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Qadhis’ Intellectual Legacy on the East African Coast:
The Contributions of Al-Amin bin Ali Al-Mazrui,
Muhammad Kassim Al-Mazrui and Abdullah Saleh Al-Farsy

Abdulkadir Hashim

Introduction

The spread of Islam was not organised by structured missionary institutions or organisations; likewise, the penetration of deep Islamic thought and knowledge was not institutionally organised. Both the initial dissemination and intellectual penetration depended on individuals; traders, workers, learned men and scholars. This chapter highlights the intellectual contributions by Qadhis to the development of Islam and Islamic culture in eastern Africa during the twentieth century. The study focuses on individual Muslim scholars who contributed to Islamic thought through their own personal dedication and initiative. Apart from their official duties as judicial officers, the Qadis had enormously contributed to various disciplines, including mosque-seminars, published literature and poetry. For instance, Bwana Yasini, a qadhi of Rasini in Lamu lamented the death of his young son, Akheri, who was in the company of an uncle visiting the Court of Zanzibar with this beautiful poem:

Ai kilio shadid kwangu kimezokithiri
Mwanangu kufa baidi tusandikane nadhari,
Liliwele hali budi lila ni lenye kujiri,
Auyaha al-maghruri Ina khada a duniya!
Oh, this bitter weeping of mine that never ceases;
My little son to die so far away without the last farewell;
What is decreed to occur must happen
Oh, you deceitful one! What treachery has this mortal life!  

Qadhis played a significant role in establishing Muslim legal and educational scholarship on the East African coast during the Busaidi sultanate in Zanzibar since the nineteenth century. This chapter will focus on three qadhis: Sheikh Al-Amin bin Ali Al-Mazrui, Sheikh Muhammad Kassim Al-Mazrui and Sheikh Abdullah Saleh Al-Farsy all of who were linked by scholarship and service to the Islamic communities of East Africa.

The chapter therefore presents the history of the scholarly chain that has maintained the scholarly tradition ulama in passing over knowledge and official responsibilities from one generation to another. This is apparent in the case of the three ulama who were the Chief Qadhis in Kenya, and the subject of this paper. The intellectual background of the ulama and the intellectual interaction between them have contributed to the survival of Islamic scholarship in East Africa since the arrival of Islam was in the region. Although only three ulama are addressed in this chapter, there were many others before them. Martin noted that “The East African ulama class was also closely knit, they knew each other personally, and many posts and positions were reserved for recruits from within their own groups”.  

Scholars are responsible for the continuity and preservation of qadhis and ulamas in the East African Coast. This has been the case also in the Sudan. As Abdillahi Ali Ibrahim notes “The Qadhis who came largely from families of learned men and Sufis, graduated from institutions which adhered to traditional Islamic education, such as Omdurman Islamic University (formerly al-Ma’had al-ilmi) and Al-Azhar University.” The East African Coast shared a common history during the Bu Saidi sultanate in Zanzibar until mid-twentieth century.

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Muslim scholars, including *Qadhis* could easily move from one end of the sultanate to the other. This paved the way for interaction of *qadhis* from within the sultanate and in turn eitanced intellectualism in the region, as we shall have occasion to see, through learning institutions in Zanzibar and Lamu.

**Sheikh Al-Amin bin Ali bin Abdalla bin Nafii Al-Mazrui (1890-1947)**

Sheikh Al-Amin bin Ali was born in December 1890 (15 Jumada al Akhira 1308 A.H.) in Mombasa and passed away on 1 April 1947 (15 Safar 1366 AH). Sheikh Al-Amin was a student of Sheikh Suleyman bin Ali Al-Mazrui (d. 8 January 1937) who was a *qadhi* in Mombasa in 1910 and then was appointed as the Chief *Qadhi* of Kenya in 1932. Sheikh Al-Amin also studied under Sayyid Ahmad bin Sumayt (d. 7 May 1925) who was a *qadhi* in Zanzibar. Sheikh Al-Amin was appointed as a *qadhi* in Mombasa in 1932 (1351 AH) and later took over the office of the Chief Qadhi of Kenya from his teacher Sheikh Suleyman bin Ali Al-Mazrui in 1937 (1355 AH).

