

Tribal Traditions and Shariah in the Legal Folklore of the Music at the Digo Tribe in Africa

The East African Digo tribe is a young Islamic group, just a hundred years old. In addition to their unique, folk Islamic religion, they have strong tribal traditions and customs, which can be felt in all areas of their society. This duality also appears in areas of regulations in culture and music. By studying them, on the one hand, we can help preserve these special legal customs, and on the other hand, they can help us to understand how Shariah functions in young Muslim groups.

Keywords: folk Islam, Legal customs, Shariah, music, Digo tribe

1. Introduction

In September 2024, I visited Mudzini, a village in Mombasa province on the south coast of Kenya. The village is inhabited by the *Digo* tribe, which belongs to the *Mijikenda* ethnic group. The *Digos* converted to Islam in the first half of the 20th century, so they are a young Muslim community. This fact piqued my interest, as my main research question was based on the specific case of the Islamic regulation of music at the *Digo* tribe. Since the relationship with Islam is still very young – just a hundred years old – it was not surprising that I could meet a special mixture of Islam and tribal culture.

This paper is based on empirical data collected during fieldwork in the village, as well as an interview with a *Digo* villager, which I recorded on September 9, 2024, in Mudzini in the presence of the tribal chief in English. I compared this data with several studies related to the *Digo* tribe and East African Islam. During their collection, however, I found remarkably few sources about the *Digo* tribe specifically, which indicates that the topic is under-researched and requires comprehensive research covering more *Digo* settlements in the future.

2. Mudzini – A visit to a Digo village

Starting from the estuary of the Congo River, we approached the settlement of Mudzini by boat with my interviewee, *Adam*, who lives in Mudzini and is of *Digo* origin, and who was also the boat's helmsman. After the river road, we reached the village on foot. Subsequently *Adam* showed me around the village, we settled on the porch of the tribal chief's house, where I interviewed him in the presence of the chief. After the general questions about the village and the tribe, the interview questions focused on their own faith, the present-day music practice of the *Digos*

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(covering both vocal and instrumental practice), and potential Islamic regulations of music, in this young Muslim community. I also touched on the gender differences that appear in musical traditions and possible regulations, so I separately examined the possibilities of practicing for men and women, as well as together. The research discusses related activities, such as learning an instrument and dancing, and clarifies the terminology of music by the *Digos*.



Picture 1: Travel on the Congo river (the author's own photography)

3. About the Digo tribe and Mudzini village

From an ethnic point of view, the *Digo* tribe is a member of the larger *Mijikenda*, meaning 'nine cities' group, which includes nine related tribes belonging to the *Bantu* language family, named *Chonyi*, *Komba*, *Duruma*, *Kauma*, *Ribe*, *Rabai*, *Jibama*, *Giriama*, and *Digo*.¹ The residences of the *Mijikendas* can be found along the Kenyan coastline, from the Somali border to Northern Tanzania. The place of occurrence of *Digos* is concentrated in a much narrower area, which stretches from the areas south of the city of Mombasa in Kenya to the city of Tanga in northern Tanzania.

It is certain that the *Digo* tribe originally migrated from other areas to the Kenyan coast about a thousand years ago, but there is no clear evidence regarding their origin. Some researchers, referring to Tanzanian roots and *Digo* legends, recognize *Shungwaya* as the homeland of the *Digo* tribe, which was confirmed by my interviewee. So, the residents of the village of Mudzini also accept this view, which is preserved in their ancient stories.² However, other positions place the place of origin of the *Digo* tribe in Somalia or South Africa.³

1 MUKHWANA – AWADH – CHIDONGO, *Islamic Cultural Heritage at the Coast of Kenya* 155.

2 MUKHWANA – AWADH – CHIDONGO, *Islamic Cultural Heritage at the Coast of Kenya* 158.

3 *Digo of Kenya and Tanzania, Pray Africa*.

The Kenyan *Digos* typically live in the inland areas away from the coast.⁴ Some researchers assume that they used to live along the coast, but due to the appearance of the Portuguese⁵, they moved to their forests that provided security.⁶ This can be paralleled by the fact that the *Digo* tribe chooses forests it considers sacred – called in *chidigo* language⁷ ‘*Kaya*’ – for its settlements. These sacred forests were attributed magical powers that would protect them in the event of an outside attack. The settlement of Mudzini is also located in such a sacred forest, in *Kaya Diani*. However, the most important *Kaya* of the region is *Kaya Kinondo*, whose trees are highly respected among the *Digos*.⁸ The fortification of the villages also serves as a means of defence, so the tribe often surrounds these villages with completely continuous walls, forming the light building of the settlement into a strong unit. It should be emphasized, however, that both the settlement in *Kayas* and the tradition of fortified villages are probably elements of a longer history, more ancient customs.



