

The Tombouctou Manuscript Project: social history approaches

Aslam Farouk-Alli and Mohamed Shaid Mathee

The massive collection of manuscripts produced in West Africa has once again dispelled the notion that Africans were incapable of intellectual work – of reading, writing and scholarly endeavour – before the impact of European colonialism and missionary education. While this dense corpus of writing is a cultural and intellectual legacy that can be used in a variety of ways, we believe it must be claimed as an expression of Africa’s intellectual heritage and renewal. In this chapter we begin by briefly sketching the genesis of our research project. We then share some of our prefatory readings, describing the content of selected manuscripts, before exploring possible trajectories for future research through a closer reading of two specific texts. Our excursions into the manuscript corpus divides the material into works of general interest (those that cover a broad range of subjects) and legal texts (more specifically, legal *responsa* or *fatawa*). We begin with the former but pay more attention to the latter, asking what value the legal corpus may have as a source for historical enquiry.

There is presently very little research on the manuscripts for what they can tell us about the social history of that part of Africa over the past centuries: from the fifteenth century when Timbuktu emerged as a centre of learning through to the change of rule from the Mali to the Songhay Empires, through the Moroccan invasion in the late sixteenth century to French colonial domination in the nineteenth century, and from independence to the present.

The Tombouctou Manuscript Project

Based at the University of Cape Town, where African history has been taught for many years, Shamil Jeppie conceived of the idea of bringing together expertise in this field and Arabic to work on the content of the manuscripts themselves, thereby extending the sphere of engagement beyond conservation to encompass academic study as well. Funding was sought from the Ford Foundation and was granted, leading to the initiation of a

Opposite: This extract from Manuscript No. 4743, from the Ahmed Baba Institute is an example of a *fatwa*. Legal texts (*fiqh*, *usul al-fiqh* and *fatawa*) are a unique source of social history and also offer insights into juristic reasoning and the ways in which scholars debated their cases in Timbuktu.

The manuscript, *Mawlid al-Nabi* (The Birth of the Prophet) presents a fascinating example of creation myth and salvation history, which centres on the Prophet Muhammad's messengership and on Islam as the last of the revealed religions. More interestingly, it opens a window into the world of inter-religious polemics by way of its descriptions of Christians, Jews and sinful Muslims.

pilot academic project – the Tombouctou¹ Manuscript Project – within the broader context of President Thabo Mbeki's initiative to safeguard and preserve this legacy.²

It was decided to initially concentrate upon a manuscript collection located in the Mamma Haidara private library so as to extend the focus of attention beyond the official Ahmed Baba Institute and to create an awareness of the many other collections in private hands. A selection of legal texts (initially 100 manuscripts of varying size) was digitised at the Mamma Haidara Library in January 2004. Another 60 manuscripts from the Ahmed Baba collection were subsequently also procured. At the very inception of our project it was decided that at least some of the manuscripts digitally captured would be studied in more detail, which included translating them into English. In the course of 2004 we embarked upon the actual study of the digitised manuscripts by producing workbooks comprising selected texts. We held regular reading sessions aimed not only at developing proficiency in reading the various regional scripts – Sudani, Sahrawi, Suqi etc. – but also to familiarise ourselves with their general import, so as to select specific texts for extended study.

Manuscripts of general interest

Manuscript 516 (Catalogue Vol. 1: 287) from the Mamma Haidara collection, for example, provides interesting insight into the socio-political culture of the region. It is a tract of folios written by the reformist 'Abdullahi dan Fodio (d.1829), entitled *Diya al-siyasat wa fatawa al-nawazil* (The Illumination of Legislative Politics and Verdicts on Events). Divided into several sections, it discusses apostasy, highway robbery, hostile combatants and heretics. The manuscript also deals with the issue of politics, which it classifies as either oppressive or just. An outstanding aspect of this work is a deeply philosophical discussion on the six universal elements necessary for existence, that is, life, dignity, wealth, intellect, religion and deterrents from committing sin. Many other interesting themes are also to be found.

