

I. INTRODUCTION

Zakāt is an obligation that constitutes one of the five pillars of Islam together with the declaration of faith, prayer, fasting and the pilgrimage to Mecca. Although *zakāt* is commonly defined as a form of charity, almsgiving, donation, or contribution, it differs from these activities primarily in that they are arbitrary, voluntary actions, known as *ṣadaqa*. *Zakāt*, due to being an obligation sanctioned by the Qurʾān and the *sunna*, is a formal duty not subject to choice.

From the time of the Prophet Muḥammad's relocation from Mecca to Medina, Islam has not only been a political religion but also has imbedded in it a clear notion of political economy. State economics became bound up with pious practice: the collection and distribution of alms (*zakāt* but also alternatively *ṣadaqa* in the Qurʾān) was to be supervised – if not controlled – by the head of the community of the believers. Following the Prophet's death, the rejection of the obligation to pay *zakāt* by some nomadic tribes of Arabia was regarded as an act of apostasy, *ridda*, and became a cause for war.

The role of the state and its obligation to collect and distribute *zakāt* in the "rightful way" was often debated by Muslim scholars. While the Qurʾān says nothing about *zakāt* in an institutional sense, it does lay down how it should be distributed once it has been collected. Various revivalist and reformist movements in particular used the question of the collection of *zakāt* in their critique of unpopular Muslim rulers or in their attempt to establish an Islamic order in a non-Islamic setting. Taxation was condemned by these scholars as non-Islamic and a return to early Islam and the ideal of the Prophet's community in Medina was propounded. Such movements could be found, for example, in the Bilād al-Sūdān.

Thus an ideal Islamic order was established by critics of the "non-Islamic reality". According to this ideal, the *imām*¹ of the Muslim community was recognised as the principal political and religious figure. His duty was the maintenance of Islamic traditions, the enforcement of the *sharī'a* as well as Islamic economic

1 It is interesting to note that the notion of the word *imām* is always masculine within an Islamic discourse. Thus, for example, al-Māwardī stated that "a woman may not take up office as she is not suited to administrative office" and had similar restrictions in the case of the imamate of prayer (al-Mawardī 1996: 98, 152–153). On the other hand, it is well known that women could establish themselves as teachers, scholars and Islamic leaders. One of the most well-known examples of a Muslim female scholar in Sudanic Africa is that of Nana Asma'u (1793–1865) in the Sokoto Caliphate. See further Boyd 1989.

and social policy. His duty was also to provide the internal and external security of the community of believers. These duties he accomplished through his *amīrs* who were responsible for police and military affairs. Taxation was to be based on Qur'ānic principals, the revenues from the '*ushr* ('tithe'), *zakāt* and *jizya*, as well as taxes collected on caravans, and one-fifth of revenues from military expeditions (*khums*) were to be redistributed by the *imām* and his officials in the form of public assistance.² On the other hand, non-payment of *zakāt* was viewed as an act of apostasy and rebellion against the Islamic order and, therefore, the *imām* had the right to demand the rightful amount of *zakāt* by force.³

In the light of the ideal Islamic order, it seems as if the *imām* had a central position in the collection, control and disbursement of *zakāt*. But who was the *imām*? Was he the ruler of a Muslim state or the head of a local community? Clearly, during the time of the first caliphs, the *imām* and the Caliph was the same person, combining political and religious authority. However, as the administration of the Caliphate became more complicated, the ruler had to hand over several of his obligations to his religious and political deputies. Due to the various tax reforms during the Umayyad and Abbasid period, the collection and disbursement of *zakāt* was not a concern of the Muslim state but the local Muslim community. Such a development also took place during later centuries. For example, the *ṣūfī* communities (*zāwiya*, pl. *zawāyā*) took over the collection of *zakāt* in Morocco during the 16th century due to the split in the central government and the dynastic strife which created a political vacuum in some parts of Morocco.⁴

