VII. ALMSGIVING WITHOUT THE ESTABLISHMENT OF AN ISLAMIC ECONOMY

The collection and distribution of *zakāt* by government authorities has been regarded as an indicator of their administrative capacity and their commitment to Islam. In an ideal setting, *zakāt* was to be the only tax on Muslims, thus being transformed from a moral obligation into a religious tax within an Islamic state. However, although the existence of an Islamic state was crucial for the levy of religious taxes, the collection and distribution of *zakāt* as such was not dependent on it. Where there was no Islamic state to collect *zakāt*, the *imām* of the local Muslim community might call for annual *ṣadaqa*, voluntary alms, from all believers and distribute it himself. The practice of collecting the "alms of everyday life", which the voluntary alms could also be called, will be the focus of this chapter.

The Impact of Islam

Islamic law is generally divided into three broad classifications: *ʿibādāt*, or 'regulations relating to worship'; *muʿāmalāt*, or 'regulations relating to social intercourse', and *ʿuqūbāt*, or 'regulations relating to juridical and political matters'. *Sharīʿa* regulations concerning the observance of the "five pillars" of Islam, which are *shahāda* or 'the proclamation of faith', *ṣalāt* or 'the daily five prayers', *zakāt* or 'the donations of alms', *ṣaum* or 'the fasting during the month of Ramaḍān', and *ḥajj* or 'the pilgrimage to Mecca', were and are all upheld in Muslim societies. In the case of *zakāt*, it has been underlined throughout this study that its observance as part of the private sphere of the Muslim communities was not a problem: alms were either directly given to the poor or through a shaikh or *imām* acting as an intermediary.

However, in the public sphere the application of *sharīʿa* regulations which relate to juridical and political matters were more difficult to define. Joseph Schacht classifies *muʿāmalāt* and *ʿuqūbāt* under three broader headings:

1. family law, including marriage, divorce, and that which sets out family relationships, as well as inheritance and religious foundations;
2. the law of contracts and obligations;

3. penal law, constitutional law, taxation and law of war.[1]

Stewart notes that application of the *sharīʿa* had its greatest effect on family law as well as the law governing inheritance. The law governing religious foundations was applied in some cases, such as in Mauretania, but not elsewhere in sub-Saharan Africa, with some few exceptions.[2] Schacht's third class – penal law, constitutional law, taxation and law of war – seemed, with a few exceptions, never to have had any great impact in most of the Muslim states in the Bilād al-Sūdān. The proper procedures for *jihād*, for example, were rarely, if ever, followed and there are only a few references to the preliminary triple invitation to one's opponent to convert or submit. Also, little suggests that conversion was imposed after conquest. Rather, as Fisher has underlined, tribute was the more desired end. Fisher presents as an example from the middle of the 17th century the case of the ruler of Baghirmi, ʿAbd al-Qādir, who after his return from his pilgrimage to Mecca, deposed his father and then raided many peoples, converting them to Islam *and* imposing upon them the *jizya*, that tax specifically reserved for non-Muslims living under the protection of a Muslim state.[3] Similar examples have been put forward by Hunwick with regard to the *jihād*s of Askiya al-Ḥājj Muḥammad of Songhay.[4] However, the blurring of the rulings of the *sharīʿa* was not confined to the early Muslim states. For example, Hamman Yaji, the notorious slave raider and emir of Madagali, who lived at the beginning of the 20th century, seemed to have applied similar tactics.[5]

The main reason for the rudimentary or weak application of *sharīʿa* in the public sphere was that most precolonial Muslim states applied a mixture of a pre-Islamic and an Islamic order.[6] As most of the states in the Bilād al-Sūdān presented in the study were composed of Muslim as well as non-Muslim communities, the position of the ruler was crucial. Only in a few cases did the ruler base his position on an "Islamic revolution", in which case he tried to impose Islamic constitutional law. Such cases were, for example, the 19th-century Muslim states in the Sudan savannah. Earlier attempts to introduce Islamic law in the public sphere

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1   Schacht 1964: 76.

2   Stewart 1973: 68, 71.

3   Palmer I, 1928: 108–109; Fisher 1975: 77.

4   Hunwick 1985: 128.

5   See furher Yaji 1995.

6   Other scholars, such as Rainer Osswald, point to an internal dichotomy of the ideal setting when *sharīʿa* could be applied and the actual genesis of Islamic law: Although Islamic law emerged within the frameworks of an existing state – the Caliphate – it was developed by private scholars in opposition to the state. The result was, according to Osswald, the development of a codex that was based upon what morally should be done, but what could not be applied in practice, especially in those fields which concerned the state and would have regulated its actions. See further Osswald 1993: 193.

were usually aborted or only partially successful, as was the case in Songhay during the reign of Askiya al-Ḥājj Muḥammad and during the Saifawa dynasty in Borno. In other states, which were either ruled by nominally Muslim rulers who did not attempt to introduce an Islamic order within their realms, such as in the Volta region, or in states and societies where the Muslim community composed a minority, Islamic law was only applied within the Muslim communities and in cases which involved Muslim partners but it had no influence upon the public sphere at all.

Stewart underlines the interpretation of Mauretanian scholars with regards to the application of Islamic law in the public sphere. According to them, *sharī'a* regulations should regulate matters relating to social intercourse as well as religious foundations, contracts and obligations due to the absence of a Muslim government. Thus, they considered themselves to be within the *arḍ al-sība*, being itself an extension of the Moroccan *bilād al-sība*, 'the land of dissidence', which was in opposition to the *bilād al-makhzan*, or 'area under control of the Muslim ruler' (in their case, the sultan of Marrakesh). Constitutional law and taxation had no relevance in the *arḍ al-sība* where no centralised government existed.[7] On the other hand, the religious authority of the sultan continued to be recognised in the *bilād al-sība* in Morocco but not in the *arḍ al-sība* of Mauretania.[8]

Again, the case of Borno is something of an exception to this pattern. A centralised government was established in Borno, including a chancellery and a treasury – although nothing more is known of their functions due to the almost total lack of written sources. However, it seems as if Muslim law was enforced by the government. For example, refusal to pay *zakāt* was punished as this was regarded as apostasy and a sign of rebellion (*fitna*). There is one reference to a 15th-century king in Borno who sent his envoys to collect *zakāt* from the people of Logone, but they refused and attacked the tax collectors. As a consequence, the tax expedition retaliated and returned to the king with both *zakāt* and war booty.[9]

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[7]   Stewart 1973: 71–73.

[8]   Abun-Nasr 1987: 237. See also Waterbury 1970. However, several Moroccan rulers during the 'Alawite dynasty, especially during the reign of Mawlay Isma'il (reg. 1672–1727), tried to establish Moroccan rule in Mauretania and sometimes local Mauretanian leaders recognised the Moroccan sultan's sovereignty, but these efforts were in general never long-lasting. It seems as if the Moroccan rulers were able to control the collection of *zakāt* some extend within the *bilād al-makhzan*, the land under the authority of the sultan. 19th-century reports about the revenues and fiscal basis of 'Alawī Morocco reveal that the Qur'ānic taxes, such as *zakāt* and *'ushr* (the former was a tax on animals whereas the latter was the tithe on produce in Morocco) were collected. However, the income from the Qur'ānic taxes generated a rather small amount of revenue. Instead, at the end of the 19th century, half of the financial resources of the government were collected from customs revenue. (Raymond 1970: 273)

[9]   Palmer 1936: 26–28.

In his monograph on the history of poverty in Africa John Iliffe argues that poverty was a common condition in many societies of the Sudan savannah. He identifies the poor as being those who were handicapped and were unfortunate individuals who lacked family care and support, in addition to victims of periodical, political and climatic insecurity. His main argument is that poor persons were, in most cases, helped by personal generosity rather than institutional provision. Iliffe, as well as other scholars, have noted the lack of *waqf*, permanent endowment in property or money to support a mosque or provide schools, hospitals, public baths, bread for poor students and prisoners, or a host of other services, in the Sudan savannah.[10] Further, although Iliffe makes an effort to identify the levy and distribution of *zakāt* at least in some 19th-century sub-Saharan Muslim states, this form of institutionalised almsgiving was not the general manner of providing relief to the poor in sub-Saharan Muslim societies.[11]

Iliffe argues that the collection and distribution of *zakāt* by the secular authorities was an accurate indicator of their administrative capacity and commitment to Islam.[12] However, as has been argued in the previous chapters, the question of *zakāt* is more problematic. First, one can argue that secular authorities are not in the position to administer the levy of *zakāt* due to its religious nature of being a moral obligation, sanctioned by the Qurʾān and Islamic law and to be enforced by Muslim, or rather, Islamic authorities and not secular ones. Second, at least in theory, it was the obligation of the Muslim ruler, as being the *imām* of the community, to administer and supervise the collection and distribution of *zakāt*. This argument can be developed further in saying that *zakāt*, as an institutionalised form of almsgiving based upon the collection of *zakāt* as a religious tax, was possible only in Islamic states, namely states that were ruled by a Muslim ruler and governed by Muslim law and where at least the majority of the inhabitants were Muslims.

Was *zakāt* then a possible foundation for a functioning, so-called "social welfare system" in Muslim states in precolonial Africa? According to Michael Watts, at least in the case of the Sokoto Caliphate, the argument would be valid. The grain tithe or *zakka* (*zakāt*) ensured, according to Watts, the possibility of grain accumulation during bountiful years and its redistribution during famine

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10   The absence of *waqf* in the Bilād al-Sūdān is mainly due to a different concept of land "ownership". Whereas the establishment of *waqf* is predicated upon the existence of private property, the general concept among the societies in the Sudan savannah was land use based on the concept of communal ownership. However, local variations were common and private ownership of land seemed to have already existed in some localities in the precolonial era. See further Anderson 1954: 185–186, 217.

11   Iliffe 1987: 42–47.

12   Iliffe 1987: 45.

years.[13] Watts' statement has, however, been questioned on the basis of the problem between an ideal to be established and the known realities presented in the few sources available.[14] A similar critique was put forward in the other chapters of the study and it would be anachronistic to argue that the levy of *zakāt* was the basis of a welfare policy. In fact, the levy of *zakāt* was not part of a state welfare policy but a state tax policy, its main objective being the support of the state and its ruling class.

Instead of insisting on the existence of a rudimentary Islamic welfare policy based upon the collection and distribution of *zakāt*, I prefer John Hunwick's concept of *zakāt* constituting a central part of a "moral economy of salvation". The key issue of this "moral economy of salvation" was the purification of "wealth" through belief in God, the practice of worship and almsgiving. Increase in wealth through any unjustified accumulation of capital, called *ribā*, is condemned in the Qur'ān as well as in Islamic law, as is stated in sura 2:276: "God wipes out *ribā* and makes charitable donations profitable."[15] Therefore, what mattered was the private act and what was to become the cornerstone of Muslim charity in sub-Saharan Africa was not institutional but private charity, namely *ṣadaqa*. Such an argument would also clarify the problem indicated at the beginning of the study: the lack of records for *zakāt* in sub-Saharan Africa. This lack could be explained by the fact that Muslims, who did not live in Muslim states, distributed *ṣadaqa* as their fulfilment of the third pillar of faith; it was voluntary and private and thus unrecognisable by the authorities but only by God.