In contrast to many of the works in the collection, manuscript 52 (Vol. 1: 28) is a relatively lengthy work of 36 folios. The author and date of the work are unknown, but the colophon clearly states the name of the copyist as Muhammad al-Amin b. Muhammad b. Muhammad Baba b. al-Faqih al-Imaam Guurdu. The manuscript was copied in 1746. The work is simply entitled *Mawlid al-Nabi* (The Birth of the Prophet) but presents a fascinating example of creation myth and salvation history, which centres on the finality of the Prophet Muhammad's messengership and of Islam as the last of the revealed religions. More interestingly, the manuscript opens a window into the world of inter-religious polemics by way of its descriptions of Christians, Jews and sinful Muslims. It also presents a conception of original sin that implicates mother Eve in a manner that is more easily reconcilable with Christian eschatology than with a purely Qur'anic account. This in itself raises the question of the impact of Judaeo-Christian thought upon Islamic thought as expressed in some of these manuscripts.

Manuscript 5292 from the Ahmed Baba collection, entitled *Mu'awana al-ikhwan fi mubshara al-niswan* (Advising Men on Sexual Engagement with their Women), deals primarily with aphrodisiacs and religiously sanctioned sexual activity. It does, however, contain numerous remedies and prescriptions for treating infertility and an array of other ailments, as well as some advice on dealing with disobedient wives, oppressors, enemies and dangerous wild animals. What follows is our paraphrased synopsis of advice on the usefulness of animal body parts and fluids, as well as certain Qur'anic verses for enjoying stimulating, religiously sanctioned sex.³

Drinking cow-milk and mixing the powder from a burned cow horn with food or drink increases sexual potency...For abundant sexual activity and sexual climax a man must drink the dried, pulverised testicles of a bull. If a man suffers from impotence he must take the nail of a cock's right leg, burn it and fumigate himself with the smoke and he will be cured...The dried, pulverised penis of a lizard placed tenderly into honey then licked will let a man experience full sexual desire and satisfaction and will increase his sperm count...To make his wife love him intensely, the husband should wipe both his and his wife's eyebrows and hands with the gall bladder of a fox...By wiping his soles with the head of a bat, a man will see wonderful things when having sex...If a man rubs the blood from a cock's comb onto his penis then has sexual intercourse with his wife, she will only [want to] have sex with him. The blood of a slaughtered black chicken mixed with honey and rubbed on the head of the penis followed by intercourse causes the woman to have an orgasm to the point of madness due to the intensity⁴...If the husband paints his penis and surrounding area with the gall bladder of a male goat he will be extremely powerful during sexual intercourse.⁵ In order to strengthen his penis [that is, cure himself from erectile dysfunction] and enjoy sexual intercourse, the husband must recite the following Qur'anic verses: 'Allah is the One Who created you from [your state of] weakness and made out of the weakness strength' [Qur'an 30: 54]; 'Say [O Muhammad] O you disbelievers' [Qur'an 109]; and 'Li Ila fi Quraysh' until its end [Qur'an 106].⁶

The above advice opens a window into the world of ordinary people, showing how they lived and how their scholars, traditional healers and sages sought to guide them. It tells us about how they put to use their resources, their knowledge, technology, tools and instruments. These people were clearly immersed in an Islamic worldview (even if not one exactly in accordance with the normative ideal) as indicated by their almost maverick application of Qur'anic verses as sexual stimulants.

In our contemporary age of Islamic revival, heavily influenced by western modernity, many Muslims would frown upon the use of the Qur'an suggested by the manuscript, regarding it as disrespectful or blasphemous, and they would therefore reject these practices as superstitious and irrational. For a religious society like Timbuktu's, merely broaching a taboo subject such as sexuality was both novel and daring. However, the recourse to and utilisation of Islam's foundational text for treating such afflictions

For the contemporary researcher the relevance of the manuscript lies in its 'talking history'. The question, though, is: which history and whose? This question carries added significance when attempting to understand social practice through legal texts in Timbuktu. The history of the ordinary, forgotten people of Timbuktu is concealed in-between the lines of this manuscript and thousands like it. Although ostensibly 'medicinal' or religious in nature, these manuscripts are a powerful resource for reconstructing the 'other' history of Timbuktu. They reveal the agency and thinking of ordinary people.

indicates the strong religious orientation of ordinary people in this society. God's name, mercy, permission and blessing are constantly invoked under every circumstance.