On the other hand, the transfer of the collection and disbursement of *zakāt* was somewhat contradictory to the ideal of the Islamic ideal of the "good ruler". According to this ideal, the "good ruler" was someone who looked after and cared for the welfare of his subjects, especially the poor and miserable.⁵ These objectives are underlined by, among others, Fulbe scholars such as Usman dan Fodio ('Uthmān ibn Fūdī) and his brother Abdullahi dan Fodio ('Abd Allāh ibn Fūdī) as well as his son Muhammad Bello (Muḥammad Balū) in early 19th century Hausaland. In his political tract *Uṣūl al-Siyāsa*, Muhammad Bello refers to the example of the second caliph, 'Umar ibn al-Khaṭṭāb (who, in fact, seemed to have been used by several authors as the archetype of the "good ruler"), "... 'Umar was constantly looking into the problems of the destitute among his subjects and being of service to them personally."⁶ He walked at night dressed as an ordinary man

2 Willis 1978: 206.

3 Fisher 1971: 395.

4 Rodriguez-Manas 1966; 1996.

5 On *maṣlaḥa* or 'communal welfare and the responsibility of the ruler', see further Khadduri 1991: 738-740.

6 Muhammad Bello, *Uṣūl al-Siyāsa*, quoted in Martin 1971: 84.

among his subjects and listened to their complaints. During the daytime, he then gave orders to correct the injustice or provide help for the needy one. Such an ideal of the “good ruler” did prevail in Muslim societies and in the teaching of Muslim scholars; “good rulers” were praised by the chroniclers and “bad rulers” condemned. However, it has to be underlined that this “goodness” was a statement of personal piety and moral (as well as political) wisdom, not an exemplification of the existence of an established institution.

Yet, all rulers were not “good” ones. Among 16th-century Timbuktu scholars, such as Aḥmad Bābā, a rather critical stance developed towards a too close cooperation between the scholars and the rulers. In his treatise *Jalb al-ni‘ma wa-daf‘ al-naqma bi-mujānabat al-wulāt al-ḡalama* (“Attaining grace and averting evil by avoiding tyrannical rulers”, c. 1588), Aḥmad Bābā calls upon Muslims to avoid all dealings with rulers and state officials. Aḥmad Bābā did not single out any ruler of his time – it could have been directed against the ruler of Songhay or Morocco – but wanted to relegate state authority to an extremely marginal position in the affairs of Muslim society. As Saad has emphasised, Aḥmad Bābā’s argument was that the relationship between Muslim society and the Muslim state should be channelled solely through the judgeship, which, at least in Timbuktu, had at that time emerged as the central juridical, legislative and executive institution. Therefore, according to Aḥmad Bābā, only the judge could lawfully be paid by the state.⁷

Aḥmad Bābā’s argument is interesting for the discussion on the relationship between the Muslim community, on one hand, and the state – Muslim or not – on the other. In fact, it can be argued that Aḥmad Bābā’s treatise can be regarded as critical towards both the misrule of Muslim rulers as well as non-Muslim ones. Especially in the Bilād al-Sūdān, both cases were present. Such a critical stance as the one of Aḥmad Bābā could indicate that the establishment of an Islamic order had been superficial in particular Muslim states or was not put into practice. Aḥmad Bābā’s argument that Muslims should never accept gifts and wages from any official other than the *khalīfa* himself or his deputy, who were the only ones lawfully qualified to dispense revenue at their own discretion,⁸ can be read as a critique of the situation in the Muslim states. Among other things, corruption, bribery and unlawful assessment and levy of taxes and dues could be the targets of such accusations.

7 Saad 1983: 100, 152–153.

8 Saad 1983: 153.

* * *

This study provides an overview of the existence or non-existence of *zakāt* in precolonial Sub-Saharan Africa, with special emphasis on the Bilād al-Sūdān. The objective of the book is to examine the assumption of a possible connection between the establishment of an Islamic state and the attempt to introduce Islamic taxation in the form of *zakāt*, *kharāj* and *jizya*. However, this study is not an overview of the process of Islamisation in sub-Saharan Africa, as this topic is already well known.⁹ Instead, the key issue is to define which precolonial Muslim governments may have been or were identified as trying to introduce and implement Islamic Law and to push for a reorganisation of the political and fiscal structures in accordance of what might be called an “Islamic Ideal”. Such an “Islamic Ideal” or “Islamic order” would include the Islamisation of the political, economic and juridical structures of the state, in practice the abolishment of and break with pre-Islamic customs and traditions or such manifestations that are defined as non-Islamic by Muslim scholars and reformers.