Among the students of Sheikh Al-Amin was the renowned Muslim scholar Sheikh Muhammad Bereki in Mombasa. Interestingly enough, Sheikh Nasor Nahdy, who was the previous Chief Qadhi of Kenya, studied under Sheikh Bereki. The intellectual chain influencing the appointment of the Chief Qadhi is apparent in this case.

Sheikh Al-Amin was among the first generation of graduates of Riyadh mosque in Lamu. His inclination to the *Sharifite ulama* from whom he studied under at Riyadh could be discerned in his book entitled *Murshid adharif ila fawaid al-ward al-lattif lil imam al-Haddad* (commentary to a book of supplication by Imam al-Haddad). He was “among the pioneers of reforming East African Islam who tried in the 1930’s to rid Kenyan Muslim community of those aspects which were deemed to be retrogressive and contrary to the spirit of Islam.” He advocated his thoughts through his writings and mosque-seminars (*darsas*). He also founded two newspapers. The first one was *Sahifa* published in Swahili.

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4 Abdalla Saleh Farsy (1972) *Baadhi ya wanavyuoni wa kishafi wa mashariki ya Afrika*, p.12.
6 Muhammed H. Abdulaziz, op.cit. 172.
using Arabic script. It was distributed free and lasted sixteen months (25 November 1930).

The second was *Al- Islah* (29 February 1932) written in Swahili using Latin script and Arabic *Al- Islah* focusing on religious as well as political issues. It was published weekly and lasted for twelve months only.7 Sheikh Al-Amin’s writings focused on the significance of Islamic education in the Muslim community. The atmosphere in which he lived was surrounded by calls in support of secular education. He also emphasized on the importance of Arabic language as a tool in learning Islam. He solicited support for the teaching of Arabic language and religious education in the secular schools. It was only in the traditional Islamic centres where Arabic language was medium of instruction.

Most of the intellectual works written in his era were in Arabic language. Some were written in Swahili language using the Arabic script. Later, the idea of writing Swahili language in English script was advocated. Sheikh Al-Amin’s efforts were dedicated to counter such ideas. He supported the learning of Arabic language and “was utterly convinced that knowledge of Arabic was irreplaceable the Islamic education of Muslims. According to him, there was no alternative to learning Arabic: “it is the duty of every Muslim man or woman”. He further warned Muslims against “the perils of blindly adopting Western cultural values and European secular education”8

Sheikh Al-Amin supported women’s education, which the Muslim society ignored for so long. He established and supervised *Madrasatul al-Ghazali al-islamiyya* in Mombasa, Kenya. Sheikh Al-Amin’s aspirations went beyond eastern Africa and “reached out beyond the traditional intellectual centres of Hadramout and Oman. He read modernist theology and jurisprudence, coming out of Al-Azhar and Egypt in general, and contributed to Egyptian magazines preoccupied with the plight and decadence of Islamic societies”.9 It was through these readings that he was influenced by the ideas of Rashid Rida, Muhammad Abdouh, and Jamaladdin Afghani. Sheikh Al-Amin and his successors were influenced by their

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8 Ibid.
contemporaries from the Muslim world without comprising the preservation their own tradition of learning and identity.  

Sheikh Al-Amin shared the views of his contemporary scholars in maintaining that “Islam was not responsible for the backwardness of Muslims, but it was the betrayal of Islam by Muslims that was responsible for the state of affairs.”

His efforts were not spared in alerting Muslims against the dangers of the Ahmadiyya sect. His stand was firm against the sect which he regarded more dangerous than Christianity. Some of his writings against the Ahmadiyya include Mizani ya Madhab ya Mirza Ghulam kwa Qurani na Hadith (Mirza Ghulam Sect in the Qur’an and Hadith), Mirza na maneno yake ya Ukafiri (Mirza and his infidel words) and Je Ahmadiya ni waislamu? (Are Ahmadiyya Muslims?). Sheikh Al-Amin’s attitude against the Ahmadiyya sect influenced his student, Sheikh Abdullah Saleh Farsy, whose approach and writings were similarly hostile to that sect.