Nevertheless, our aim is to look beyond the stories and symbolism of animals and Qur'anic verses – their medicinal value, sexual and otherwise – and to ask questions like: were extra-marital affairs a recurrent phenomenon, even if for a limited period and in a limited area? We find the rationale for this question embedded in the manuscript mentioned above on sexual advice, where the author advises a husband who does not want his wife to love another man to dig a hole, kindle a fire with coal and sit over it whilst naked, followed by two units of prayer. The husband must then write the verse 'have you pondered over, and seen the fire that you kindle' (Qur'an 56: 33) 27 times over the ash, mix it with water and then get his wife to wash with it. She will as a result hate all men except him. One wonders why a husband from a traditionally religious community such as Timbuktu would take all these measures in order to have his wife love him alone. Other questions suggested by the manuscript are: was sexual impotence or erection problems commonplace among men at that time? Did women in this society have insatiable sexual appetites? By raising such questions we hope to arrive at – or at least try to identify – behaviour and attitudes indicative of concrete social, moral and lived experiences.

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Fatwa manuscripts

As mentioned earlier, our readings placed added emphasis on the legal corpus found in the manuscript collection. We provide a brief sample of some of the material we encountered before going on to discuss and analyse a specific text in some detail.

Manuscript 4743 (Vol. 4: 117) from the Ahmed Baba collection is a *fatwa* that was issued in response to a wife who refused to grant her husband conjugal access by telling him that he was now forbidden to her in the same way as her father was. In classical *fiqh* (law) such a phenomenon is known as *zihar*, but it is usually the husband who repudiates the wife by comparing her to the back of his mother. This incident reflects a unique reversal of roles and is possibly revealing of the higher status accorded to women in this region. It is equally possible that this may have been an isolated

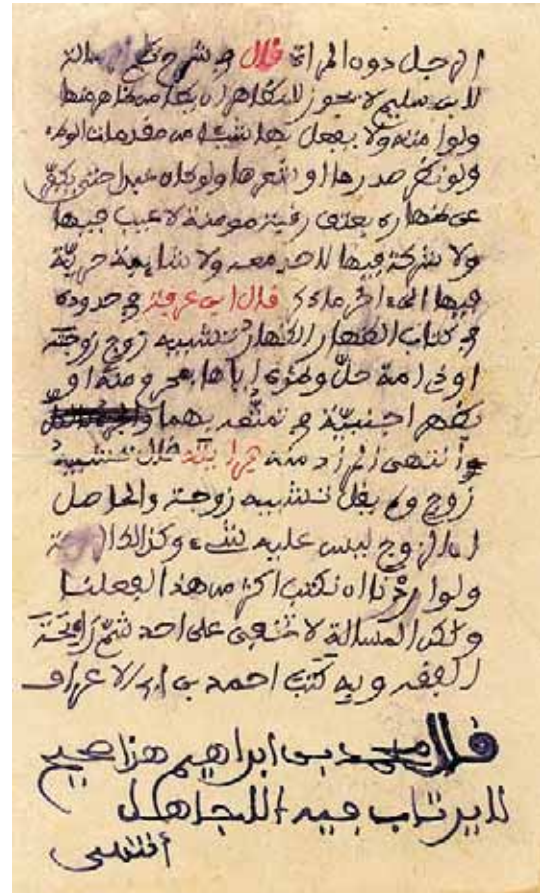
incident, but the interested researcher is faced with the task of seeking corroborating evidence in the vast collections of juristic rulings available in Timbuktu's manuscript collection.

Manuscript 207, from the same collection, deals with juristic verdicts issued by Qadi Muhammad b. al-Wafi al-Arawani concerning problems related to the sale of slaves and inheritance. The author mentions a dispute between two people regarding the sale of slaves; the import of the manuscript suggests that in Timbuktu buying and selling was in most cases *not* done on a cash basis. The author points out that insistence upon dealing in cash could lead to loss and destruction of the commodity!