In my view, the manifestation of such an “Islamic order” is to some extent realised through the introduction and levy of *zakāt*. Other visible manifestations of an “Islamic order” were the regular prayers as well as the fasting during the month of Ramaḍān. The “Islamic order” becomes part of the public sphere, i.e., religious practices are not performed in private and individually but in public or at least among a group of believers.

The concept of public and private sphere will be used in the book as a tentative division. The role of the state is, according to my interpretation, of key importance: Does the ruler or his representatives try to regulate and supervise the collection and distribution of *zakāt* or not? As long as *zakāt* is regarded as an individual act, given for the “sake of God”, distributed directly to the recipients without the intervention of the state or any other authority, such an act is part of the private sphere. However, whenever the state or any other authority tries to enforce its control over the transaction, *zakāt* becomes a public matter as the collection and distribution of *zakāt* by the state is regulated by the *sharīʿa*, which, in turn, is interpreted and articulated by Muslim scholars and jurists. However, such a distinction is in most cases rather academic. Would, for example, the distribution of alms after the Friday prayers outside a mosque be regarded as a public or a private matter? Clearly, from a strictly legal interpretation it would be regarded as a private matter due to the absence of the state or its representatives. However, one could also argue that such a distribution of alms is as much a

9 For an overview, see Clarke 1982, Hiskett 1984 and Levtzion 2000.

private as a public matter, being a private one for the one who distributes his alms but a public one for the recipients as they would receive the alms in public. A different case occurs when alms are given in private, for example when poor people are invited for a dinner (in this case I would regard such an act as a private one), whereas the distribution of food, say in times of distress, could be regarded as a voluntary but public act, especially if it is done outside the compound.

In the case of *zakāt*, one must further distinguish between the moral obligation and the pious act when one discusses the difference between the two kinds of almsgiving in Islam. *Zakāt* is a moral obligation and becomes a tax for the Muslims in an Islamic state, whereas *ṣadaqa* is an individual pious act and never has any collective connotations. Thus *zakāt* is more than just a “good deed” because it is an obligation, whereas the giving of alms (*ṣadaqa*) is the decision of the giver alone. Therefore, in an Islamic order, *zakāt* belongs to the public sphere, whereas *ṣadaqa* belongs to the private sphere.

As a consequence, therefore, when *zakāt* becomes part of the public sphere, i.e., its collection and distribution is supervised by an Islamic government, such a government is able to create an “Islamic sphere”, which is manifested through the establishment of an “Islamic order”. However, as will be argued in Chapter VIII, the establishment of an “Islamic sphere” does not necessary depend on the existence of an Islamic government. The concept of an “Islamic sphere” has been developed by Benjamin Soares and Robert Launay in their article on the transformations within Muslim societies in French West Africa during the colonial period.¹⁰ According to Launay and Soares, political and economic developments during the late 19th and early 20th century have led to the emergence of a space conceptually separate from, but not independent of, the colonial state. This space is described by Launay and Soares in terms of a “public sphere” and called “Islamic” because it was within this space that Muslims debated matters of public concern outside the direct control of the colonial state, such as matters related to the question of how Muslims should practise their religion. Although Launay and Soares restrict their discussion to the colonial period, it could be argued that the metaphor of the/a “Islamic sphere” can be applied to precolonial conditions in the Bilād al-Sūdān, too. It could be argued that such an “Islamic sphere” existed and emerged in all those Muslim communities that tried to enforce an Islamic order within a non-Muslim society. In such “Islamic spheres” *zakāt* emerged again as a public matter – it was collected and distributed by the *imām*, the *ṣūfī shaykh* or the holy man who led the community of believers (see Chapter VIII). Yet, how should one interpret the situation in most of the pre-colonial Muslim states in the Bilād al-Sūdān? It could be argued that there existed