Picture 2: Villages are fortified with walls (photographed by: Akos Zöldhegyi)

The external structural arrangement of the villages is connected to an internal element that determines the structure and shape of the houses and buildings. Based on this, it was previously possible to precisely determine the social stratum of the owner of the residential property. The

4 Digo, Africa 101 Last Tribes.

5 Between 1593 and 1698, the Portuguese were able to claim the Kenyan coast, which was then under the leadership of the Omani Imamate until 1728, when the Portuguese forces were able to extend their presence for another year.

6 MUKHWANA – AWADH – CHIDONGO, Islamic Cultural Heritage at the Coast of Kenya 157.

7 *Chidigo* is the language of the *Digos*.

8 The Kaya Kinondo Forest Conservation Group.

elders, as prominent and highly prestigious members of the tribe, lived in round buildings, while the younger residents lived in smaller, square buildings. So, the size of these buildings could also be indicative of social rank.⁹ During my visit to Mudzini from these architectural habits, I observed the wall that surrounds the village in smaller sections, which, however, cannot even be approached as a fortification. I noticed differences in residential buildings as well. Social rank is now clearly indicated only by the quality of the building material and the size of the residential property. The largest and most decorated house belonged to the chieftain, which was already a brick building and – contrary to tradition – angular. Mud bricks, reeds, palm leaves, but also stones, plates and bricks are often used as building materials for houses. In addition to the houses, there are also other buildings for economic purposes in the village, and a mosque with a *Qur'an* school. The buildings are scattered and separated from each other by the trees of the forest, thus providing some private space for the families. The size of the residential buildings varies greatly, but most buildings are between 10 and 25 square meters. The largest building is the chief's house, which is also the most colourful building in Mudzini.

According to my interviewee, the village has 1.260 people. However, the *Digo* tribe is much larger than that, according to the latest 2019 Kenyan census data, 409.595 Kenyans identified themselves as *Digo*.¹⁰ Their culture and customs – as with all African tribes – is considered a curiosity with the key to their mother tongue. The *Digo* language, *chidigo*, belonging to the *Bantu* language family, which is the tribe's own language, is however increasingly under threat. To preserve it, a language project was launched, where children can learn the *Digo* language from the basics, which is a significant element of knowing the tribe's culture, society and customs.¹¹ And the effects endangering the language – that caused by the daily use to Swahili, which is spoken as a common language, and English, which is used in public education, and the Arabic language in *Qur'an* schools – are getting stronger. These languages then distort ordinary using of native communication, thus destroying poems, songs, and traditions.

The *Digo* tribe is self-sufficient. They do not engage in agricultural activities. There are countless fruit trees in their *Kayas*, such as pineapples, mangoes, papayas, and palm trees such as coconuts and bananas, but they also grow cotton. In addition to collecting these, fishing ensures the village's food supply. The coconut is of particular importance, as it is used to make a kind of palm wine which they trade¹², despite the general Islamic legal prohibition of alcohol.¹³ This custom dates to the British colonial times before the *Digos* conversion, when the number of non-Muslims in the region increased and the factors determining consumption and trade changed. It was then that the tribes in the area began to tap the palms to make various alcoholic drinks from them.¹⁴ The money received from trade – as well as other budget items of the village – are

9 MUTHOKA, Pioneer Digo-Duruma Christian Converts 33.

10 2019 Kenya Population and Housing Census. Volume 4: Distribution of Population by Socio-Economic Characteristics 436.

11 Digo Language and Literacy Project.

12 MUTHOKA, Pioneer Digo-Duruma Christian Converts 34.

13 Although the derivation of the analogy started from the date wine found in the Noble *Qur'an*, after *Allah* directly considers alcoholic beverages to be 'the work of Satan', the *Qiyas* extended this to all alcoholic beverages. Of course, the consumption of palm wine can be based on certain logical arguments, but in this case it is more a sign of ignorance or complete disregard for Islamic law. HILLENBRAND, Az iszlám – Új történeti bevezetés 102–121.