The voluntary, private and unrecognisable way of giving alms is not only limited to Islam and the concept of *ṣadaqa*. It can be argued that giving assistance to family members, neighbours and sometimes even strangers in need is a common feature in all human communities and societies. Michael Watts terms this unofficial assistance "peasant charity", where social arrangements and mutual assistance were its backbone (referring to the concept of reciprocity as used by James Scott), and where gift giving, redistribution and mutual exchange were acts which levelled external risks and shocks, such as a harvest failure, and guaranteed a measure of subsistence security.[16] *Ṣadaqa* can therefore be understood as an Islamic expression of such "peasant charity" and it can be argued that it was through *ṣadaqa* and its articulation that the poor and the needy received assistance. My argument is that due to the flexible nature of *ṣadaqa* – as it could include pre-Islamic norms and traditions of mutual assistance and reciprocity –

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[13]   Watts 1983a: 138.

[14]   See Chapter V and Weiss 1998a.

[15]   Hunwick 1999a: 72–74.

[16]   Watts 1979: 122.

voluntary almsgiving or the "almsgiving of the private sphere" was to become a well-established way of assisting the poor in the Bilād al-Sūdān wherever Muslims lived. Whereas *zakāt*, due to it being an inseparable part of the establishment of an Islamic order, had a rather limited impact as long as such an Islamic order had not been established.

Almsgiving and Muslim Moral Order

Despite the lack of quantitative sources which might establish the impact of almsgiving in precolonial sub-Saharan Muslim Africa, the bulk of oral and written literature does, on the other hand, provide the basis for a qualitative observation. The ideal Muslim order was projected in proverbs, praise-songs and sermons – how to live the life of a good Muslim in accordance with the Qurʾān, the *sunna* of the Prophet and the *sharīʿa*, as, for example, expressed in the homily-part of the *Wakar Bagauda* ('Song of Bagauda'):

> Say to them that I tell them to put aside *zakā*
> And he who refuses shall descend into Hell-fire.[17]

Usman dan Fodio, in one of his poems, described the ideal community where mutual assistance was the norm:

> With our wives, our children, all our slaves and our goods,
> we Muslims will go together.
> And our blind and halt and aged, and whoever is afraid,
> we will all go together.
> We will travel too without thirst or hunger;
> we will rejoice in that which is sweet one with one other.[18]

The normative role of Islam is evident in many proverbs. People were urged to give alms to the poor, to dress in accordance with Islamic norms and to follow the five pillars of Islam: "If one does good, Allah will interpret it to him for

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[17] Hiskett 1965: 113. A similar reference id found in several poems of Nana Asmaʾu, a daughter of Usman dan Fodio. For example, in her poem *Tanbīh al-ghāfilīn* ('The Way of the Pious', written c. 1820), she comments on the "Barriers Dividing Man from Paradise" that "First: Death. it is the destiny of every soul [...]. As for its remedy, it is the avoidance of disobedience, and frequency in almsgiving" (Boyd & Mack 1997: 23). About forty years later in her poem *Dalilin samuwar Allah* (Reasons for Seeking God, written c. 1861) she – again – urged the Muslims to remember they duties: "O People of the Muslim Community, let us renew our efforts. Repent and obey God's commandments/ For to desist from evil is to show repentance. The Shahāda, and prayer are true/ And the fast, alms [zakka] and the pilgrimage for those with the means" (Boyd & Mack 1997: 266).

[18] Robinson 1896b, Poem E by Uthman dan Fodio, verse 35–37.

good."[19] In fact, the moral obligation, if not moral imperative, of almsgiving is a central theme in, for example, Hausa proverbs:

> Take the corn stalks to the site before moving.[20]
>
> Whoever does not share in the prosperity of another person will die in poverty.[21]
>
> A rich man who does not help the poor is like a big tree which gives no cooling shade.[22]

Travelling students were among those who urged their fellow countrymen to give them alms. Rudolf Prietze has collected a great variety of begging songs of such travelling students and scholars, who praised and hailed those who gave them alms and food and abused those who refused to help them. Although the students and *malams* ('Muslim scholars') were supposed to be one of the eight categories of lawful recipients of *zakāt*, it is evident from the songs that it was the intention and decision of the giver and not the recipient when and to whom, if at all, were the alms and gifts to be given:

> Everything worldly is in vain, this is what I teach You, yea human child,
> If there is no more prayer and no more *ṣadaqa* ...
> Donations are not given for the begging song,
> But for the sake of Allah and his Prophet.[23]

Some Hausa proverbs recognise almsgiving as a mutual act, and underline the role and position of the recipient. "One does not love another, if one does not accept anything from him"[24] is an incitement to accept the gifts of the giver, whereas the proverb "Give him who gives you a bundle of cornstalks one of wood"[25] underlines the reciprocal process of gift-/almsgiving. A similar theme is presented in the Kanuri story "The unsuccessful courting". A poor man wanted to woo a beautiful girl, but her parents refused to let her marry the poor man. The girl believed in vain that her parents would give her to the poor man as alms (*ṣadaqa*), but her parents answered that she was meant to be given to a *malam* as his wife.[26]

However, the basic concept was the moral, if not divine, order: "Allah has the portioning out of blessings, if it was man who had the distribution of them,

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19 Burton 1865, proverb 29.

20 Whitting 1940: 104. This proverb is interpreted as urging the listeners to prepare one's abode in the next world by giving alms in this world.

21 Kirk-Greene 1966, proverb 469.

22 Mischlich 1911.

23 Prietze 1916a: 55, 60.

24 Burton 1865, proverb 15.

25 Whitting 1940: 9.

26 Lukas 1929: 66–67.

some would go without."[27] Poor people and beggars were, in fact, needed for the Muslims for their realisation of their faith: the fulfilment of the third pillar was not possible without them. This was, for example, the theme in a Fulbe story, called "The god-fearing man and the stinking fish". The story is about a generous man, who became poor because of being too generous, but was saved/rewarded by God afterwards. However, the beggar, who received the gift of the generous man, remained poor, because he was the link between God and man; his duty was to urge people to do pious acts.[28]

Despite the moral/divine order, reality proved different. The local reality was often articulated in the songs and proverbs, such as when blind people made their fellowmen help them: "You are a blind man. Anybody will do something good for a blind man. Allah will help me [the giver], if I take you into my house. Come into my house and live with me."[29] Yet, the blind man received help not only because of the generosity, human love and Islamic piety of the giver, but also because the giver was sure to benefit from his act. The blind man might become one of his subordinates, and God might remember his generosity. Poverty and wealth lived side by side in reality, as was underlined time after time by oral texts:

> Allah has not distributed equally.[30]
>
> The blind man has to be patient with his leader. The poor man pleases the rich man, the subordinate his superior.[31]
>
> He who has no house has no word in society.[32]

People distributed alms both as pious acts and out of generosity, but as often to gain advantage for themselves. Tremearne, for example, noted the habit of ritual offerings in the name of giving ṣadaqa among the Hausa in times of outbreaks of fevers: "There is a fever which breaks out when the guinea-corn is ripe, and the only way of avoiding it is to give presents of corn to the poor."[33] In such

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27   Rattray II, 1913: 260.

28   See Abdallah Adam 1913: 32–34. The fact that charity and generosity belonged to the moral order and is regarded in Islam as a religious duty was, among others, already recognised by Westermarck in his study on the development of moral ideas. Thus Westermarck noted that nobody in Morocco would like to eat in the presence of other people without sharing his or her meal with them. The poor and needy were said to be in possession of a powerful weapon: their voice, by which they would curse a niggardliness and uncharitable person or bless the generous one (Westermarck 1906: 561–563, 565).

29   Frobenius 1933: 354.

30   Mischlich 1906: 380.

31   Mischlich 1906: 674.

32   Koelle 1854, proverb 9.

33   Tremearne 1913: 55.

a case, the offering was no longer for the sake of God – as it should be according to the Islamic ideal – but for the sake of the givers themselves. This discrepancy or rift between the ideal Muslim order and the reality of life was a general point of criticism for the Muslim scholars in their texts:

> This world, thou knowest, is a market-place; everyone comes and goes, both stranger and citizen. This world is a sowing place for the next; all who sow good deeds shall enter the great city.[34]

> A blind man, in whose heart God's word exists, is not a blind man, but a man, who has good eyes but he who does not see the language of the Qur'an, he truly is a blind man.[35]

Sometimes the rift between the ideal and the reality was criticised, as in the Hausa proverb "Anticipating support, like the *malam* who refuses to farm on account of the tithe".[36] This proverb warns against "counting the chickens before they are hatched": a *malam* is one of the recipients of the tithe (*zakāt*), but if the harvest fails, he might not receive anything at all. In one Hausa praise-song, the insecure conditions but also the expectations of the recipients were bluntly presented:

> You lords of the towns (masu gari), let you be openhanded, the common people (talakawa) are suppressed by the land tax (kurdin kasa); ... You know, whoever turns to the King, he has no more poverty to fear.[37]

Perhaps the moral teaching of the oral literature is best summarised by the Kanuri saying: "It is better to win the heart of a benefactor than to avariciously beg from him."[38] In the end, however, he who refused to give alms and pay the tithe as well as consciously refuses to follow the Muslim order might be sure not to cross the "narrow bridge on the day of Judgement", as one Hausa oral text reminds its listeners.[39]

Zakāt in the Private Sphere: Muslim Communities in Non-Muslim Societies

The religious movement in West Africa with regard to Islam and the relation between Muslims and non-Muslims was, as Lamin Sanneh has underlined, included two different categories of people. First, there were the transmitters. These trans-

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[34] Robinson 1896b, Poem A by Malam Lima Chidia, verse 15 and 18.
[35] Flegel 1884: 456.
[36] Whitting 1940: 104.
[37] Prietze 1927: 113–114, verse 29, 47 (Preislied auf Garba).
[38] Prietze 1915: 108, proverb 20.
[39] Skinner III, 1977a: 321.

mitters were of foreign origin and stayed in the Sudan savannah for varying lengths of time. Some of these transmitters were traders, others were craftsmen offering their services to rulers and other leading members of the society. A third group were the itinerant scholars: missionary agents concerned with the spread of Islam or with its proper observance. However, as Sanneh has noted, these transmitters were but a minority among those who took part in the process of the Islamisation of sub-Saharan Africa. The second group, and according to Sanneh by far the more important one, were the recipients: local populations who were Islamised with varying degrees of success and who subsequently adjusted the faith to the African situation with uneven thoroughness.[40]

The general pattern of Islam in precolonial West Africa was the coexistence of Muslim enclaves and settlements among non-Muslim societies. The most well-known examples are the Juula (Dyula, Wangarawa, Yarse) and the Maraka (sing. Marka[41]) settlements which were inhabited by a variety of Muslim populations and usually led by an *imām*. The migration of Islamised clans into non-Muslim communities was a widespread Sudanese phenomenon. Juula migrations can be traced to the Soninke dispersal of Wagadu (ancient Ghāna) and with the migration of Mande-speaking trading clans, such as the Yarse and Wangarawa, from the upper Niger (ancient Mālī) to the fringes of the rainforest, the Volta area (Yarse) and Hausaland (Wangarawa), starting from the 14th century.[42] By the 18th century, therefore, Mande-speaking trading and clerical lineages had established an Islamic presence throughout the western Sudan.[43]

Peaceful coexistence with their non-Muslim neighbours was the norm. This norm of so-called "pacific clericalism" was initially established by the 16th-century Muslim scholar al-Ḥājj Salim Suwari, who based his teaching on a principled disavowal of *jihād* and withdrawal from political centres. He also established travel as essential to clerical life. Al-Ḥājj Salim Suwari is regarded among both the Juula and the Jakhanke, Mande-speaking Muslim traders and scholars in the Senegambia, to be the architect of their similar ways of life.[44]

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[40]   Sanneh 1997: 12–13.