10 Launay & Soares 1999. I am indebted to Rüdiger Seesemann for this information.

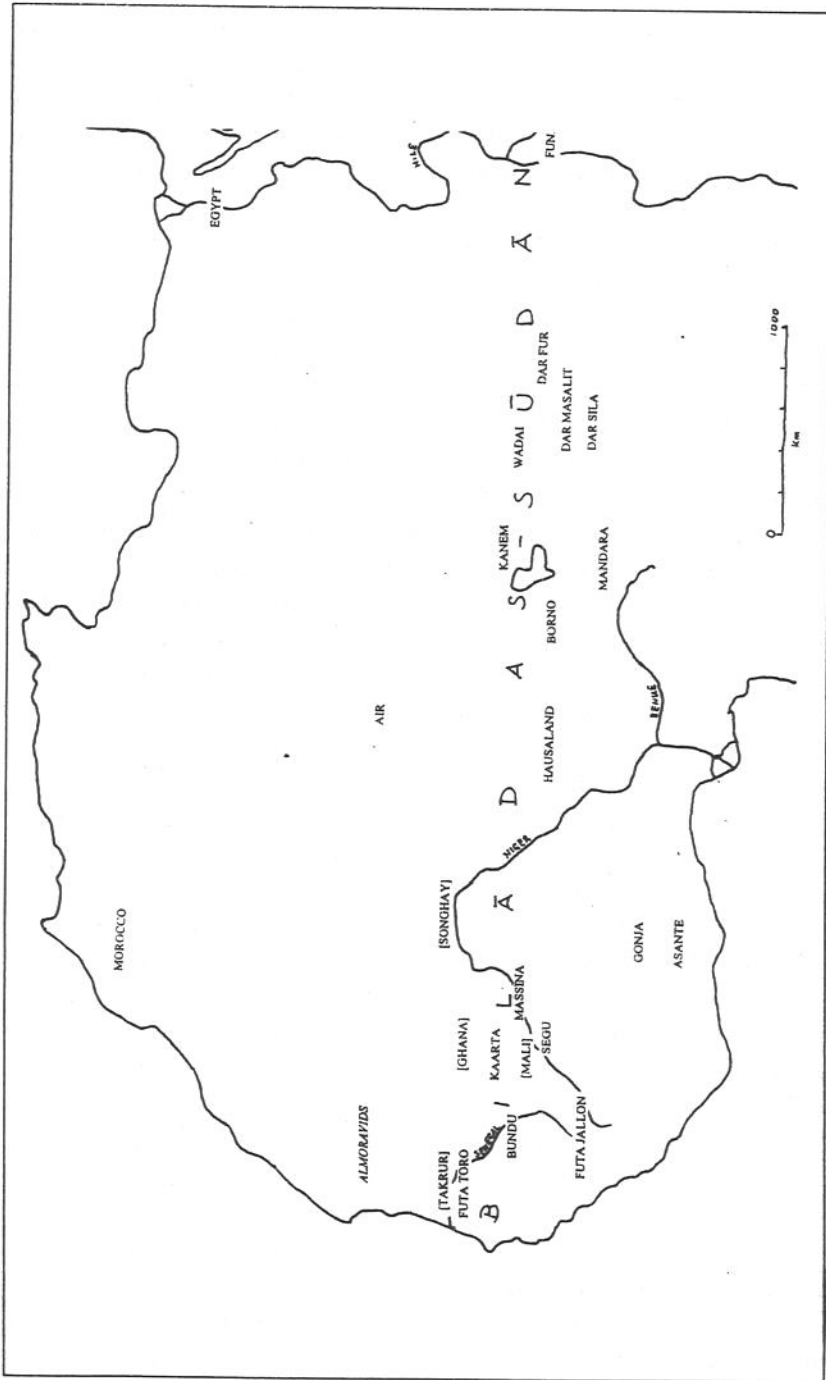


Fig. 1. Map of Bilād al-Sudān

an “Islamic sphere” in all of the precolonial Muslim states, but this “sphere” was not overlapping or equal with the Muslim state. In most of the precolonial Muslim states the majority of the subjects were non-Muslims and the rulers were ruling over two different societies – a Muslim one and a non-Muslim one. Therefore, several states, especially those in the eastern part of the Bilād al-Sūdān, have been identified as being “Sudanic” kingdoms, i.e., a combination of Muslim and local, sometimes divine, political traditions. In a few Muslim states, especially those established as an outcome of a victorious militant Islamic reform movement, it could be argued that the “Islamic sphere” and the “sphere” of the state were overlapping. It seems that it was in such cases that *zakāt* emerged as one cornerstone of an Islamic order.

One focus of the book will be on the identification of what kind of taxation was implemented by precolonial sub-Saharan Muslim states, especially whether *zakāt* was collected or not and whether the collection and distribution of *zakāt* was supervised by the state and its agents. Second, the aim is to investigate the existence of both obligatory and voluntary almsgiving and whether *zakāt* was regarded as a purely private religious act or if it was connected to the public sphere, namely if *zakāt* was identified by the believers as well as the rulers as a collective manifestation and act. Third, and closely connected to the second aim, comes the question of the “good ruler” and the “expectations of the subjects”, especially with regard to obligatory or mandatory almsgiving, its collection, control and distribution, which were meant to be the task of the Islamic state.

It is suggested in this study that *zakāt as a tax* was not implemented by most of the sub-Saharan Muslim states. Only those states that were established as the outcome of a victorious Islamic militant reform movement did try to establish an Islamic economy. There are four clear cases of such Islamic states – the Almoravids,¹¹ the Sokoto Caliphate and the Mahdiyya as well as the *Diina* in Masina. Another set of states were those states which were established