14 COOPER, Colonial History 7.

managed by the chief, who is the oldest male resident of the village. The deliberative body of the tribe is the council, which is made up of older men, with whom the chief of the tribe jointly makes decisions affecting the village. The *Digo* villages are connected to each other. Although each has autonomy in its own affairs, the confederation of villages is headed by a common chief. The head of the confederation is responsible for the common affairs of the *Digos*, but in case of major internal problems or inability to decide, he also has a decision-making role. Our meeting was also recorded in the tribe's book.



Picture 3: Chieftain of Mudzini village (photographed by: Ákos Zöldhegyi)

4. The faith of the Digos

A kind of north-south separation can also be observed between the *Mijikenda* groups. The eight northern tribes are partly Christian, but many have preserved their own tribal beliefs. The southern one, the *Digo*, is the only Muslim tribe. In terms of their faith, they follow a specific type of folk Islam.¹⁵ Although their relationship with Islam has been continuous since the 10th century, their faith is young, as the true conversion of the tribe only began in the 1920s. At that time, only men embraced Islam, because they were not interested in the conversion of women. Their wives remained pagans, and their conversion only took place later.¹⁶

Their specific folk Islamic religion carries earlier features from countless traditional animist and ancestor worship beliefs, such as their mystical relationship with *kayas*. These forests not only protect them, but also help them keep in touch with their ancestors.¹⁷ Communicating with the spirits of the ancestors, asking for help and guidance from the deceased are still commonplace in the *Digo* tribe today, as is the practice of magic and witchcraft. Often these rites require the presentation of a blood sacrifice¹⁸, which, although in this form outside the orthodoxy sanctioned by Islam, is nevertheless parallel to it. This is found in the ritual order of the Pilgrimage (*Hajji*) to Mecca¹⁹, which includes the offering of an animal sacrifice on Mount Arafat.²⁰ These blood sacrifices are of particular importance in the life of the tribe, because they not only protect them from evil spirits²¹, but are also used by the witch doctors of the area, including the *Digos*, to treat various health, spiritual and mental problems.²² The healing practice of Islamic *Ruqyah* is similar to traditional African healing, so local Muslims easily transformed their practices in accordance with Islamic regulations. The local Muslim healers, called *mganga* in Swahili, were thus in contact with the tribe even before the conversion of the *Digos* and shaped its customs.²³

During my visit, while sailing on the Congo, *Adam* showed me a cave on the coast near the settlement of Mudzini. In this place, animal sacrifices are presented on occasions when help is expected, such as in case of illness or infertility. He named the cave the Miracle Cave, which villagers visit on days-long retreats to connect with the spirits. The regular human presence was also indicated by the garbage in the cave.

15 MUKHWANA – AWADH – CHIDONGO, Islamic Cultural Heritage at the Coast of Kenya 157.

16 SPERLING, The growth of Islam among the Mijikenda of the Kenya coast 104.

17 The Kaya Kinondo Forest Conservation Group.

18 MWANGI, Christian-Muslim Relations in Digo Land: A Historical Perspective 65.

19 FALUS, The Legal Institutions of Charity in the Traditional Islamic Law 22–23.

20 HEDIN, Muslim Pilgrimage as Education by Experience 165.

21 MWANGI, Christian-Muslim Relations in Digo Land: A Historical Perspective 65.

22 RUQYAH, A Remedy for Illnesses, Evil Eye, Magic and Jinn from the Qur'an and Sunnah 2.

23 MUKHWANA – AWADH – CHIDONGO, Islamic Cultural Heritage at the Coast of Kenya 159.



Picture 4: *The Miracle Cave (photographed by: Akos Zöldhegyi)*

There is a mosque in Mudzini, and a *Qur'an* school – called *Madrasat Neemah*. State education takes place between Monday and Friday, and the children also attend the *Qur'an* school on Saturday and Sunday. In this institution, they learn to read and write in Arabic by reading the *Qur'an*, and they also obtain Arabic vocabulary. This is well exemplified by the fact that during our brief conversation, the chieftain called the previously mentioned book of the tribe, as *kitab* and the pen, as *qalam*, which indicates that the words of the Arabic language have also been incorporated into everyday speech.

My interviewee declared themselves to be Sunnis, which corresponds to the currently available research results, as well as a common feature of the Muslim population of the Kenyan coast. According to *Adam's* answer regarding the following and knowledge of the *Shariah*, the tribe knows and follows the Islamic law, and specifically bases its religious legal practice on the tenets of the *Shafi'i Madhhab*.²⁴ I couldn't find any data to prove this, but the Kenyan coast basically follows the *Shafi'i Madhhab*, so I considered it as authentic information.

