf* along with their descendants and thus they were tied to the land.¹ He cites instances from the Umayyad and early Abbasid periods when fugitive Iraqi peasants were forcibly rounded up and returned to their villages by the government. According to him, these bound peasants belonged to an ambiguous category as they were neither free nor slaves and the Islamic jurists had difficulty defining their status.

Arabic and Greek Papyri from the first two Islamic centuries reveal that in Egypt as well during this period some of the peasants were tied to particular villages or estates and that the provincial authorities went to great lengths to track down and return fugitive peasants (referred to as *jāliya*, pl. *jawālī*).² Much later under the Ayyubids and Mamluks we find Egyptian peasants living under similar serf-like conditions with the exception that now it was the *muqṭa*’ (a soldier or official who received the grant of an estate or its revenue in lieu of a salary) who pursued runaways and forced them to return to their villages rather than the central government.³

Bound peasants also existed in significant numbers in al-Andalus during the early Islamic centuries. Būṭashīsh demonstrated that the land tenure system in al-Andalus during the period of the governors and that of the independent Umayyad amirs who followed them was a feudal system, influenced in many ways by Visigothic practice.⁴ He notes that

1- Paul G. Forand, “The Status of the Land and Inhabitants of the Sawad during the First Two Centuries of Islām”, *Journal of the Social and Economic History of the Orient*, vol. 14, no. 1 (Apr., 1971) pp. 25-37.

2- Nabia Abbot, *The Qurrah Papyri from Aphrodito in the Oriental Institute*, (Chicago: University of Chicago Press, 1938) pp. 68-69, 97-99; C.H. Becker “Neue arabische Papyri des Aphroditofundes”, *Der Islam*, vol. 2, (1911) pp. 245-268, especially papyrus Aphrodito 5 on pp. 257-258. Both of these studies are also cited in Forand, “Status”, p. 28, note 3.

3- Hassanein Rabie, “Some Technical Aspects of Agriculture in Medieval Egypt”, in A. L. Udovitch, ed., *The Islamic Middle East: 700-1900: Studies in Economic and Social History*, (Princeton: Darwin Press, 1981) pp. 60-90, especially pp. 80-81.

4- Ibrāhīm al-Qādirī Būṭashīsh, *Athar al-Iqtā’ fī Tārīkh al-Andalus al-Siyāsī min Munṭashif al-Qarn al-Thālith al-Hijrī ḥattā Żuhūr al-Khilāfa* (250h. -316 h.), (Rabat: Manshūrāt ‘Ukāz, 1992) pp. 69-107.

the peasants who farmed estates granted as *iqṭāʿāt* to members of the military were considered an integral part of the estate along with any slaves or beasts of burden that were present. Thus, the peasants were no different from serfs as they were tied to the same estate even when it was transferred from one grantee to another. They were required to pay one third of the harvest and perform corvée labor for the landlord as had been the case earlier under the Visigoths.¹

Maḥmūd Ismāʿīl ʿAbd al-Rāziq has pointed to scattered clues in the sources which suggest that a system of military *iqṭāʿ* existed in Ifrīqīya under the Aghlabids and one reference in particular which points to the existence of peasants who were reduced to serf-like conditions.² Balazma, located just west of the Awrās mountains in Algeria, was an important garrison town of the Aghlabids where approximately one thousand Qaysī Arab warriors were settled.³ According to al-Nuwayrī (d. 733/1333), these soldiers treated the neighboring Kutāma Berbers like their “chattel and slaves”.⁴ Both Al-Nuwayrī and Ibn ʿIdhārī claim that the treacherous extermination of the Arab *jund* of Balazma by the Aghlabid ruler Ibrāhīm b. Aḥmad (261/874-290/902) in 278/891-892 played a major role in the downfall of the Aghlabid dynasty because it removed an important check on the Kutāma who subsequently rallied to the Fatimids and provided the bulk of the forces which conquered Ifrīqīya on behalf of the latter.⁵

Incidentally there is a *fatwā* of al-Qābisī that describes a means by which independent small farmers in early Islamic Ifrīqīya may have eventually become dependents or clients of powerful aristocratic landlords. It concerns the case of a man who paid higher than normal rent

1- Būṭashīsh, *Athar*, pp. 83, 88-90.

2- ʿAbd al-Rāziq, *Sūsiyūlūjiyā*, p. 30.

3- For background see Ṭawīl al-Ṭāhir, “Madinat Balazma: Dirāsa fī Dawr al-Ḥādira fī al-ʿAṣr al-Wasīṭ”, *Al-Iḥyāʾ*, vol. 22 (January, 2022) pp. 991-1004.

4- “*ittakhadhūhum khawalan wa ʿabīdan*”. See Shihāb al-Dīn al-Nuwayrī, *Nihāyat al-Arab fī Funūn al-Adab*, ed. ʿAbd al-Majīd Tarḥīnī, 33 vols., (Beirut: Dār al-Kutub al-ʿIlmiya, 2004) vol. 24, p. 71; quoted in ʿAbd al-Rāziq, *Sūsiyūlūjiyā*, vol. 2, p. 30.

5- Al-Nuwayrī, *Nihāya*, vol. 24, p. 71; Abū al-ʿAbbās Aḥmad b. Muḥammad b. ʿIdhārī, *Al-Bayān al-Mughrib fī Akhbār al-Maghrib wa al-Andalus*, 4 vols. ed. E. Lévi-Provençal and G.S. Colin (vols. 1-3), I. ʿAbbās (vol. 4), (Beirut: Dār al-Thaqāfa, 1983) vol. 1, p. 123.

to an influential landlord in his region in exchange for the latter's protection from the rapacious tax collectors of the sultan.¹

Conclusion: We have seen that the agricultural labor force in early Islamic Ifrīqīya was characterized not by a single dominant type of laborer (as in a classic slave or feudal economy) but rather by a mix of different categories of workers. There is clear evidence of the coexistence of agricultural slaves, landless sharecroppers and wage laborers, as well as both short- and long-term renters of farmland during this period. In addition, though we lack direct evidence, we can infer from analogy with the other provinces in the early Islamic empire that in Ifrīqīya there was likely a class of peasants who were bound to their estates and villages and denied freedom of movement. The type of worker employed frequently depended on the type of crop and the nature of the task. Finally, there were no doubt independent small farmers who relied on themselves and their family members to meet all or most of their labor needs and who may have also occasionally performed work on larger estates to make extra money. The situation described above corresponds to the picture of a mixed rural labor force (consisting of *coloni*, slaves, and hired laborers) in Late Roman Africa and Egypt that has emerged in recent years thanks to the studies of scholars like Banaji, Tedesco, Shaw, and Lenski. This indicates a certain amount of continuity in the history of the rural economy of Ifrīqīya from Late Antiquity through the early Islamic centuries in so far as there does not appear to have been a transition from one dominant mode of agricultural labor to another during this time period.

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