Sheikh Al-Amin was among the pioneers of the East African ulama who put down their thoughts in writing. His written works in Arabic include Hidayatul atfaal, Murshid adhrif ila fawaid al-ward al-latif lil imam al Hadad, Majmau al-Bahrain (unpublished), Al-Umuru al-Mushtahirah (unpublished), Al Ahaadithu al-Mukhtarah (Arabic and Swahili). He also wrote a range of books in Kiswahili language which include: Masomo ya Dini (Sehemu ya I-Ill), Wanyama wali halali na haramu kuliwa katika Uislamu, Mizani ya Madhhab ya Mirza Ghulam kwa Qurani na Hadith, Mirza na maneno yake ya Ukafiri, Je Ahmadiya ni waislamu? Mualimu kwa watoto, Ndoa na Talaka katika Sharia ya Ki-Islamu (Madh-habi ya Shafi), Tafsiri ya Juzuu ya Amma.

In 1936 Sheikh Al-Amin embarked on writing a commentary on the Holy Qur’an in Swahili but unfortunately only reached verse 170 of Suratu al-Imran (Chapter 3). His student and son-in-law, Sheikh Muhammad Kassim Al-Mazrui, continued writing the commentary. By so doing he maintained the intellectual chain of scholarship of his teacher’s intellectual responsibility. Sheikh Muhammad Kassim regarded Sheikh Al Amin as a “role model” in shaping his career.

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11 Ibid., p.16.
Sheikh Muhammad bin Kassim bin Rashid bin Ali bin Nafi‘i
Al-Mazrui (1912-1981)

Sheikh Muhammad Kassim was born in August 1912 (Ramadhan 1330 AH). He was a teacher at the local schools and was later appointed a Qadhi in July 1946 (Shaaban 1946 AH). He served as a Qadhi in Mombasa, Lamu and Malindi and on 1st May 1963 (6th Dhul Hijja 1362 AH) was appointed as the Chief Qadhi of Kenya until 30 April 1968 (2nd Safar 1388 AH). He studied under Sheikh Al-Amin bin Ali and took over the banner of reviving Islamic thought in the East African coast from his teacher. He praises Sheikh Al-Amin for his achievement “to take us out of the darkneses of foolishness”. To support women education, he held special seminars to Muslim women separately.

In his published series, Hukumu za Sharia (Rules of Sharia), he raised various issues related to the affairs of the Muslim community. In part three of the series, he wrote an article on Muslims, and politics in which he strongly criticised the idea that learning science amounted to infidelity. Learning disciplines other than religious education was equated by some traditionalist ulama to infidelity. Sheikh Muhammad Kassim addressed various issues in his mosque-seminars and writings. For instance, he condemned the efforts to discourage Muslims from observing jihad as prescribed by Allah the Almighty.

According to him, Islam covers both matters of state and religion and, therefore, politics is part and parcel of Islam. He disseminated most of his revivalist ideas in his series Hukumu za Sharia. He clearly explained the position of politics in Islam. He noted that the role of a politician was to guide the government in legislating proper laws, and good practising governance. He stressed the value and significance of voting and the responsibility of each individual to vote wisely. He noted “your single vote can determine the election of a proper candidate who could serve the entire community (ummah) in a prosperous life.” He clearly pointed out that the role of government is not only to cater for the religion of the people but to take charge of the welfare of the society.

Sheikh Muhammad bin Kassim left behind a number of students who later were

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13 B.G Martin, op.cit p.43.
14 Kai Kresse, op.cit, p. 6.
15 Muhammad Kassim Mazrui, Hukumu za Sharia, Sehemuya tatu, p.22
appointed as *Qadhis* in various Kenyan towns.\(^\text{16}\) His students include Sheikh Hammad Muhammad Kassim, who is the current Chief Qadhi of Kenya, Sheikh Ali Darani who was a *Qadhi* in Mombasa and Nairobi, Sheikh Al-Amin Muhsin who served as a *Qadhi* in Mombasa and Kisumu, Sayyid Mamed Omar who assumed the post of *Qadhi* in Kisumu. Sheikh Muhammad Kassim left behind a library of Islamic literature in Swahili. Sheikh Abdullah Saleh Farsy, a close friend and colleague of Sheikh Muhammad Kassim, wrote on the life of Imam Hassan and Hussein to continue the work done by his colleague Sheikh Muhammad Kassim in his series on the four caliphs. The works of Sheikh Muhammad bin Kassim include, *inter alia*, Historia ya utumwa katika islamu na dini myingine, Maisha ya Assidik Abubakar, Maisha ya Al-Faruk Umar, Maisha ya Dhin-Nurain Uthman, Maisha ya Al-Imam Ali, Hukumu za Sharia - Sehemu ya Kwanza, Hukumu za Sharia Sehemu ya Pili, Hukumu za Sharia Sehemu ya Tatu, Sitara ya wanawake, Mirathi Katika Sharia ya Kisalimu.