[41]   The Maraka did not form a unified ethic or linguistic group. Some consider themselves *Maraka je* or white Maraka and claim origin from the Soninke whereas others are considered to be *Maraka fin* or black Maraka or *Maraka jalon*, referring to recently converted Muslims (Roberts 1987: 7).

[42]   On the Hausa migration, see Adamu 1978; on the Wangarawa, see al-Ḥajj 1968 and Lovejoy 1978; on the Wangara, see Massing 2000.

[43]   On Mande settlements in Sierra Leone, see Skinner 1978; on Juula settlements in the region of Kong, see Green 1986. A general discussion about the spread of Mande-speaking traders and establishment of trade networks is presented in Brooks 1985 and Wilks 2000.

[44]   See further Sanneh 1976; Sanneh 1979; Wilks 2000.

The Suwarian tradition established a basis for an Islamic order within a non-Islamic environment. In his teachings, Al-Ḥājj Salim stressed the peaceful co-existence of Muslims and non-Muslims. At the same time he stressed the necessity of solidarity among the Muslims, pointing out that intra-community rivalry and fragmentation were two of the factors which eventually could be exploited in *jihād*.[45] Wilks has summarised the Suwarian position vis-à-vis non-Muslims. First, *kufr* or unbelief was the result of ignorance rather than wickedness (which was part of God's plan). Second, God's grand design for the world was such that some people remained in the state of ignorance longer than others. Third, following the two first postulates, true conversion can therefore only occur in God's time and man was not to interfere with His will. Fourth, as a consequence of the third postulate, *jihād* was an unacceptable method of conversion. Therefore, fifth, Muslims may accept the authority of non-Muslim rulers, and even support it insofar as it enables them to follow their own way of life in accordance with the Islamic ideal. This fifth postulate is important, as it enabled Muslims to engage in the political life of the society they were living in without being marked as "mixers" or "apostates". However, the Suwarian tradition further stresses two points, which formulated the realisation of Islam among the Muslim community. The sixth point was that the Muslims had to present the unbelievers with example, *qudwa*, whereas the seventh point was that the Muslims had to commit themselves to education and learning as well as to ensure that their own religious and ritual observance was in accordance with Muslim law and free from error.[46]

In sum, the Suwarian tradition was directed towards internal reform within a community of believers which existed among non-believers. Muslims lived as scholars and traders under the patronage of non-Muslim rulers. Therefore, as Levtzion, among others, has underlined, Islamic beliefs and practices were accommodated as a supplement to existing religious systems, both by the clerics as well as by the rulers and unbelievers. Adaptation to the local environment emphasised magical and ritual elements – such as the production of amulets and charms by local clerics – rather than the legal aspects of Islam. Therefore, Muslim clerics became integrated into the African socio-political systems because they played similar roles to those of the local priests.[47]

However, there was a danger of being too accommodationist and eventually assimilating too much with the local society and its traditions, rituals and beliefs. As a countermeasure, the Suwarian tradition urged the Muslims towards *tajdīd*, the constant and conscious concern for the renewal and reinvigoration of the Mus-

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[45]   Sanneh 1976: 63.
[46]   Wilks 2000: 98.
[47]   Levtzion 1987: 21.

lim content of the internal culture. Yet, critical scholars might find such a position to be unsatisfactory, and could claim that the political context of Islam was played down, if not lost, by the adherents of the Suwarian tradition. In the West African setting, this critique was articulated by al-Maghīlī in his rigorous position towards the unbelievers and the political role of Islam. Muslims should not live in non-Muslim lands and a non-Muslim ruler was not allowed to rule over Muslims. Instead of accommodation, emigration (*hijra*) and eventually confrontation (*jihād*) were to be chosen.[48]

The teachings of al-Maghīlī and other critical scholars in the 18th and 19th centuries were to inspire the various militant reform movements which swept over the Sudan savannah.[49] However, as Wilks has pointed out, the second half of the 18th century also witnessed a vigorous renewal of Suwarian learning.[50]

What is important to note is the duality of the Suwarian tradition. As there was no Islamic – or even Muslim – state, the Islamic order had to be established within the community of believers at the same time as the community was living among the non-believers. Therefore, within these communities the *imām*, the *shaykh* or the scholars were the guardians of law and order. Such communities were also patriarchal and tried to establish an ideal microcosm. Within this microcosm, all five pillars of Islam were practiced, including the payment of *zakāt* or *ṣadaqa*. Almsgiving was not a voluntary act or private moral obligation, but part of the public sphere of the microcosm. One could even argue that only the establishment of such a microcosm made the realisation of *zakāt* possible. Further, it could be argued that only within this semi-public sphere of the communities of believers within a society of non-believers was *zakāt* handled in the way the Qurʾānic ideal had prescribed, i.e., being collected from all members by the *imām* or *shaykh*, being disbursed among the poor, needy, wayfarers and collectors. Perhaps it was this "realised ideal" that provoked militant Muslim reformers to replicate a similar model on the level of the state?

One example of Muslim enclaves among non-Muslim communities are the Marka in the Upper Niger Valley. Like the Jakhanke, their scholarly families had abandoned the physical for the spiritual struggle and followed the Suwarian tradition. Maraka usually settled in autonomous or semi-autonomous villages or in separated quarters in the towns. Faithful to their tradition, they did not impose their belief and practices on their non-Muslim neighbours, instead they, as a general rule, participated in the daily life of the whole community. Thus, these Muslim communities were in the habit of organising feasts and processions out-

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[48]   See further Levtzion 1987; also Levtzion 1985 and Fisher 1986.
[49]   See further Last 1987.
[50]   Wilks 1995: 62.

side mosques for the invocation of rain, sun and a good harvest. Internally, however, these Muslim communities enforced Muslim law and tried to establish an Islamic order. The *imāms* led the prayers, maintained the mosques, distributed alms (*ṣadaqa*), and presided over family ceremonies. Some Muslim scholars organised Qur'ānic schools. Muslim law was observed which meant that most Maraka prayed, gave alms and fasted. Those with adequate resources performed the *ḥajj* which, incidentally, could take ten to fifteen years. Islamic law regulated the private life within the community: marriages, baptisms, circumcisions, divorces and burials. Muslim dress codes were observed, and believers were expected to avoid prohibited food and beverages. However, although the supremacy of the *sharī'a* was recognised, many Maraka integrated magic, divination and other animist practices into their Islamic doctrine.[51]

However, Perinbam has pointed out that in the case of the Marka communities in Eastern Beledugu, Islamic law was not always observed. Land tenure was not regulated by the *sharī'a* but by indigenous customs which permitted individual usufruct over private ownership. Inheritance laws were also modified. Thus, as in most other places in the Sudan savannah, *ḥubus* or the holding of inalienable lands in pious trust for charitable purposes was not practiced.[52] This could be explained by the fact that the Muslim community was able to take care of its poor members by other means, such as by the help provided through families and by almsgiving but it was also due to the different conception of land use among African societies.

Neither *zakāt* nor any other taxes, such as *jizya*, *kharāj* or *'ushr*, were imposed in Eastern Beledugu.[53] The reason for the non-imposition of religious or Qur'ānic taxes was due to the non-existence of a Muslim regime or state which would have had the legal authority to enforce the collection and distribution of such taxes. Thus, while obligatory almsgiving in the form of *zakāt* was not performed, the giving of voluntary alms had replaced the moral obligation to observe the third pillar of Islam. As a consequence, the *imām* or *almamy* was the key person in the performance of this duty: it was to him the Muslims gave their alms and it was he who decided to whom it was to be given.

Another example of the non-imposition of *zakāt* among Juula communities is presented by Robert Launay in his study of the Muslim community in Koko in the northern Ivory Coast. Though Launay stresses in his first study that *zakāt* "... has never been collected in Juula society,"[54] in his latter study he redefines his

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[51]   Perinbam 1986: 650–655.
[52]   Perinbam 1986: 655.
[53]   Perinbam 1986: 655.
[54]   Launay 1982: 132.

categorical assumption and remarks that *jaka* (*zakāt*) is distributed by individuals on one specific day, of their own choosing, each year. On this day, Launay remarks, Muslims are visited by those members of the community who consider themselves needy. Alms are thereafter distributed as the donor sees fit. However, according to one of Launay's informants, the failure to offer *jaka* is considered a serious breech of religious obligations and invalidates whatever religious merit one might have accumulated through prayer and the *ḥajj*.[55] In fact, one could argue that this concept of *jaka* is equivalent to *zakāt al-fiṭr* rather than to *zakāt* proper.

Launay also noted the practice of *saraka* (i.e., *ṣadaqa*), which is translated by the Muslims themselves as 'sacrifice', although Launay notes that 'alms', 'charity' or 'free-will gift' would be more appropriate terms.[56] As such, the practice of *saraka* is similar to Marcel Mauss's notion of giving and receiving gifts: although in principle free, there were situations and especially rituals where it is obligatory and involve a public distribution of gifts on a large scale.[57] Yet, aside from being a public and obligatory presentation, *saraka* is given on a voluntary and private basis. Further, according to Juula scholars, knowledge of *saraka* belongs both to *siru karamogoya*, 'secret' knowledge to further private ends, as well as *bayani karamogoya*, 'public' knowledge of religious obligations. Thus, as Launay underlines, *saraka* can be both a pious act and a strictly this-worldly one: "It is this very applicability in so many contexts – individual and collective, global and local – that makes it a key concept in Islamic practice among the Juula of Koko."[58]

The logic of giving alms among the Juula in Koko is further complicated by the fact that individuals use *saraka* as a means of communicating with God. *Saraka* is offered to God and not to any human recipient, as Launay notes.[59] Such an insight seems to be rather common among Muslims – Imam Umoru already underlined this fact when he wrote of almsgiving among the Hausa: alms are

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[55]   Launay 1992: 199.