24 FALUS, A játékonyság és a közösségi gondoskodás jogintézményei a Shariában 16.



Picture 5: The Madrasat Neemah in Mudzini (photographed by: Ákos Zöldhegyi)

There are early sources of the Muslim community on the Kenyan coast, including the famous Moroccan traveller *Ibn Battuta*²⁵, who in his notes made in the 14th century, describes the local Muslim population as *Sunni, Shafi'i* in their rites, and pious and honourable in character.²⁶ He presented the following of the *Shariah* and the *Shafi'i* school of law in the way that they know and read the *Qur'an*, pray five times a day, and pray together on Fridays (*Jumu'ah*). Based on this, it can be assumed that although they have basic Islamic religious knowledge, including several Islamic concepts, but they are not aware of their meaning, or if they are, they understand it in a completely different way.

During the visit and from the interview, it was also revealed that women and school-age girls veil their hair and wear solid clothes that hide their figure. However, I did not investigate the basis of this custom, but during the subsequent research work I came across several articles in which it was labelled as a formality, a superficial act, which they do only out of respect for their husbands.²⁷

25 HRBEK, Ibn Battuta In. Encyclopaedia Britannica.

26 SPERLING, The growth of Islam among the Mijikenda of the Kenya coast 19.

27 Digo, Africa 101 Last Tribes.



Picture 6: Veiled women in Mudzini (photographed by: Ákos Zöldhegyi)

5. Musical traditions

5.1. Fundamentals of Islamic legal regulation of music

The focus of the study was on the possible Islamic legal regulation of music, because the perception of music in the Islamic world is very diverse. Even though there is no real basis for banning music – as a primary source of law – in the *Qur'an*, legal scholars who vote for the harmfulness of music used to argue with three different verses, *sūrah*s of the *Noble Qur'an* content.²⁸

These are *Al-Isra*²⁹, *Luqmān*³⁰ and *An-Najm*³¹, in order according to the *Qur'an*. None of these include the terminology of music. They tried to explain the prohibition of music through these *sūrah*s, so some of its elements were identified as instruments used in battles³², or vocal

28 SHAIKH MUHAMMAD, *Der Islam – Frage und Antwort*.

29 17:64. The referenced *Qur'anic* verses were processed from <https://quran.com/>.

30 40:31.

31 41:53.

32 WRIGHT – POCHÉ – SHILOAH, *Arab music*.

music known from legends.³³ The perception of music was aggravated by the Persian genre of *ghinā'*, appearing in urban customs. It was a vocal genre, a song performed by slave women for entertainment, often associated with prostitution.³⁴ *Qur'anic* explanations often refer to the immorality of *ghinā'* and try to extend their opinion to all musical activities.³⁵

The judgment of music in the *hadiths*³⁶ is also ambivalent, because although the real basis of the prohibitions originates from here – the previously mentioned *surahs* are also explained³⁷ – at the same time, we can also come across stories that specifically support and appreciate music. Moreover, in these positive *hadiths* about music, the figure who idealizes music and musical expressions is precisely the *Prophet Muhammad*. For instance, the completely accepted musical traditions at weddings are based³⁸ on just such a story.³⁹

5.2. Outline of regulation

The theoretical and practical regulation has different, often contradictory boundaries, which are drawn in the practice of vocal music regarding the genres, and in the context of several instruments. These appear in different ways in Islamic denominations, sects, and in the madhabs of different legal schools. The variants of regulations take on different dimensions, and although a consensus (*Ijmā*) has not been established regarding the Islamic legal judgment and regulation of music, it can still be said that all groups of Muslims and Islamic scholars have opinions about music, and these are mostly negative.⁴⁰ Only the mystical *Sufism* represents real exceptions⁴¹, where, however, the role of music is to be found in producing the transcendental effect that the purist view of Islam so despises. Still, the Islamic world is full of 'music'. Just think of the melodies sung during the call to prayer, the *adhān*, which show different stylistic features depending on the region; or the melody of reciting the *Qur'an*, which must always be performed⁴² with melodic vocal speech⁴³; and countless genres related to Islamic holidays, one of the most beautiful of which is the *Shia Ta'ziye*, commemorating the martyrdom of *Huassayn*.⁴⁴ Based on these, the next question is how is the assessment of Islamic orthodox musical practice different from secular music?