Beside his writings, Sheikh Muhammad bin Kassim held mosque-seminars in various towns where he served as a *qadhi*. For instance, he had a *darsa* at Sheikh Nasor mosque in Malindi between Maghrib and Isha prayers almost daily. When Sheikh Muhammad bin Kassim lost his eyesight he called his colleague Sheikh Abdullah Saleh Farsy to take charge of the Chief Qadhi Office and continue with his mosque-seminars as well. Sheikh Muhammad bin Kassim congratulated Sheikh Farsy on the occasion of being appointed as the Chief Qadhi of Kenya on 29 May 1968 with this poem:

\[
\begin{align*}
\text{Sheikh wetu mtukufu} & \quad \text{Abdalla Maarufu} \\
\text{Mteteshi latifu} & \quad \text{Sote twakukongoweya} \\
\text{Ndiwe taji la ilimu} & \quad \text{Fahari ya Isilainu} \\
\text{Amekupamba Karimu} & \quad \text{Kwa kila njieina tabia} \\
\text{Unipokee khalili} & \quad \text{Wadlaqa huu thaqili} \\
\text{Uzito kutahamali} & \quad \text{Na yote masuuliya} \\
\text{Utamakani Mombasa} & \quad \text{Ukitawala nasa} \\
\text{Ya kadhaa na dirasa} & \quad \text{Uonya ukiidhia}
\end{align*}
\]

\(^{16}\) Interview with Sheikh Hammad Muhammad Kassim, Chief Kadhi of Kenya on 13 November 2003, Mombasa.
Sheikh Abdullah Saleh Al-Farsy (1912-1982)

Sheikh Al-Farsy was born in Zanzibar on 12 February 1912 and passed away in Muscat on 8 November 1982 (21 Muharram 1403 All). He had the advantage of combining both traditional and secular education. He finished his primary school education in 1930 and later completed his teachers’ training 1933. He memorised the Qur’an and large portions of Hadith at a very young age. Sheikh Al-Farsy first studied under Sheikh Ahmed Muhammad Mlomry who was a student of Muhammad Abdouh, at Al-Azhar University in Egypt. Sheikh Farsy also studied Jalalyn under Sheikh Al-Amin bin Ali al-Mazrui.\(^{17}\) Sheikh Farsy described Sheikh Al-Amin as the one “who opened our eyes (to new ideas) and closed our lips (from uttering foolishness)”.\(^{18}\) Among the teachers of Sheikh Farsy was Sayyid Umar bin Ahmad bin Sumeyt who was a senior qadhi in Zanzibar.

After the retirement of Sayyid Omar bin Sumeyt as the senior qadhi in Zanzibar, there were several names who were proposed for the post. In a confidential letter to the Chief Secretary on 30 January 1960, the Director of Education in Zanzibar proposed Sheikh Abdullah Saleh Farsy for the post. The Director of Education noted in his letter that “Sheikh Abdulla Saleh Al-Farsy’s character is excellent. During the twenty seven years that he has worked in this Department there has never been the slightest suspicion of him being anything but a thoroughly virtuous man and I am absolutely certain that he is not in debt.”\(^{19}\) It was due to his excellent character and long standing record of service that Charles Njonj, the Attorney General of Kenya, admired Sheikh Farsy, appointing him as the Chief Qadhi of Kenya on 29 May 1968. Sheikh Farsy is reported to have been so generous to the needy to the extent that he would distribute almost all his salary.\(^{20}\)

Sheikh Farsy served in the educational field in various capacities before joining the judicial service. He was appointed as a Headmaster in Zanzibar from 6 February 1933 (10 Shavval 1351 All) to 22 March 1960 (23 Ramadhan 1379 AH). Later he was an Inspector of Schools in religious education from 1947 to 1952. He

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\(^{17}\) Khatib Rajab, *Sheikh Abdullah Salih Al-Farsy, 12 February, 1912- 9 November, 1982 The Great Poet, Scholar and Historian in Zanzibar*. Accessible at the following URL: [http://www.islamtz.org/nyaraka/fary.htm](http://www.islamtz.org/nyaraka/fary.htm)