Manuscript 1093 from the Mamma Haidara collection is by Shaykh Sayyid al-Mukhtar b. Ahmad b. Abi Bakr al-Kunti al-Wafi (d.1811) and is entitled 'Important Answers to the One who Attaches any Importance to his Religion'. It begins by encouraging us to be of assistance to others and to always offer good advice. Reference is made to the words of sages regarding the importance of the intellect. Talk on the intellect is directed towards the people of Timbuktu who, the author suggests, as inhabitants of the desert pay importance to agriculture and consequently neglect the quest for religious knowledge. In his opinion, this explains their ignorance of many of the tenets of their religion, especially *fiqh*. He therefore sets himself the task, in the form of questions and answers, of educating the people of Timbuktu. Amongst the many questions that he addresses is the question of *zakat* (obligatory alms). The manuscript suggests that the people of Timbuktu considered the giving of alms to be the prerogative of a specific class of people and not in the generally understood sense where anyone who possesses a minimum amount of wealth is obligated to pay *zakat*. The author regards this phenomenon as *bid'a*, a heretical practice that should be rejected. He raises the issue of accepting alms from thieves and oppressors, ruling that it is not permissible to do so as this would be tantamount to assisting them in evil. He concludes by encouraging people to distribute their alms in the manner sanctioned by Islamic teachings.

Fatwas as a historical source

In the course of our research, we have worked with scholars concerned with the history of Timbuktu and its surrounding areas, trying to develop an appreciation for that social milieu and generally exploring multiple aspects of the manuscript heritage. Part of this involved probing the rich *fatwa* legacy as a potential historical source. Legal texts (*fiqh*, *usul al-fiqh* and *fatawa*) offer unique paths into the social history of Timbuktu and the region. While exploring how legal texts act as a major source of social history, we are also beginning to learn a bit more about juristic reasoning and the way scholars debated their cases in Timbuktu.



This extract from Manuscript No. 4743 from the Ahmed Baba Institute describes part of a legal ruling issued in the case of a woman seeking to divorce her husband. In classical Islamic law, this is an unusual reversal of roles. Cases like this offer researchers opportunities to try and understand the social context of the ruling, within the vast collection of juristic rulings in the manuscripts.

However, our primary interest concerns whether the Timbuktu *fatwa* manuscripts are able to 'talk history'. Put differently, can they, in addition to telling stories about local actors, tell stories about themselves? If they can, then what kind of history and what types of stories do they relate? We argue that *fatwas* may be seen as a potential source for the history of the region, especially its social history. Thus our project set itself the task of digging beneath the apparent face of events mentioned in the *fatwas* in order to lay bare the human condition as experienced by ordinary people.⁷ Even though *fatwas* convey important episodes of Timbuktu's history, they have been neglected and remain an unacknowledged source. For example, Elias Saad's *A Social History of Timbuktu* depends almost entirely on the seventeenth-century chronicles (he dismisses the Timbuktu manuscripts as Arabic sources relevant to the Islamic tradition). In contrast, we choose to see the *fatwa* manuscripts as an important source of social history.⁸ Saad was afraid that by approaching Timbuktu through the manuscripts he risked portraying the city as belonging to a realm other than sub-Saharan or black Africa. He is seriously wrong in this claim, precisely because the *fatwas* are rooted in Timbuktu and tell us about all people, not only the scholars and notables emphasised in the chronicles.

Wael Hallaq shows convincingly that *fatwas* originate socially. That many *fatwas* begin with a question, or that many jurists begin their response with 'I have read your question and carefully considered it', is indicative of their social embeddedness. *Fatwas* were thus not just the product of the jurist's imagination or hypothetical adventurism; there is even a dictum that no *fatwa* should be issued about a problem that has not yet occurred in the real world. *Fatwas* involve real persons with real problems and answer questions stemming from the real world, with the names, professions and places of residence mentioned. Any rejection of the worldliness of the *fatwa* genre, Hallaq argues, would make nonsense of both its form and content.⁹

Thus the aim is to see, through these legal manuscripts, how the people of Timbuktu and the broader region made sense of their world by shedding light upon incidental information embedded in these texts. In other words, researching this legacy holds potential for going beyond the legal jargon, the particular religious methodology and the piety; elements that are all fundamental in the issuing of *fatwas*. The manuscripts enable one to walk beside the people who either requested the *fatwa*, or whose doings were the reason for a *fatwa* being issued. Their behaviour and attitudes are far more important than the clear and apparent religiously sanctified or intellectually charged answer of the *mufti*. Aspects of this can be gleaned from the detailed elaboration of one specific text, discussed next.