33 SIMON, A Korán világa 306.

34 NEUBAUER, Islamic religious music.

35 SHAIKH MUHAMMAD, Der Islam – Frage und Antwort.

36 FALUS, The Legal Institutions of Charity in the Traditional Islamic Law 24.

37 KÁRPÁTI, Kelet zenéje 57.

38 Dürfen Muslime Music hören?

39 Sources testify that on one occasion the Prophet told his daughter, *Aisha* about the importance of music played at weddings.

40 SHAIKH MUHAMMAD, Der Islam – Frage und Antwort.

41 HILLENBRAND, Az iszlám – Új történeti bevezetés 211–212.

42 In terms of the method of presentation, the 96th sura of the *Qur'an* already contains instructions, because the verb *qara'a* (أَرَقَّ) used in the original Arabic text, in a certain interpretation, specifically refers to melodious, recitative reading. To interpret the Arabic texts, I used "*The Hans Wehr Dictionary of Modern Written Arabic*" when writing the study.

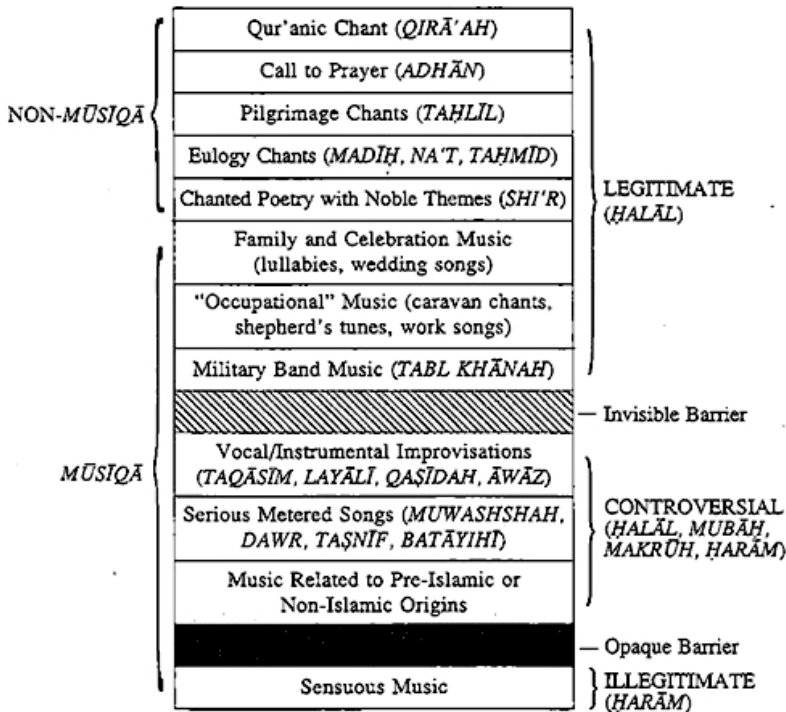
43 KÁRPÁTI, Kelet zenéje 61–62.

44 NEUBAUER, Islamic religious music.

Islamic scholars had to protect the system of musical traditions within Islam from attacks on music, and they did so with a very simple method. The word *mūsīqī*, as a foreign word, was endowed with a meaning that denoted aspects of music that they considered negative, and all orthodox and traditional genres outside of this, worthy of protection, were included in the category of *non mūsīqī*. However, there are genres that are semi-secular, but still organically connected to Islam such as the mentioned wedding songs and melodies, or military music, which related to the concept of *jihad*, a struggle or fight against the enemies of Islam.⁴⁵

A perfect summary of this is provided by the work of the Palestinian-American philosopher of religion, *al-Farūqī*, in 1985, which lists the musical genres of Orthodox practice in a hierarchy of legitimacy in relation to Islamic and secular genres.⁴⁶

Figure 1
Hierarchy of *Handasat al-Ṣawt* Genres
(The Status of Music in the Islamic World)²



Picture 7: Division of musical genres in *al-Farūqī*'s work (the author's own photography)

45 FALUS, The Legal Institutions of Charity in the Traditional Islamic Law 77.

46 NEUBAUER, Islamic religious music.

5.3. The music of the Digo tribe

The *Digo* tribe has a strong musical tradition, both instrumental and vocal music, and enjoy playing music. This was indicated by the fact that my guide was being sung to along the river, and the children living in Mudzini also greeted us with loud singing. After that, I was not surprised when *Adam*'s answer to my questions about musical regulations and prohibitions was that musical activities are not prohibited. Men and women can play music and dance together, and even entertainment music and dance are allowed.