\(^{18}\) Abdalla Saleh Farsy, op.cit, p.125

\(^{19}\) Zanzibar Archives (ZA-Aol/190)

\(^{20}\) Interview with Sheikh Abubakar Masoud, Malindi, Kenya, 14/09/03
was then appointed as the Principal of Muslim Academy from 1952 to 1954. His work in educational institutions exposed him to various issues pertaining to Muslim education in the region. On 22 March 1960 (23 Ramadhan 1379 AH) he was appointed as a Qadhi in Zanzibar, a post he held until 13 July 1967 (4 Rabi‘ul Thani 1387 AH).

Sheikh Farsy travelled across the borders during his service at the Education Department. This gave him the proper forum to disseminate his ideas to the people in various towns of Tanganyika and Nyasaland. He travelled around Tanganyika between 12 December 1952 and 14 January 1953 where he visited around twenty towns. He delivered lectures on religious matters and solved disputes between Muslims of those areas.21 One of the striking features in Sheikh Farsy’s mind was his sincere call to his fellow Muslims to reside peacefully with followers of other religions. After finishing his trip in Tanganyika and Sheikh Farsy was asked what had fascinated him, to which he replied: “to see my fellow Muslims staying peacefully with non-Muslims” and in support of his answer quoted Chapter 60: verse 8 (Allah does not forbid you from those who do not fight you because of religion and do not expel you from your homes-from being righteous to them and acting justly towards them. Indeed, Allah loves those who act justly). Furthermore, he noted that the “Government gives help to various Mission schools. The Government does not request them to amalgamate first before being granted aid, but it gives these Christian organizations separate aid in running their schools. The aim of Nyasaland Government should be to raise the standard of Muslim education to the same level as other communities in the country.”22

Sheikh Farsy’s concern for Muslim education went beyond establishing separate schools for Muslims. He strongly supported the provision of Muslim teachers for community schools. He pointed out that community schools should have a Muslim teacher for who was paid by the government as Christian teachers were. He pointed that such an action would be fair since all people, including Muslims, paid taxes. All tax payers had the right to access government education aid. Sheikh Farsy’s efforts were directed towards educating Muslim youth through his mosque-seminars and writings. He continued to uphold the banner of reviving

21 Saidi Musa, *Maisha ya Al-Imam Abdulla Salih Farsy katiwa ulimwengu wa Kiislamu*, Simbon Centre, Ugweno, Tanzania, p.43.
22 Ibid.,
proper understanding of Islam as was established by his predecessors, Sheikh Al-Amin and Sheikh Muhammad Kassim. Sheikh Farsy’s ambitions went far beyond his post as the Chief Qadhi of Kenya. He was driven by the search for a platform to propagate his revivalist ideas.

Sheikh Farsy opposed the Kenya law of succession of 1982. Muslims of Kenya were subjected to follow the Law of Succession 1982 which was intended to all apply to citizens of Kenya. The Law of Succession had been passed but was awaiting the assent of the president. Sheikh Farsy’s called for the exemption of Muslims from the Law of Succession because they were already governed by the Sharia law. In his letter of retirement as the Chief Qadhi of Kenya, dated 3 September 1981, he wrote:

“Sir, at this juncture I wish to inform you that I am slightly touched by the enactment of the new law of succession... Sir, it is rather sad to see my fellow Muslims in this state of confusion during the last days of my career in this country. I am obliged to bring to your attention that compelling Muslims to inherit in accordance with the new law is in fact to repel their God revealed Sharia, an act contrary to the Kenyan Constitution.”

Being a civil servant, he felt bound to follow the procedures laid down by the authorities before publishing any literature. This was the case in Zanzibar where he sought permission before publishing his books. The published works of Sheikh Farsy include, inter alia Tafsiri ya Qurani Takatifu (first published in July 1969), Maisha ya Nabii Muhammad, Mawaidha ya Dini. Tarehe ya Imam Shafi na Wanazuoni wakubwa wa Africa ya Mashariki Baadhi ya Wanachuoni wa Kishafi wa Mashariki ya Afrika, Sayyid Said bin Sultan and Urathi, Jawabu za Masuala ya dini (sehemu ya kwanza, pili na tatu, Tafsiri ya surtul kahf na hukumu ya sala ya Ijumma. He also published a number of books in Arabic that included Inayatullaahi al-adhym bi al Qurani al-Karim, Irfaani al ihsaan bi tarjamati al qarii Hafs bin Suleiman. Nuru al basira wal al basar fi taraajimi al quraa al arba atashar. Al khulafau at Amawiyn.