A more detailed account of a *fatwa* manuscript

Manuscript 354 (Vol. 1: 197) from the Mamma Haidara Library¹⁰ – *Nasran lil-haq wa nushan lil-Muslimin* (In the Cause of Truth and as an Admonishment to Muslims) – is by the late nineteenth-century Timbuktu scholar Qadi Ahmad Baba b. Abi al-Abbas b. 'Umar b. Zayyan al-Sharif al-Hasani. Shakespeare's famous elegiac opening to *Romeo*

and *Juliet* could just as appropriately have been the prologue to this real-life saga of love blossoming in the desert, albeit with a slight change of venue:

Two households, both alike in dignity,
In fair Verona [read Arawan], where we lay our scene,
From ancient grudge break to new mutiny,
Where civil blood makes civil hands unclean.
From forth the fatal loins of these two foes
A pair of star-cross'd lovers take their life¹¹

Romeo and Juliet is widely regarded as one of the greatest literary expressions of authentic romantic love,¹² and from this perspective there is a very strong link between the star-crossed lovers and the real-life protagonists we are about to encounter in the late nineteenth-century *fatwa* under discussion. The central distinction is that while all great works of fiction are epiphanies of truth, they are not necessarily constrained by the far harsher realities of everyday existence. In this specific case, the fate of a melodramatic literary death is by no means as daunting as having to face the chief *qadi* of one's village, charged with passing judgment on the legality of one's marriage.

In his short treatise, Qadi Ahmad Baba draws our attention to a *fatwa* issued by the honourable A'li ibn al-Sayyid 'Umar – *qadi* of Arawan – concerning the *faskh* (annulment) of a marriage between a man and a woman deemed foster siblings by virtue of having shared the same wet-nurse. In Islamic law, if the same wet-nurse suckles children from different parents they become legally related through the bond of milk kinship.

Everyone in the village knew the legal status of the couple and their wet-nurse, who was present, identified them as brother and sister. Even though the woman in question was married to another man, her so-called brother maintained close contact with her, enjoying free access to her home under the pretence that he was a legal sibling. Throughout this period, the entire village – except the woman's husband – was aware of the couple's romantic attachment to each other. In fact, the couple did not conceal their love for each other except, of course, from the husband; nor did anyone in the village inform the husband of his wife's affair with her 'brother'. The husband finally suspected his wife's infidelity and divorced her.

For a short time the couple maintained the pretence of being foster siblings, but finally denied it so that they could be legally married. At this point the wet-nurse, along with everyone else in the village, also denied their foster relationship and agreed to their marriage. They were then married by the legal permission of the village's *mufti*, who under the circumstances had no choice but to assent to their marriage.

However, when the honourable *qadi* of Arawan came to know of the incident, he issued an edict annulling the marriage. He refuted the position of the *mufti* who had affirmed the legality of the marriage and marshalled explicit textual proofs, as well as the opinions of classical scholars, as evidence for his judgment.

Thus the aim is to see, through these legal manuscripts, how the people of Timbuktu and the broader region made sense of their world by shedding light upon incidental information embedded in these texts. In other words, researching this legacy holds potential for going beyond the legal jargon, the particular religious methodology, and the piety; elements that are all fundamental in the issuing of *fatwas*. The manuscripts enable one to walk beside the people who either requested the *fatwa*, or whose doings were the reason for a *fatwa* being issued. Their behaviour and attitudes are far more important than the clear and apparent religiously sanctified or intellectually charged answer of the *mufti*.

In the manuscript, Qadi Ahmad Baba continues with an in-depth analysis of the legal verdict, concluding by admonishing all those who colluded in the incident and advising them to faithfully adhere to the ethical teachings of their religion. In so doing he seemingly departs from the institutionalised format of the *fatwa* in Islamic law.

The manuscript is interesting for many reasons, but we will now very briefly explore two interrelated aspects that shed light upon why works in the *fatwa* genre are fundamental sources for the retrieval of social history. The first relates to the genesis of Islamic substantive law and the second deals more specifically with the devolution of the nature of the *fatwa* under the strictures of time and place. It would be more appropriate to begin with the latter aspect and to explain what is meant by devolution.