as the result of militant reform movements, such as the almamates of Futa Toro and Futa Jallon as well as Futa Bundu. Although these states at some stages could be identified as Islamic ones, the Islamisation of the tax system was rudimentary despite the fact that an Islamic order had been established. Other states and empires that can be identified as Muslim, but not Islamic states, did not push for an Islamisation of the government, the juridical system and taxation, although there are some exceptions. Songhay, Kanem-Borno, and possibly Mandara, are interesting cases because at times there were clear attempts to establish an Islamic order in these states although pre-Islamic traditions and customs were to prevail

11 Although constituting an important chapter in the history of the Maghrib, the Almoravids are included in this survey due to the impact of the movement and affiliated scholars throughout the Western Sudan.

in the end. Further to the east, the case of Wadai as well as Dār Fūr is interesting because the politico-religious structure of these states was quite similar to earlier ones in the Western Sudan savannah, namely a mixture of pre-Islamic divine kingship and Islamic political, fiscal and administrative concepts.

On the other hand, it is quite clear that there existed a "moral economy of salvation" throughout sub-Saharan Muslim Africa,¹² and there is no doubt that *zakāt* was collected and distributed in many sub-Saharan Muslim societies. However, as one late 15th century document reveals, its collection and distribution was rather haphazard and gave rise to a criticism of the ruling class by the *ʿulamāʾ*.¹³ On the other hand, on a local level and especially within Muslim enclaves within non-Muslim societies, such as the communities of Muslim scholars and holy men, the establishment of an Islamic order was pursued and was often achieved. *Zakāt* was collected and distributed within such enclaves by the local *imām* and/or the holy man. Yet, although the existence of an Islamic order within these communities cannot be denied or doubted, it does not follow that one can identify such an Islamic order to be a public one. Instead, the Islamic order of the enclaves was limited to the Muslim community and in most cases did not affect the surrounding non-Muslim society and state.¹⁴