23 Kais Kresse, op.cit, p.96.
24 Supra Note 14, p.75.
Conclusion

The three *qadhis* studied in this chapter were closely linked to one another through the intellectual chain that kept Islam alive in eastern Africa for the past millennium and half. The chain in fact stretches beyond the three qadhis. It dates back to Qadhis who worked amongst Muslims before European colonialism submerged Islam in eastern Africa. It ascends to the teachers of Sheikh Al-Amin namely; Sheikh Suleiman bin Ali Al-Mazrui who was the Chief Qadhi of Kenya and Sayyid Ahmad bin Sumayt, a senior a *qadhi* in Zanzibar. The chain was further influenced by *ulama* outside East Africa. This was apparent in the case of Sayyid Ahmed bin Sumayt who had established networks in Hadhramout. The ideas of Muhammad Abduh, the Grand Mufti of Egypt, had an impact on Sheikh Al-Amin through his readings. In addition, Ahamd Mlory, the teacher of Sheikh Farsi, had also studied under Muhammad Abduh in Al-Azhar prayers.

The chain also descends to include Sheikh Hammad Muhammad Kassim, the son and student of Sheikh Muhammad Kassim. Sheikh Hammad is the current Chief Qadhi of Kenya and served as a Qadhi in Lamu and Nairobi. In 1984 he earned his Bachelors of Education from King Saud University in Riyadh. He achieved his Masters of Arts from Ibadan University, Nigeria, in 1991. Beside his official duty as a *qadhi*, Sheikh Hammad has continuously been engaged in conducting mosque-seminars (*darsas*). In Mombasa, he used to lecture at Buxton (Luta) mosque every Friday and Monday after *asr* prayers. He also lectured at Mazrui mosque every Sunday after *maghrib*. In addition, he conducted special seminars for women every Saturday afternoon. During his tenure as a *qadhi* in Nairobi, he conducted seminars at the Nairobi West mosque every Wednesday after *maghrib* prayers. As for women, he had special seminars at his residence in Nairobi every Saturday afternoon.

It is evident from the above discourse that *qadhis* have played a significant role in Islamic intellectual life in Eastern Africa. Their scholarly contributions varied from poetry to giving legal opinions in courts. The three *qadhis* to whom this chapter is devoted to, were not only judicial officers but also intellectuals in their own right. Their role partly explains, how, without missionary societies, archives or museums, Islamic knowledge has been generated, preserved and disseminated to the public from generation to generation.
It remains to be seen whether the continuity and future of the intellectual chain within the scope of the Chief Qadhi office will be preserved. It will also be interesting to see whether the future Chief Qadhi will maintain the legacy that has been inherited from the nineteenth and twentieth centuries. The current reforms facing Qadhi courts in Kenya are likely to impact on the future appointment of the Chief Qadhi and in turn they may interrupt the intellectual chain that has been preserved throughout the history of the Chief Qadhi’s office in the East African Coast.
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Qadhis' Intellectual Chain on the East African Coast

Muhammad K. Mazrui, 1912-1981
Chief Qadhi - Kenya 1963-1968

Ahmad Mlomy
(Scholar - Zanzibar)

Sayyid A. bin Sumeyt (d. 1925)
Qadhi - Zanzibar

Umar bin Ahmad bin Sumeyt
Senior Qadhi - Zanzibar

Abdullah Saleh Al-Farsy, 1912-1982
(Chief Qadhi - Kenya 1966-1981)

Muhammad Bereki
(Scholar - Mombasa)

Suleiman b. Ali Mazrui (d. 1937)
(Qadhi - Mombasa)

Al Amin b. Ali Mazrui, 1890-1947
Chief Qadhi - Mombasa 1937

Hammad M. K. Mazrui
(Chief Qadhi - Kenya 2002)

Muhammad Abdulh (Mali - Egypt)

Naser Nabila, 1982-2002
Chief Qadhi - Kenya