[56]   It seems as if the Juula in Koko follow the general distinction among Muslims between *ṣadaqa* and *zakāt*: *saraka* is in no way a religious obligation, even though it constitutes a religious act (Launay 1992: 199).

[57]   Such obligatory distributions of *saraka* included certain wedding and funeral ceremonies as well as naming ceremonies. The manifest purpose of the distribution of alms is to obtain the blessing of the whole audience and, by implication, the whole community. In his 1992 study, Launay identifies two kinds of public *saraka*, one being the ceremonial distribution of food and/or money to the community at large on behalf of specific individuals, the other one being a ceremonial meal prepared and consumed by members of a specific kin group in order to promote or maintain harmony within the group. See further Launay 1982: 132 and Launay 1992: 210–218.

[58]   Launay 1992: 200–201, quotation from p. 200.

[59]   Launay 1992: 204.

given for God's sake (*sadaka domin Allah*), not for man's,[60] and Koelle noted that *sādāga* were "... alms, especially a dinner *given for God's sake* [emphasis mine, HW]."[61] In this way *saraka* is not quite equivalent to Mauss's notion of a gift as an ordinary gift would both symbolise and serve to create or to perpetuate mutual obligations between individuals and groups. By receiving *saraka*, on the other hand, the recipient is under no obligation to the donor and, as Launay points out, one must specify when making such an offering that it is indeed *saraka*, and not an ordinary gift. As a consequence, the donor gives something to an individual in expectation that God, not the recipient, would grant some specific favour in return.[62]

A person with a wish or pledge consults a scholar, who in his turn will advise him to bestow *saraka*. However, according to the local concept, it is usually God who might have indicated the occasion for offering *saraka* by sending dreams. In some cases, the amount and the nature of the alms are specified, in other cases it is left open to the discretion of the donor.[63] Launay underlines, that such voluntary *saraka* needs not be granted to the scholar who prescribes it, but is usually given to pious elders and other scholars. However, since the purpose of the gift is to obtain an effective blessing in return, scholars are likely to be favoured. In fact, most Muslim scholars in Koko rely on *saraka* as their main source of revenue for pursuing learning as a full-time occupation.[64] In similar ways is the concept of *sathka*, offerings/sacrifice, present among the people in northern Sierra Leone and among the Temne in particular: *Sathka* comprises a complex of rites that involve sacrifice, the blessing of an object for its usefulness, and ancestral offerings. In

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60 Mischlich 1909: 255. See also Ferguson 1973: 185: "They [people who have come to pray to God for rain] collect money, or other things, and give them as alms *because of God*, and they are shared out as alms between those who read the Qur'an *because of God* [emphasis mine, HW]."

61 Koelle 1854: 393.

62 Launay 1992: 204.

63 One of Launay's informants in Koko gave a description of a tripartite division of offerings into white, red, and black objects. White offerings, such as a white chicken, are given when one wanted to procure something desirable. Red offerings, on the other hand, are intended as a way of avoiding or casting off misfortune whereas black offerings are given in situations of uncertainty. Red offerings are especially perceived as dangerous and are usually made to a blind person, who cannot see what he is receiving but whose misery is already so great that God will not punish him any further, or to scholars who have the proper knowledge for averting any misfortune that such a gift might attract. See Launay 1992: 204–206.

64 Launay 1982: 37, 132–133. Launay underlines that such a system of voluntary *saraka* benefits scholars more than anyone else and believes that it accounts for a substantial part of the revenue of the scholars. The practice of voluntary *saraka*, however, has come under heavy attack during the latter half of the 20th century by the "Wahhabi's", the so-called "arm-crossers or *bras croisés*", who claim that the whole practice does not constitute charity at all but benefits only scholars and elders.

many of these rites the Muslim cleric is an important participant and a receiver of such offerings.[65]

Islamisation without the Establishment of an Islamic Order

Lamin Sanneh has made a strong case for a more flexible interpretation of Islam in sub-Saharan communities. Although he notes a so-called "syncretist form of Islam" that did prevail for a long period in Africa, it would be wrong to suggest that such a "syncretism" was the basic form of Islam in Africa:

> It is syncretist only as a phase or for want of knowing better, not as a permanent state, or at least that is what reform-minded Muslims would say, and prudence or strategy might make such reformers turn a blind eye to controversial mixing. In the end, however, syncretism is dry tinder to the passion that faithful observance would in time ignite. The relevant issue is that non-Muslim societies may be strong enough to delay or even put off a final reckoning, leaving Muslims with no choice but to acquiesce.[66]

Eva Evers Rosander, among others, has pointed out the difference between Islamisation as a "unifying" and universalistic identity-shaping discourse and the local forms Islam has taken.[67] Universal Islamic terms and concepts, such as sharī'a, jāhilīya ('ignorance about Islam'), ṭahāra ('ritual purity') and baraka ('blessing') are articulated on the local level and in a specific cultural context, producing an endless variety of particular forms of Islam.[68]

The moral obligation of the Muslim was to live according to the teachings of Islam, yet his or her problem was how to live the life of a good Muslim. The ideal was the existence of an Islamic order within an Islamic state, however, the practice in sub-Saharan Africa was far from that. As has been pointed out, some of the five pillars of Islam were "easier" to follow than were others. In the case of almsgiving, the general pattern was what could be termed the "almsgiving of everyday life". This almsgiving was part of the mutual assistance to neighbours, the poor, strangers and wayfarers, which did exist before the introduction of Islam among non-Muslim societies. To give ṣadaqa or zakāt was therefore not a break with local traditions because almsgiving was, as before, part of the private sphere. However, there was an obvious break with local tradition when zakāt was made part of the public sphere, i.e., turned into a religious tax and its levy controlled by

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[65]   Skinner 1978: 58–59. According to Skinner, the Temne word *satkha* is derived from Manding (*sadaka*) or Susu (*saraka*) and designated traditional offerings but also had the general meaning of sacrifice in a Muslim religious ceremony.

[66]   Sanneh 1997: 21–22.

[67]   The key advocate of such an approach is Clifford Geertz; see Geertz 1968.

[68]   Evers Rosander 1997: 2–3.

state officials. Yet, it seems as if the rift between the private and the public sphere was only evident on a few occasions. The main reason for this was the fact that the general pattern of almsgiving belonged to the private sphere and only in the wake of the militant reform movements of the 18th and 19th centuries were there attempts to institutionalise the collection and distribution of *zakāt*.

However, although the private sphere of *zakāt* or almsgiving in everyday life certainly was among the most important aspects of a Muslim way of life, it is at the same time the least known. As it was not an institution, there are no records to be found. Muslims were known to have supported students, wayfarers and poor people, but the actual figures will never be known. Paul Marty noted at the beginning of the 20th century that in the area of Masina and Jenne, *zakāt* and *ṣadaqa* had been combined and the clergy and notables of a village distributed them in the mosque "... to the poor of the village, travellers bereft of resources, the clergy and their students, old women left without husbands or children, the imam, the muezzin, etc."[69] Almsgiving was invisible for two reasons. First, the giver was not supposed to make capital number out of his spending: The right hand should not know what the left hand is doing. Second, the receiver should not be marked and stigmatised; the ideal was to give and receive charity in secret. As Iliffe has noted, on one hand, *ṣadaqa* was an act of personal generosity designed to procure worldly prosperity in an "instrumental manner", yet, on the other hand, it was also a source of social prestige.[70] In both cases, it was the intention of the giver which was central to the act. The core value of a wealthy person is generosity or *karām*, the sharing of wealth with other persons, even a stranger. This notion of generosity is vividly described by Carolyn Fluehr-Lobban:

> Where land is not private property and possessions are minimal and portable, sharing of life's necessities is valued. The last draught of water, loaf of bread, or portion of meat is given to the guest over the family member without fanfare on the part of the donor or great expectation of appreciation on the part of the recipient. Sharing is so deeply engrained that to notice its expression is an oddity to any but the outsider.[71]

As Anthony Kirk-Greene noted, the concept of the "good man" is not bound to any particular culture or religion. Among the Hausa, for example, the concept of *mutumin kirkii* or "the good man" refers to the inner quality but also to behaviour. Generosity forms an important part of the concept of *mutumin kirkii*, but a generous man would give both in the name of compassion and humanity (*sabo da tausayi*) as well as for God's sake (*domin Allah*):

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69   Iliffe 1987: 45, quoting Paul Marty, *Etudes sur l'Islam et les tribus du Soudan* 2 (1920): 229.
70   Iliffe 1987: 43–44.
71   Fluehr-Lobban 1994: 46.

... the whole concept of karama, generosity, may be said to extend to an intense cordiality of spirit as much as to physical giving, a warm-heartedness of personality encapsulated perhaps in the English imagery of "My Lady Bountiful": in Hausa it is more than God that loveth a cheerful giver.[72]

It would be wrong to claim that almsgiving (*ṣadaqa*) had been ritualised in the Bilād al-Sūdān as a consequence of a merger of non-Muslim norms and traditions with Muslim ones. Michael Watts has noted the existence of "elite obligations" in Hausa society, which included both pre-Islamic norms of reciprocity as well as the demand to be generous as an Islamic value.[73] The elite as well as the wealthy members of the society were expected to give assistance to the poorer members of society as Imam Umoru had underlined:

> There are very many towns where the ruler has a big farm. When it is going to be cleared, the common people (talakawa) gather from different towns and go to work because they beg cereals from him when there is famine. Likewise, the blind (makafi) and cripples (guragu) beg from him.[74]

However, *zakāt al-fiṭr* is a special case. It was collected at the end of Ramaḍān and was an integral part of the rituals that accompanied the festivities of *ʿĪd al-fiṭr*. This special, or even ritual, form of charity was collected from every Muslim and distributed among the poor and needy in the society. It had never been a tax but it did not belong to the private sphere; the recipients were the poor yet they could not claim a fixed part. On the other hand, the payments, which were made in kind – usually food or grain – were rather small. In fact, one could argue that *zakāt al-fiṭr* was a gift that enabled the poor to participate in the festivities of the community. As in the case of almsgiving, not much is known of the actual performance of the giving of *zakāt al-fiṭr* in precolonial Africa. A rare description is found in Nachtigal's account of the celebration of *ʿĪd al-fiṭr* in Kuka about 1870. Nachtigal, as the head of his household, gave presents to all of his

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[72]   Kirk-Greene 1974: 6. Nana Asmaʾu, for example, praises in several elegies the virtues of her family members and her close friends. One main reference is to hail the generosity and charitable acts of the persons, such as her brother Muhammad Bello, her husband Gidado, her sister Fadima, her brother Muhammad al-Bukhari, her brother-in-law Mustafa or her cousin Modibo dan Ali. (All elegies as well her other poems are translated in Boyd & Mack 1997). For example, in her elegy on her friend and companion Aisha, she praised:

"Oh what a woman! Having all the virtues / Of the pious women, humble to their Lord; Of the women who have memorized the Qurʾan by heart and who do extra. In prayers, almsgiving, then recitation of the Qurʾan, defending the unjustly treated, carrying the burdens of many responsibilities / She was a guardian of orphans and widows, a pillar of the community, ensuring harmony" (Lamentation for ʿAysha/Marthiya Aisha, written c. 1855/56, translated in Boyd & Mack 1997: 226).