In its essential form, the *fatwa* is not simply a legal opinion but rather an expression of a divine ethical imperative. From the very inception of Islam, piety-minded Muslims were driven by the desire to live in conformity with the divine will as revealed by the Qur'an. In a recent work on the origins of Islamic law,¹³ Wael Hallaq argues that the locus of legal expertise in the formative period did not lie with *qadis* but rather with private individuals motivated to study the law as a matter of piety, that is, solely as a religious activity. A similar observation was made earlier on by Marshall Hodgson, who characterised the early custodians of the law as the 'Piety Conscious'.¹⁴

It was therefore through the activities of these proto-*qadis* that Islamic law came to be institutionalised. In addition, the responses they provided to questions of faith and religious practice formed the building blocks of Islamic substantive law or *fiqh*. Once again it is Hallaq who convincingly argues that *fiqh* is far more flexible than was earlier suggested. He demonstrates how *fiqh* manuals were continuously updated by new insights brought about through responses to everyday religious concerns.¹⁵ In so doing he also refutes Joseph Schacht's long-standing thesis on the relatively late origins of Islamic jurisprudence.

What is important for our purposes is to make the connection between the *fatwa* and the highly cherished desire of piety-minded Muslims to live in conformity with the tenets of their faith. We know that the colonial enterprise was extremely damaging to the well-established Islamic legal institution in Africa and elsewhere in the Muslim world. However, what can be clearly gleaned from the manuscript under study is that while the institutional edifice of Islamic law may have been relatively easily dismantled, its methodology for coping with the vagaries of time has proven to be far more abiding. In nineteenth-century Timbuktu, we once again find in the Mamma Haidara manuscript the manifestation of the *fatwa* in its essential form – as an expression of an act of submission to the divine will.

It is in similar questions and their responses that one catches glimpses of society that not only fascinate but also humble us by virtue of the insights offered into the common plight of everyday human existence. If the study of history is to be of any value then its

purpose must surely be to illuminate, not dominate. Perhaps some redress for the massively neglected stories of ordinary Africans of the past is to be found in the interstices of the manuscripts of Timbuktu.

NOTES

- 1 The French for Timbuktu is Tombouctou, so as a play on words our project was named 'the Tombouctou Manuscript Project'.
- 2 President Thabo Mbeki went on a state visit to Mali in November 2001. His counterpart, President Alpha Konaré, took him on a tour of Timbuktu. The visit to the Ahmed Baba Institute was the highlight of the president's trip and he was so overwhelmed by the manuscript heritage that he pledged to assist the Malians in their conservation efforts. To this effect, a working group was formed comprising a cross-section of government functionaries but also including one academic, Dr Shamil Jeppie, tasked with initiating a project to deliver on the president's promise. The management of the project is based at the Department of Arts and Culture. Training of Malian conservators in appropriate conservation procedures began in 2003, led by conservators from the National Archives of South Africa.
- 3 This particular usage stands contrary to the pietistic notion that sees the Qur'an as purely the foundational text and guide for Muslims on theological matters and legal issues. In this instance, the Qur'an is seen as equally potent in matters that would easily be described as blasphemous or at least disrespectful by adherents to the pietistic and rational trend.
- 4 Geertz (1974) shows how, in Balinese culture, cocks are masculine symbols par excellence and the language of everyday moralism is shot through, on the male side of it, with roosterish imagery. *Sabung*, Balinese for cock, is used metaphorically to mean hero, warrior, man of parts, ladykiller, bachelor, dandy, political candidate, champion or tough guy. Similarly, Darnton (1984) shows how in seventeenth-century France cats were viewed as agents of witchcraft, useful for medicinal purposes and as sex symbols.
- 5 The author warns that the above-mentioned measures should not be resorted to excessively as they may cause infection of the woman's sexual organs – in the same way that modern pharmaceutical companies issue warnings about side effects pertaining to the usage of their medication.
- 6 Implementation of this cure requires these verses to be recited three times for a period of seven days (from Sunday to Saturday), every morning and evening, over leaves (usually seven) from particular trees soaked in water. The water should then be drunk and poured over certain foods.
- 7 By ordinary people we mean those who were not rulers, notable merchants or from the intellectual and religious elite. Darnton (1984: 252–253) suggests that historians can benefit much from anthropology in order to understand 'the otherness' of previous eras.
- 8 Saad (1983) focuses on the role of wealthy scholarly elites and not on the lives of ordinary people (the subaltern) of Timbuktu.
- 9 Hallaq (1994: 38).
- 10 Sayyid (2000–03).
- 11 Shakespeare (2000: Act 1, Prologue).
- 12 Bloom (1998).
- 13 Hallaq (2005).
- 14 Hodgson (1974).
- 15 Hallaq (1994: 38).

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