There are no regulations regarding musical instruments, so in addition to traditional tribal instruments, children attending school in neighbouring settlements can also learn modern, Western instruments, such as the piano.

In the interview, *Adam* emphasized that the entire tribe celebrates together with traditional music and dance during weddings from Friday evening until Sunday morning.

However, there is some musical regulation among the customs of the tribe. For example, in the case of vocal genres, melodies whose lyrics glorify or address other gods or spirits are prohibited. This can be interpreted as a kind of content limit. It is questionable whether these ancient melodies are really omitted during the practice of the mentioned animist ceremonies. In this regard, it is important to note that the preservation and recording of these texts and melodies would deserve due attention, since they are not only part of the universal history of music, but also part of our common human heritage. Folklore preserves the ancient knowledge and wisdom of peoples not only in their social system, but also in their culture. For this reason, in addition to collecting norms and beliefs, it is also important to carry out an artistic examination, as they complement each other.⁴⁷

Their rule, according to which it is forbidden to play or listen to music near mosques, marks a different, territorial boundary or scope. This and other prohibitions in force in the vicinity of mosques – such as the prohibition of alcohol and nudity – are indicated by signs that are often displayed not only in *Digo* settlements, but also in neighbouring cities. Another special custom is that they also play music and sing at funerals, which is otherwise not typical of Muslims. However, the consideration of Islamic legal rules is indicated by the following phenomenon, which I have also experienced. The *Digos* used to mark the graves with wooden columns with human faces, but in the village of Mudzini, I saw graves simply surrounded by stones in the village cemetery, which were not marked by any columns or headstones. The National Museum in the capital, Nairobi, has an extremely interesting collection of objects related to the earlier burial customs of *Digos*. Here you can still find the headstones modelled on the human figure that I mentioned.

A clear crossing of the borders of Islam is indicated by the clothing worn during traditional music and dance celebrations. In such cases, they exchange their solid clothing, which is appropriate for the Islamic faith, for their traditional attire, which for women means a short skirt and a short top. The women do not veil their hair, they leave it free and sometimes even decorate it, thus changing in a short period of time from Muslim women to *Digos*, who are in close contact with nature and their ancestors' traditions. Several videos of such celebrations can be found on the Internet.⁴⁸

47 MUKHWANA – AWADH – CHIDONGO, *Islamic Cultural Heritage at the Coast of Kenya* 161.

48 An example of the videos showing *Digo* dances that can be found on the Internet: <https://www.youtube.com/watch?v=Otuj6vmuEo4>.

6. Conclusion

Comparing the general Islamic legal position regarding music with the current musical practice of *Digos*, it can be concluded that regulation is quite permissive and superficial. It should be considered that anomalies appeared not only in music, but also as animistic elements, blood sacrifice, clothing, which do not fit with traditional Islamic religious values and rules. On the one hand, the last hundred years have not yet created a serious foundation for Islam, on the other hand, their strong tribal traditions – such as their isolated way of life in their *Kayas* – slow down the full development of Islam and even transform it. Thus, in addition to incomplete knowledge, we also must calculate with resistance to change.

The appearance of rules in the *Digo* tribe, as well as the slow transformation of its society, can serve as an example of how Islam spread and why it was so easily adaptable, which can explain its success. With its five easy-to-follow pillars, Islam not only spread rapidly, but also gained variety, which was necessary due to its territory covering large geographical distances. This variety is also reflected in the legal regulations.⁴⁹

Islamic law is so diverse that it is often not possible to reach a consensus even within a school of religious law. This is also the case with the *Shafi* school, which, although it lays down rules for music, one of its most prominent representatives, *al-Ghazali*, specifically defended the practice of listening to music.⁵⁰ In the case of the *Digo* tribe, however, it can be established that the weak regulation of music does not have a theological foundation, but is simply based on the strong traditions. The reason for this is that the otherwise general dress codes are also destroyed during musical ceremonies.

The examination of the *Digo* tribe can provide extensive information about the process of how building the Islamic law and is therefore worth studying. In addition, the special, unique cultural patterns of the *Digo* tribe are endangered due to Islamization, and their study and collection are also important.

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