[73]   Watts 1979: 139; Watts 1983a.

[74]   Ferguson 1973: 61.

servants and the members of his household. Thereafter, he gave each of them a small amount of grain that was to be given as *zakāt al-fiṭr*:

> Each of them, in accordance with custom, received a *mudd* of *dukhn* [sorghum] as *ṣadaqa*, that is, a charitable offering, the benefit of which they passed on to the poor Ḥajj Abd el-Ati.[75]

Another description of the distribution of the *zakāt al-fiṭr* is presented by Imam Umoru in his treatise on customs in 19th-century Hausaland, calling it *zakar nono*, 'bowl tax' or *zakar ci*, 'eating tax':

> On the morning the fast is finished, *safiar salla*, every Muslim gives four measures, *mudu*, of cereal, because of God, to any commoner he likes; the recipient must be a Muslim for nothing is given to a *kafiri*, pagan. This tax [sic!] is given for a man, his wife, and the rest of his family. That is *zaka*.[76]

Yet, despite the fact that Muslim scholars tried their best to block the mixing of local and Islamic traditions, the tradition of accommodation that most of the sub-Saharan scholars upheld did not reject syncretism if it was applied by "half-Islamised" people outside the *Dār al-Islām* of the local Muslim community. In some instances, Muslim ritual practices were integrated into local non-Muslim traditions. In others, local rituals were replaced by Islamic ones, but the Islamic traditions were at the same time integrated, such as in the case of *Mawlūd*, the Prophet's birthday, which is celebrated by the Dagomba chiefs as the *Damba* festival and has very little of its Islamic character left.[77] In the case of almsgiving, certain non-Islamic taboos were strong enough to regulate almsgiving. For instance, in some societies, such as those in the Chad basin, (poor) blacksmiths were not allowed to receive any *zakāt al-fiṭr* or *ṣadaqa*. According to the so-called "Book of blacksmiths", blacksmiths were excluded from receiving alms:

> He who gives a blacksmith *zakka*, does wrong, because it is said: "Give no alms to the rich, or to a slave, or to a unbeliever, or a hypocrite, or a wicked person like the blacksmiths, the slaves of the Jews. He who trusts a blacksmith is like him who trusts a goat or a jackal."[78]

The ambivalent position of the blacksmiths is also known in other sub-Saharan societies and predates the advent of Islam.[79]

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[75] Nachtigal 1987: 28

[76] Ferguson 1973: 171.

[77] Levtzion 1968: 98.

[78] Palmer I, 1928: 74.

[79] See, for example, Nachtigal's remark on the position on the smiths in Wadai: "No one would eat with a smith, and to be called a smith is a deadly insult." According to him, the blacksmiths had a low social status in Wadai, Darfur, Borno and among the Tubu (Nachtigal 1971: 179).

In some other societies, *ṣadaqa* had become a form of ritual sacrifice. Among the Fur, the state festival called the "covering of the drums", or the Drum Festival, was preceded by the reading of the Qur'ān and ritual offerings, called *ṣadaqa*, at the tombs of the past sultans. Similar offerings or sacrifices – but no reading of the Qur'ān – were made at the tombs of the non-Muslim kings.[80] In Baghirmi Nachtigal and his travelling companions made a sacrifice of two hens at the commencement of a particularly critical part of their journey.[81] At one stage, Nachtigal noted a form of ritual offerings in a local ceremony at a sacred pole in Baghirmi:

> If one needs divine help, or if one wishes to placate or thank the deity, one slaughters chickens at the pole, smears it with their blood, and sacrifices food and drink at it, inviting friends and neighbours to such *ṣadaqa*.[82]

However, Nachtigal's use of the expression is somewhat unclear in the above case; he might have used the word *ṣadaqa* as a technical term (i.e., analogous to *ṣadaqa'*) and give an Islamic interpretation to the offering, whereas the local people might have used another word and would not have connected the offering to *ṣadaqa* at all.[83] Thus, when British officials noted the habit among some non-Muslim (?) Hausa in the Sokoto region of giving "sadaka" to a tree during the harvest,[84] the term reflected the idea of offering and sacrifice but not from an Islamic point of view, rather a local, non-Muslim one.

A similar influence of Islamic concepts was observed by Rattray in connection with the funeral ceremony of the Mamprusi in the Volta region. At a certain moment during the rituals, the widows are bathed and shaved and the shea butter leaves which they were wearing, along with their hair, were put in a hole over which they stood while being bathed. This ritual was known as *sar'bere* which according to Rattray, means (the burial of) the 'bad gifts'. The expression *sar'bere*, according to Rattray, is derived from the words *sara* and *bere*, *sara*, again being a corruption of *ṣadaqa*, alms. At a later stage of the funeral, the women are dressed in the late husband's trousers, coat and hat and taking the husband's bow, they walk around the late husband's compound. This part of the funeral is known as the 'good gift' or *sar'soma*.[85]

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80   O'Fahey 1980: 20. The sacrifice, in fact, preceded the ceremony of "first sowing".

81   Nachtigal 1987: 287.

82   Nachtigal 1987: 391.

83   The use of Islamic terminology was also common among Muslim scholars, such as al-Sadi, in their description of non-Islamic rituals and customs, usually connoting offerings of food or libations, or animal sacrifice. See, for example, TS in Hunwick 1999a: 106, fn. 30).

84   See NNAK Sokprof 264/1913, Sokoto Province, Moriki District Assessment Report 1913 [Backwell], para 24.

85   Rattray 1932: 463.

Sanneh notes an interesting mixture of Islamic norms and local traditions in his hometown in Gambia. His mother and other women relatives would set aside a fortieth part (2.5 per cent) of the rice harvest as *jakko*, Manding for *zakāt*. It was paid to the local *imām*, who might offer a short extempore prayer of thanks for it. According to Sanneh, the ultimate sanction for paying *jakko* comes from indigenous ideas of purity and danger: "*Jakko* is bitter fruit and is best got rid of". In fact, the background of *jakko* is pre-Islamic, it being the first-fruit ritual of the new harvest, based on the farming calendar which, by the introduction of the Islamic lunar calendar, had been given a new meaning by Muslim ritual code. In the pre-Islamic rite, women presented *jakko* in the name of the whole community; due to Muslim ritual code, *jakko* became instead an individual assessment on personal produce. By nature of his office, the *imām* was ill-equipped to enforce the norms of *jakko* or punish their infringement, except in asserting the priority of compliance with *zakāt* prescriptions, which were not bound by the agricultural calendar.[86] Sanneh's observation is similar to mine in northern Ghana, where Muslim farmers used to put aside every tenth bundle of corn at harvest and these were given to the local *imām*.[87]

On the other hand, in Sine-Saloum in Senegal, married women (and youngsters who can dispose of their crops themselves) give a "present" to the head of the compound. This present, called *zaragh*, Wolof for *zakāt*, is seen as a token of respect, and one way of obtaining his blessings.[88] This "present" is analogous to the precolonial praxis of slaves and slave-descendants paying one-tenth of their harvest to their masters/former masters, because, according to Islamic law, *zakāt* is not incumbent on slaves, but on their master.[89]

In Wuli in Eastern Senegal, van Hoven noted an interesting mixing of Islamic and local practices where the Islamic notion of *zakāt* had been transferred from its original meaning of the alms tax to become a "tithe" which is subtracted from the trousseau and is divided among the sisters of the groom in return for services rendered during the marriage ceremonies.[90] However, although this custom seems at first sight to be a rather strange mixture, it is not. Instead, this use of *zakāt* could be explained as a mixing of the words *ṣadāq* and *zakāt*. In Arabic *ṣadāq* means the bridal dower, the noun itself derived from the verb *ṣadaqa*, of which the fourth stem form, *aṣdaqa*, means 'to fix a bridal dower', and the fifth stem form, *taṣaddaqa*, means 'to give alms'. Among the Muslim Hausa, for

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86   Sanneh 1997: 33–34.
87   See Weiss 2000.
88   van Hoven 1996: 704, quoting Venema 1978.
89   Sanneh 1979: 230, 232; van Hoven 1996: 704; Sanneh 1997: 59–60.
90   van Hoven 1996.

example, the groom paid *sadaki*, a cash payment that legalised the marriage contract,[91] whereas concubines were known as *sad'aka*.[92]

Another example given by Sanneh of the merging of indigenous and Islamic practice was the ritual request for *kpakpa* in Sierra Leone. The *kpakpa* was an offering by the local non-Muslim, as well as Muslim, population to the ruler, and both non-Muslims as well as Muslims would be rewarded afterwards.[93] A similar case is found in Hausaland in the office of the *sarkin noma* (literally 'the king of the farmers'). This office is of pre-Islamic origin but survives in a purely honorific way in many Muslim societies. Any individual who proposed to and eventually did harvest 1,000 bundles of grain (*demin dubu*) could appeal to become a member of the prestigious regional community of *sarakunan noma*. The rituals and ceremonies connected to the *sarkin noma* were, in fact, a kind of rite of passage, in which the new *sarkin noma* was supposed to distribute his wealth of *demin dubu*. Nicolas identifies the distribution of grain as an enormous redistribution feast, where symbolic capital was acquired and accumulated.[94] However, as Watts (paraphrasing Nicholas) has noted, the principal beneficiaries of this form of reciprocity tended to be artisans, griots, clan allies, religious dignitaries, village chiefs and other elite members, thus weakening the reciprocal effect from rich to poor members of the society. On the other hand, Watts stresses the positive impact of the institution of *sarkin noma*: he was expected to act as a kind of famine reserve: "When the grain of any gida is exhausted the residents may obtain an interest free loan of grain from the *sarkin noma's* bins to be repaid at harvest." However, due to the Islamisation of Hausaland, the metaphysical basis of this pre-Islamic custom was eroded – but not its ethical dimension – as reciprocity as such was not in contrast to Islam.[95]

An interesting case of the impact of the Suwarian tradition on the peaceful coexistence between Muslims and non-Muslims was in the case of the submission of Muslims to the rule of non-Muslim or "half-Islamised" rulers. This was the case, for example, in the Volta region, which has been studied by Levtzion and Wilks. As Levtzion underlines, there was a clear distinction in Dagomba, as well

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[91] Bargery 1934: 879; Anderson 1954: 207, 259–272, 277, 369. See also Lovejoy & Hogendorn 1993: 242–244.