However, it is not enough to identify the existence or non-existence of *zakāt* in the precolonial Bilād al-Sūdān but one has also to investigate the meaning and impact of obligatory almsgiving. Unfortunately, the conclusions are rather disappointing due to the almost total lack of appropriate sources. Written documents are rare and government records are almost totally missing. Therefore it is almost impossible to reconstruct the system of taxation in precolonial sub-Saharan Muslim states, not to mention the fiscal ideal and realities. Thus, for example, there are no fiscal records left from any state apart from the Mahdiyya,¹⁵ although there are references to both public treasuries and the keeping of records in several other states. One argument would be that such written records never existed. In the case of the Sokoto Caliphate, the use of oral data was common, but there are some references by early British colonial officers about written records, too. Although most of the states were based on a kind of "oral administration", one could argue that especially Muslim states would at least have tried to establish a rudimentary "written administration".¹⁶ However, one has also to underline the fact that the most important revenue consisted of custom dues and tolls as well as

12 The concept of a "moral economy of salvation" was introduced by John Hunwick, see further Hunwick 1999a. An outline is provided in Chapter II.

13 See further Chapter III.

14 See further Chapter VII.

15 See Abu Shouk & Bjørkelo 1996. An outline is provided in Chapter VI.

16 See further Goody 1986.

various fees and tributes levied on traders and their goods in most, if not all, precolonial Muslim or Islamic governments in the Bilād al-Sūdān. As a consequence, the state itself as well as the ruler and his court were not dependent on the income from the religious taxes. Last, but not least, the special nature of sub-Saharan Muslim states in comparison with the “Heartland” of the Islamic world, the Middle East, Egypt and Persia, must be emphasised. Although the notion of a special “African” or “Black” notion of Islam does not have any credibility, one must not forget that sub-Saharan Africa – especially the Bilād al-Sūdān – was only to a certain part of the Islamic oecumene. The region was not conquered and was never part of the Umayyad or Abbasid Caliphate, its rulers converted to Islam but remained sovereign rulers. On the other hand, the Bilād al-Sūdān was an integrated part of the Islamic (economic) world system, the Islamic oecumene that stretched from the Atlantic to the Southeast Asian archipelago, Central Asia and eventually China.

This study is divided into six parts. Chapter II concentrates on Islam and charity and presents an overview of the various aspects of benevolence, philanthropy, charity as well as giving and receiving, focussing on Islam and outlines by Muslim scholars. In addition, *zakāt* as a moral obligation both within the private and the public spheres as well as an ideal concept is discussed together with the ideal of the “good ruler”. Chapter III concentrates on the identification of *zakāt* in Muslim states in the Bilād al-Sūdān until the latter part of the 17th century, highlighting the (non-) existence of Islamic taxation – or at least the lack of sources – in various Muslim societies. Thus Takrūr, Muslim Ghāna and Mālī turn out to be “unknown realities”, whereas clear arguments for the establishment of an Islamic order can be identified in the cases of the Almoravids, Songhay under Askiya al-Ḥājj Muḥammad and Nāṣir al-Dīn. An examination of the various attempts to establish an Islamic state in the Bilād al-Sūdān during the 18th and 19th century will be provided in Chapter IV, apart from the case of the Sokoto Caliphate and the Maḥdiyya, which have been dealt with in Chapters V and VI respectively. In Chapter VII the discussion will shift from the public to the private sphere. The impact of *ṣūfī* orders and local *imāms*, private acts of religious piety and charity as well as what can be labelled as “Islamisation without the establishment of an Islamic state” will be examined.

* * *

A note on quotations from the Qur’ān: I have made use of the English translation of King Fahd’s Holy Qur’ān.

* * *

A note on the transcription of Arabic and vernacular names: I have made use of a wide variety of sources where English, French as well as German spelling of Arabic and vernacular words and names is used. However, as already Mervyn Hiskett has pointed out in his work *The Development of Islam in West Africa* (1984), there are several problems connected with the transcription of Arabic and vernacular names and terms in a West African context. First, English and French spelling differs greatly from each other (for example: should one use Dyula or Juula?). Second, how should one treat West African names of Arabic origin? I decided to use the English forms throughout the text for geographical and ethnological names as well as for non-Arabic titles. Arabic names and titles are used throughout the text, whereas West African names of Arabic origin are not translated but used their local (Anglicised) vernacular form. However, names and terms that occur in the *Corpus of Early Arabic Sources of West African History* (2000 [1981]) are spelled and transcribed in the way the authors of the *Corpus* have outlined.