[92] Lovejoy & Hogendorn 1993: 112. According to Lovejoy & Hogendorn, the word *sad'aka* derived from *sa* 'to put', and *d'aka* 'room'; hence 'to put in a room'. However, another interpretation could be that the word derives from *ṣadaqa* by referring to a gift to someone as a sign of friendship, the concubine being the gift. Such an interpretation could explain the notion of *sadaka* in one of Palmer's texts where a girl was to be given to the bridegroom as *sadaka* (*ṣadaqa*) (Palmer III, 1928: 33).

[93] Sanneh 1997: 28–29.

[94] Watts 1983a: 130–131, referring to Nicholas 1967 and Raynault 1976.

[95] Watts 1979: 143–144.

as in several other Voltaic states, between a chief and a Muslim; being a chief implied not being a real Muslim but rather a "half-Islamised" ruler. The *imāms* prayed for the chiefs, who in return supported those Muslims who were attached to the court, whereas most rulers were hardly touched by Islam.[96] Still, the Muslims at the court usually defended their rulers against the criticism of more rigorous scholars.

In Asante, the position of the non-Muslim ruler and the Muslim minority in the capital of Kumasi reflected the accommodation of the Muslims in accordance with the Suwarian tradition. The Asantehene Osei Tutu Kwame (reg. 1804–23) was hailed in several letters as a "good ruler" by the Muslim scholars: "O, righteous Sultān, the saviour of the Muslims"[97] and "O righteous Sultān, benefactor of the Muslims."[98] Seven of the letters, which were found in the Arabic manuscript collection of the Royal Library, Copenhagen, and contained correspondence between Gonja and Kumasi, were written by *imāms* in Gonja and contained instructions to enable the Muslim residents in Kumasi to pray and make medicines for the Asantehene. According to Wilks, who has studied both the Gonja letters as well as the reports by British Residents Bowdich and Dupuis, this underlines the impact of the Suwarian tradition among the Muslims in the Volta region.[99] Some of Osei Tutu Kwame's wars were styled by the *imāms* as *jihād* (letter 5). Although the Asantehene himself was not a Muslim nor was his state a Muslim one, he was requested by the *imāms* to make donations to them for the sake of his welfare and the blessing of his house, just as a Muslim ruler would have done (letters 5, 9 and 11). Such donations were meant to be *ṣadaqa* for the *imāms*:

> Hand out donation; at first, two slaves [then] twelve mithqāls [of gold] two gowns, white and red; two fowls, male and female two sheep, male and female two caps, white and red; a red bowl and a white bowl, with a gun (?) and sugar. Then collect food [consisting] of seeds of wheat, millet and guinea corn; add salt and oil with water, and give all that food as donation. Then he may ask Allāh [for] long life and good health, and ask Allāh for abundant blessing in your time and wealth in your time and victory in your time, if Allāh wishes. He will find all that with the power of Allāh. This is true.[100]

The *ṣadaqa* requested by Imām Mālik of Gonja in letter 11 can be interpreted as a donation both to the *imām* himself (the first part of the donation) as well as a donation to the local community, probably the Muslim one in Kumasi. Yet, the letters also reveal another practice of almsgiving. Whereas the above-mentioned

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[96] Levtzion 1968: 56, 101, 109, 118.

[97] Wilks, Levtzion & Haight 1986: 219 [letter 9].

[98] Wilks, Levtzion & Haight 1986: 220 [letter 10].

[99] Wilks 1995: 60.

[100] Wilks, Levtzion & Haight 1986: 221 [letter 11].

case was a request from the *imām*s to the ruler, letters 14 and 15 deal with intra-community matters, namely Muslims asking other Muslims to give alms:

> Imām Karfā died and left him [his son] poverty and hunger. No-one has mercy upon the orphan except Allāh and except your brother, the believer. I ask you, by Allāh, not to forsake us,[101]

and

> If you are aggrieved by any worldly affair, look for a gown, trousers and a turban which you may afford. Then make ablutions and wear them all. Then enter into a place of seclusion and pray two genuflexions (*rak'as*) in a place where no one will see you ... Then take off the gown, the trousers and the turban, and give alms.[102]

The Good Ruler and the Distribution of Alms

The distribution of alms was a way of generating social capital. By distributing alms, an even nominally Muslim ruler could argue that he was following the principles of Islam and at the same time continue the pre-Islamic practice of redistributing the common wealth. In fact, it could be argued that the voluntary distribution of alms, namely *ṣadaqa*, was preferred to the institutionalised way of almsgiving, namely *zakāt*. As long as *zakāt* was tied to taxation – it being a religious tax – it was a much weaker link to the formation of social capital than *ṣadaqa*. Even more important, the formation of social capital by giving *ṣadaqa* was not limited to the rulers alone but could be practiced by anyone who could afford to give alms. As a voluntary pious act, *ṣadaqa* was not bound by any rules, rates or amounts, only the intention of the giver was of importance.

Many precolonial Muslim rulers were praised by the local chroniclers for their pious and charitable acts. Several rulers of Kanem-Borno were thus praised, such as Muḥammad, one of the first Muslim rulers of Kanem, was lauded by Ibn Sa'īd for his religious warfare and charitable acts.[103] Idrīs Alauma, a 16th-century ruler of Borno, was praised by his chronicler, Imām Fūrtū, as being generous in his gifts, compassionate towards orphans, widows, and the poor.[104] In another text, Idrīs Alauma is hailed for the just division of the war booty which he had made in the wars against the Bulala, dividing it all among the warriors and the "poor".[105] In the year 1000 AH (Palmer: AD 1591), Idrīs Alauma was said to

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[101]   Wilks, Levtzion & Haight 1986: 223 [letter 14].

[102]   Wilks, Levtzion & Haight 1986: 223–224 [letter 15].

[103]   Ibn Sa'īd in Corpus.

[104]   Lange 1987: 99.

[105]   Palmer I, 1928: 45.

have made a *ṣadaqa* of one thousand each of camels, oxen, sheep, goats, donkeys, fowls and all kinds of food to the "Tura".[106] The 18th-century ruler al-Ḥājj Ḥamdūn b. Dūnama (c. 1715–29, according to Lange 1977) is glorified in one *maḥram* as "the nourisher of the orphans left by his predecessor" and "the feeder of the poor",[107] whereas another 18th-century ruler, ʿAlī b. Ḥamdūn (c. 1747–92) was called the Generous.[108] So, too, was his son Aḥmad b. ʿAlī (c. 1792–1808), about whom the *Dīwān* tells that he was lavish in distributing alms, a friend of [Islamic] science and religion and merciful and compassionate towards the poor,[109] and in another text his generosity is hailed as being "like copious rain".[110] In a praise-song he is remembered as giving "a tithe of gold for the fast month, and alms of a fine horse".[111]

A most vivid eye-witness account of the generosity of a ruler is presented by Gustav Nachtigal. Nachtigal visited Borno during the reign of Shehu ʿUmar, who was known for his generosity. Once Nachtigal noted that for weeks a miserable and dirty *faqīh* ('scholar') tried to get in contact with the ruler. One day he was lucky and was introduced to the king, who gave him ample presents: "A couple of days later you might meet him dressed in new clothes, some weeks later he was riding a horse, followed by his slaves on foot."[112] In Borno, as in any other Muslim community, the distribution of *zakāt al-fiṭr* was an occasion where the Muslim scholars would receive gifts from the ruler. However, as Nachtigal has pointed out, there was the inner circle of court clerics who received the lion's share of the gifts.[113] In 1904, Boyd Alexander was able to observe the generosity of Shehu Garbai, the king of Borno:

> It was his custom, on coming out of the palace on his way to pray at the mosque, to hear the cry of any subject who was suffering from starvation, sickness, or wrong, and had been fortuned enough to get through the barriers of officials who jealously guarded their master's good heart. He would take the name of the suppliant and tell him to come and speak with him afterwards, when he would help his case to the best of his powers with money, medicine, or advice, or whatever the unfortunate stood in need of.[114]

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[106] Palmer III, 1928: 6; also Palmer 1936: 29. The Tura were an influential family of Muslim scholars in Borno. See further Aminu 1981: 35.

[107] Palmer 1936: 44.

[108] Palmer 1936: 53.

[109] Lange 1977.

[110] Palmer 1936: 53.

[111] Palmer 1936: 257.

[112] Nachtigal 1879: 637.

[113] Nachtigal 1971: 13.

[114] Alexander I, 1907: 287–288.

Most of the rulers about whom the chronicles and other texts give a positive picture and are remembered as "good rulers", had distributed alms among the scholarly community in most cases. In the *Ta'rīkh al-Sūdān*, for example, many of the rulers of the Songhay Empire, such as Muḥammad Bokana, Askiya Dāwūd and Askiya Isḥāq, were praised for their benefactions and even some of the otherwise hated 17th- and 18th-century pashas of Timbuktu, such as Manṣūr (ruled c. 1595–96) were praised as "beloved by the poor and weak".[115] According to Tymowski, the distributions of gifts and alms by the Songhay rulers were a one-sided way by the ruler "and were devoid of any reciprocity element other than expectation of political support on part of Muslim milieus,"[116] although one might add that at least for some of the Muslim rulers there certainly existed a religious aspect to the giving, namely the reward in the Hereafter – thus a kind of "spiritual reciprocity".

According to the self-definition of the Muslim scholars, they were the poor (*fuqarā'*) to whom the ruler should distribute his alms. If he did so, a praise-song would be composed to declare the greatness of the ruler, such as the "Song of the N'Gijima to the sultan of Bornu" from the earlier half of the 18th century:

> O King! Your bounty is to us as the milk of a cow which never goes dry to the calf by its side. From you we find our food in the evening, and water to drink in the morning. May God grant that we may see you every day and rejoice.[117]

Thus, the author of the *Kitāb Ghanjā* portrays the king of Gonja, Nāba (about whom it is not known whether he was a Muslim or not) as a merciful king, who treated the Muslim scholar Ismāʿīl most generously. When the scholar died, Nāba sent rich presents to the brothers of Ismāʿīl "that they might perform the *ṣadaqa*. They performed the *ṣadaqa* for him."[118] In this case, the distribution of *ṣadaqa* was the one which is common at funerals. Sīdī ʿAbd al-Karīm, the founder of the Muslim dynasty in Wadai, was called the protector of the Muslims and imposed the collection of the *kharāj*, "which he deposited in their Beit-el-Mal and spent it for the benefit of the Moslems educated and uneducated alike."[119] In the Funj

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[115] TS in Hunwick 1999a: 126, 154, 199, 228. Similar accounts are found in the *Ta'rīkh al-fattāsh* (TF), such as gifts, tax exemptions land donations to the *'ulamā'* of Timbuktu as well as the praising the rulers as the builders and benefactors of mosques, schools and shelters for pilgrims. Among others, the Songhay rulers were said to have created foundations of *waqf*-type (Tymowski 2000), distributing slaves, gold, carpets, robes, books, animal herds, and building materials for the mosques (TF: 26, 30, 38, 52, 120, 131, 136, 139–141).

[116] Tymowski 2000.

[117] Palmer 1936: 253.

[118] Wilks, Levtzion & Haight 1986: 91.

[119] Palmer I, 1928: 27. However, it is not clear, whether it was *kharāj* or *zakka* [*zakāt*] that was spent, as there is a later reference in the text to *zakka*.

Chronicle, Bādī Abū Diqin (c. 1642/43–77/78) was praised as "strong and generous, honouring men of learning and religion. He used to send gifts to the *'ulamā'* in Egypt and elsewhere with his caravan-leaders."[120]

Many of the rulers of Borno, again, were praised for giving food to poor Muslim scholars. In a 17th-century text, called "An Account of N'Gazargamu" by Palmer, the writer noted that:

> Every day the amir recited a hundred rika'as from the Kura'an in addition to the obligatory prayers, and gave food to a hundred poor sheikhs and all women personally with his own hands

and underlined the religious aspect of the act of the ruler – one hand not knowing what the other one was doing:

> Withal he looked upon himself as not having done anything remarkable in the sight of God, for he was fearful in regard to the affairs of God and awed by the divine judgement.[121]

Several 18th-century rulers, such as the previously mentioned al-Ḥājj Ḥamdūn b. Dūnama and ʿAlī b. Dūnama, were also known for their "love of learned men".[122] For example, al-Ḥājj Ḥamdūn was said to have on one occasion sent ten maidens, 400 *rials* and five horses as *ṣadaqa* to the Ḥākim Masbarma b. Ibrāhīm.[123]

In similar ways, some of the rulers of Kano were praised, whereas others were presented as wicked unbelievers. Sarki ('king') Abdullahi Burja (c. 1438–52) – "there was no one like him for generosity", his son Yakubu (c. 1452–63) was "a good sarki" and so was Muḥammad Rumfa (c. 1463–99): "a good man, just and learned." During the next century, four kings of Kano were especially open-handed to the Muslim scholars: Abubakar Kado (c. 1565–73), "who did nothing but religious offices ... In his time [...] mallams became very numerous," Muḥammad Shashere (c. 1573–82), "unmatched for generosity," as well as Muḥammad Zaki (c. 1582–1618) and Muḥammad Nazaki (c. 1618–23), who are both remembered as having given the Muslim scholars many gifts and presents.[124]

However, during the early 17th century, two rulers in Kano introduced practices which were condemned by the chronicler(s) as robbery and backsliding from the path of Islam, but these practices were nullified by later rulers, who, as a

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[120] Holt 1999: 9.

[121] Palmer 1936: 35.

[122] Palmer 1936: 95, 98.

[123] Palmer 1936: 25.

[124] Palmer III, 1928: 109–117.

consequence, were again hailed for their generosity and just rule. So, too, were all the FulBe rulers of the 19th century[125] – being protectors of the orphans and the poor as well as always generous – like Emir Muḥammad Bello (c. 1882–93):

> He spent his wealth on charity ... He divided the year into three parts of four months each, and instructed the district heads to bring wealth (at these intervals) for charity, for the sake of God ... (He) gave out to mallams what he could. All that Bello got he gave to the mallams and the poor, and the strangers who came to him.[126]

However, in 19th-century Zaria, which at that time also constituted an emirate within the Sokoto Caliphate, at least one of the rulers, namely Emir Sidi Abdulkadiri (ruled c. 1853), was fiercely criticised by the Muslim scholars for his abuses and his misrule, not least for the embezzlement of funds that belonged to the Public Treasury:

> ... killing people without any legal grounds, dissipating the public funds in his amusements and his sport, his diverting himself with strange women and giving them wealth.[127]

The three first caliphs (*amīr al-muʾminīn* or *sarkin muslimin*) of the Sokoto Caliphate were presented by al-Ḥājj Saʿīd as the personifications of the good Muslim ruler. Muḥammad Bello, the first caliph (c. 1817–37), was said to have lived from his own earnings and did not use money from the Public Treasury for himself; "he was kind to the subjects, most merciful to them, patient, self controlled, scrupulous concerning their property in possession of the people, and a good administrator,"[128] and was praised by his sister Nana Asma'u as being the "ideal man".[129] His brother Abubakar Atiqu, who was the second caliph (c. 1837–42) was said to have favoured the Muslim scholars (which led to resentment among the nobility):

> ... he used to give presents in the manner of one who did not fear poverty. He was generous, liberal and grave to the extreme, so much so that his brother Bello said of him, "Atiqu is the most liberal of the Shaikh's children and the best made".

In similar ways was Aliyu, the third caliph (c. 1842–59), hailed: "beloved by the people, beneficent to them."[130]

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[125] Palmer III, 1928: 123–132.

[126] Quoted in Paden 1973: 261–262.

[127] Whitting 1948: 168. In the end, he was deposed by the *amīr al-muʾminīn* of Sokoto. See further Hogben & Kirk-Greene 1966: 224.

[128] Whitting 1948: 164.

[129] Boyd 1989: 89.

[130] Whitting 1948: 165–167.

The Receivers of the Alms of Everyday Life

As has been pointed out, the religious groups were the guardians of the faith in the local community. Local *malam*s and scholars participated in the everyday life of their communities. They were present at naming ceremonies, marriages and burials and read prayers and participated in the rituals. In times of want, they led the prayers for various blessings: for rain, good harvest or fortune in war. For their services, the *malam*s received presents, which sometimes were called *ṣadaqa*. In addition to the clerics, all participants as well as other members in the community were given a share of the offerings made during the various rituals. Rattray noted that it was common among the Hausa communities in the Volta region to slaughter a ram for the naming ceremony and to divide it up and give it as *ṣadaqa* to anyone in the village.[131] At funeral ceremonies among the Mamprusi and Dagomba in the Volta region, the children of the deceased brought on three occasions during the funeral ceremony fowls, sheep and cowries and present them to the local *alfa-dema* or Muslim scholar, who came and prayed even if the deceased was not a Muslim.[132] Last but not least, there existed the *ṣadaqa* marriage, namely a marriage in which a father gave his daughter in marriage to a *malam*, student or orphan as a kind of alms.[133]

Imam Umoru, in his texts, provides a detailed description of almsgiving among the Hausa. For example, various forms of gifts/alms were distributed at the naming ceremony. First, kola nuts were handed out to each one who had gathered at the house. Then food was given to each of them. After the banquet, when the *malam*s and the other people had left, the father of the child was approached by the beggars to whom he gave cowries, 50 to one, 200 to another. In addition, the women in the house distributed alms to female beggars. The next time when alms were given was when the child was about two years old and had been weaned from the mother.[134] Guy Nicholas noted three occasions when local *malam*s received gifts (*ṣadaqa*) in Hausaland at the end of the 19th century. At a naming-ceremony, a *malam* would receive 5,000 cowries (whereas a blind beggar would receive 100 cowries); at a wedding-ceremony a *malam* would be given *ṣadaqa* of 200 cowries; at a funeral, *malam*s would receive 10,500 cowries, but as "seventh day alms", the *malam*s would be given gifts of about 10,000 cowries, whereas the

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[131]   Rattray II, 1913: 190.

[132]   Rattray 1932: 462–463.

[133]   Anderson 1954: 208.

[134]   Mischlich 1908: 6–10.

infirm would receive 500 cowries.[135] According to Imam Umoru, the *malam*s would receive "the alms for the dead" on several occasions: on the third day, on the seventh day, on the fortieth day and one year after a funeral.[136] Among the Kanuri in Borno, almsgiving was an essential part of many rituals. Muslim scholars received alms at the birth of a child, at the feast of naming, at circumcision, when a child finished his Qurʾānic studies, at weddings and at burials. In addition, at the feast of naming, gifts were distributed among all guests whereas food was distributed as alms to all neighbours.[137]

In many other Muslim communities *zakāt* as well as *ṣadaqa* was given to the clerics and scholars. In Lomé, for instance, German officials noted at the beginning of the 20th century that Muslim scholars had three sources of income, namely *ṣadaqa*, *zakāt* and *lada* ('presents'), in addition to food payments which they received from students and their parents, the sale of amulets and through petty trade and craft whereas in the district of Mangu-Jendi (Dagomba), a scholar had to beg and occasionally received a payment when he performed various rituals.[138] According to Westermann, *zakāt* was a payment to the scholars and the *imām*. In Borno, too, the payment of *zakāt* belonged to the private sphere, being occasional presents to the scholars.[139]

The Muslim scholars, however, were not a homogeneous group in terms of being receivers of alms. First, there was the distinction between a poor and a rich scholar. A poor scholar, *imām* or *malam*, was said to be a person who had to farm for himself or had to wander from compound to compound and beg. A poor scholar would be given *ṣadaqa*. A rich scholar was someone to whom people would bring food and presents; he would not have to beg.[140] Second, there was the distinction between those scholars who were attached to the court and those who were not. Imam Umaru calls the former *malaman fada*,

> ... these palace malams are very learned and they tell the ruler the truth. The ruler provides them with their livelihood ... These malams wear expensive and elegant clothing like that of the ruler ... They have little to do with the commoners, talakawa, who fear them.[141]

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[135] Nicholas 1967, quoted in Watts 1979: 131, table 3.5. Not only a *malam* would receive gifts at the funeral but "charitable gifts" would be distributed to "the poor" (Beddoes 1902–03: 451).

[136] Ferguson 1973: 185.

[137] Lukas 1939: 163–173.

[138] Westermann 1914: 194, 213.

[139] Becker 1967a: 139.

[140] Spittler 1978.

[141] Mischlich 1908: 27; English translation by Ferguson 1973: 227.

The way of life of the *malaman fada* was criticised by the *malaman kirgi*, the 'malams of the hide' or the *malaman shinfida*, the 'malams of the mat':

> This type of malam is feared by the ruler, because he is God-fearing, and he has no other dealings apart from teaching. Wealthy people, and others, in the town, send him alms regularly, and he is also sent some of the tax, *zaka*, when people give it because he does not have any occupation, *sana'a*, apart from teaching.[142]

It was to the "malams of the hide" that people sent their children to get a Muslim education. However, the life of the students was harsh – they had to beg for their living and people would give them alms, but these alms were to be given to the scholar. Not surprisingly, almost all of the 19th-century travellers in the Central Sudan noted the existence of these "travelling students", who roamed the streets and begged. According to Gerhard Rohlfs, there were at least 2–3,000 of them in Kuka,[143] whereas Sokoto town was known to be crowded with students.[144] Apart from ordinary fees paid by the parents of the students, the teacher would receive alms, *sadaqa*, and gifts from the parents at certain points during the educational process.[145]

An interesting account of the "travelling students" is provided by Prietze and his Hausa and Kanuri informants. Older students or *almazirci* would travel through the country and "beg", *roko*, but not in the sense of begging (which a poor man would do) but performing praise-songs. Only the young students would have to beg for the teacher. According to Prietze, the students in Hausaland were very active in singing praise- and begging songs, much more than those in Borno, who were said to only beg.[146] In one of the songs of these Hausa students, the difference between begging (*bara*) and singing praise-songs (*roko*) was made very clear:

> If I sing a pleading song [Bittlied], then people say: Begging! But yet, I am not begging ...
>
> To sing a pleading song is more difficult than begging; you must be ashamed to beg, when someone gives you something, you must be ashamed, and if you are given nothing, so too.[147]

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142 Ferguson 1973: 265. This is also highlighted by Jalingo (1982–85: 74), "When in opposition the malams work on their own farms by themselves often helped by their relatives and by their students. They also received sadaka and zakka."

143 Rohlfs 1868: 63; Rohlfs 1874: 342.

144 See further Nachtigal 1879: 625; Staudinger I, 1990: 68; Weiss 1995: 213–215. However, in most European texts the begging scholars and students are presented in a rather negative way and are regarded as a nuisance. (See, for example, Tremearne 1913: 483.)

145 Ferguson 1973: 261–263.

146 Prietze 1916a: 1–2; Prietze 1916b: 164.

147 Prietze 1916a: 175–176 (Song I, verse 173).

Last but not least – the students underlined that "one does not give for the sake of the pleading song, only for God and the Prophet", thus reflecting the idea of *ṣadaqa*. In fact, according to Prietze's informants, the gifts which these students received were a kind of *ṣadaqa*.

Imāms, Scholars and Ṣūfī Shaykhs: Holy Poverty and Holy Generosity

Some scholars have argued for a dichotomy between what is called rural and urban Islam. Islamisation in the core Muslim regions, such as the Middle East, is usually linked to urbanisation. Migration to the town was considered meritorious because it was in the town that one was said to be fully able to practice the Muslim way of life. Muslim culture, especially in the core area, was urban because Muslim institutions developed in the towns, through the collaboration of the *'ulamā'* with the mercantile class. According to this model, Islamisation took place at a later stage in the countryside and was aided by the development and proliferation of *ṣūfī* orders. The main argument has been that the application of the *sharī'a* made little progress in the countryside at the expense of customary law, whereas Muslim law was applied in the towns; therefore, a notion of difference between orthodox urban and popular rural Islam emerged among Western scholars.[148] However, this dichotomy cannot be applied to the Sudanic setting. Although Levtzion has promoted the idea of periodic shifts from 11th- to 16th-century urban Islam to rural Islam in the 17th and 18th centuries and back to urban Islam after the advent of the colonial period,[149] the development of Islam in sub-Saharan Africa does not follow a division into such periods. Rather, urban and rural Islam existed side-by-side. Thus, whereas Islam clearly was an urban phenomenon until the 16th century, the demise of the Muslim empires, such as Songhay, was not the end of urban Islam. The scholarly communities in Timbuktu, Jenne and in Borno continued to exist. However, the spread of Muslim clerics and traders into the Sahel, Sudan and Guinea savannahs and the establishment of Muslim communities within non-Muslim societies resulted in the strengthening of Islam within a rural, non-Muslim setting.

The people inhabiting communities with Muslim scholars did observe and apply the *sharī'a*. Such communities had emerged or had been established throughout sub-Saharan Africa. The most famous were the Zawāyā or the religious scholars in southern Mauretania, the Juula and Jakhanke communities in the western Bilād al-Sūdān, the Kunta in the Azawād, the Ineslemen among the Tuareg as well as the communities of holy men in Hausaland and the Chad region

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[148] For references, see Levtzion 1986a: 7–8.

[149] Levtzion 1986a: 9.

and in the Nilotic Sudan. The differences among these communities were that the Zawāyā and the Ineslemen can be regarded as a religious "class", whereas the Kunta was a family of scholars, who had also established an extensive trade network throughout the Western Sahara and Sahel. The Juula and Jakhanke, on the other hand, were Mande-speaking traders-cum-scholars. The general pattern of these communities was the symbiosis with a warrior tribe or political unit which gave these communities political as well as military protection. It was in such units where the collection and distribution of alms were most vividly realised. The *baraka* or blessing of the head of the community, either an *imām* or a *shaykh*, was crucial: the stronger the *baraka*, the greater was his position in society. People gave the head of the community presents to be part of his *baraka*, and the more presents he received, the more could he redistribute them among his followers and among the poor and needy. The *imām* or the *shaykh* were in this re-spect patriarchs heading a community that comprised close clients and temporary guests, refugees and wayfarers and they were responsible for its social, economic, political, moral and religious welfare.[150]

A good example of the generosity of individual scholars as part of their holiness and as a sign of their *baraka* were the 16th century scholars in Timbuktu, which were presented in the *Ta'rīkh al-sūdān*. Many of the scholars were praised for their generosity towards the poor and the needy as well as towards their students. One of these scholars was Abū Bakr b. al-Ḥājj Aḥmad b. ʿUmar b. Muḥammad Aqīt, who was "a scholar and ascetic, who constantly gave alms, and spent money on orphans, and on his students" and was praised by the author of the chronicle for not keeping anything for himself.[151] Another open-handed scholar was Maḥmūd b. ʿUmar b. Muḥammad Aqīt, who was at one time the *qāḍī* of Timbuktu and thus had an important religious as well as public position within the Songhay Empire. As a consequence, he received gifts and presents from both high and low which enabled him to be generous.[152] Further, there was the jurist (*faqīh*) Abū ʿAbd Allāh Muḥammad b. Muḥammad b. ʿAlī b. Mūsā, called ʿUryān al-Raʾs, 'the bare-headed', perhaps due to his generosity:

> He was among the righteous servants of God, a munificent and ascetic man who gave away all his personal wealth as alms for the sake of God Most High. Donations and offerings would be received by him, but he would keep nothing for himself, disbursing it as charity to the poor and indigent.[153]

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[150] See further Cruise O'Brien 1988: 4.

[151] TS in Hunwick 1999a: 45, 59.

[152] TS in Hunwick 1999a: 54.

[153] TS in Hunwick 1999a: 74.

One outcome of the generosity of a Muslim scholar was that he could never succeed in hoarding any personal wealth through which he might have been able to establish a social-cum-sacral welfare institution like a *waqf* or a pious endowment. The above cited examples of the Timbuktu scholars indicate that it was virtually impossible for a "holy man" to invest some of the alms they received. Instead, they seemed to have spent every bit they received on the poor and needy. The sign of a blessed, if not holy, scholar seemed to have been his poverty. However, some scholars seemed to have chosen another way, namely to expend their generosity on their community of followers, clients and students. Thus, for example, in the case of the Kunta family in the western Sahara, among the Juula communities in the western Sudan savannah and in the communities of Muslim scholars in the central and the eastern Sudan, the generosity as well as the *baraka* of the scholar was able to attract alms which were invested in the community for the benefit of the community.[154]

The Suwarian tradition, especially among the Juula and the Jakhanke, which rested upon the peaceful diffusion of Islam, had established the Muslim scholars as guarantor of neutrality: Muslim scholars were to withdraw from politics and armed conflict. This neutral status, however, strengthened the economic and ideological position of the Muslim scholars. It is of equal importance to note that the work ethic of Islam does not see anything wrong with the accumulation of personal wealth, but instead, it was often looked upon as a sign of *baraka*. However, with the lack of a Muslim state and a Muslim government, which would have been in charge of the public redistribution of the wealth of each individual Muslim, it was the local community and its head who were in charge of the redistribution of wealth. Although governed by Islamic law, the redistribution of wealth was not a public matter (due to the lack of a Muslim government) but remained a part of the private sphere.

Following Cruise O'Brien, one could argue that the *ṣūfī* brotherhood to a large extent replaced the Muslim state and tried to implement an Islamic order.[155] However, as Louis Brenner has argued, the establishment of a *ṣūfī* ideal setting, namely a *zāwiya*, a religious cell or study-centre, did not replace the political order. The path-breaking impact of Sīdī al-Mukhtār al-Kuntī (1729–1811), who created and established the Qādirīya-Mukhtārīya in the Western Sahara, was that he distinguished his extensive social and religious organisation from any association with political or state structures. He did not levy taxes. Instead, his followers brought him gifts which he redistributed. Further, Sīdī al-Mukhtār insisted that all

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[154]   The Kunta family, among others, was known to have made investments in digging wells and in the cultivation of dates and cereals (McDougall 1986: 51–54). See further *EI* (New ed. 1986), V: 393–395 ("Kunta" [John Hunwick]).

[155]   Cruise O'Brien 1988: 23.

members of his order should earn their own living and not depend upon the charity of others.[156] A similar situation existed in the Senegambia region where the Muslim scholars and the Muslim clergy were not given the right to the lands and thus had no right to collect taxes, although scholars had the right to distribute plots within their communities to disciples and followers. The fields of a scholar were worked by his *ṭālibūn* ('students') as *khidma* ('service') obligation and the *talibe* paid *hadīya* ('gift'), amounting to 1/40 of one's wealth, to the scholar.[157] Behrman underlines the fact that in case of the *ṣūfī* brotherhoods in Senegal, the devotion of the brotherhood members to their leaders was demonstrated through material contributions, such as offerings, called *ziara*, as well as payment, called *ḥubus* or *wakaf*, to the *shaykh* for the use of the land and *dime*, a tenth of the crop.[158]

Another example of the redistribution of wealth within the private sphere is provided in Charles Stewart's monograph on the social order among the Zawāyā in southern Mauretania. In 18th- and 19th-century Mauretania, there existed no central government, but political authority was of a segmented kind.[159] Certain dominant Ḥassānī lineages maintained temporal authority over their society, including the right to bear arms, to levy taxes, and, under particular circumstances, to act as superior mediation authorities for the resolution of differences between other Ḥassānī, and occasionally Zawāyā, tribal units within their sphere of influence. However, as Stewart has underlined, the sphere of dominance of any one dominant Ḥassānī lineage was to be redefined in geographical and social terms for each generation and leader, the Ḥassānī "sultan" or "shaykh" being merely a primus inter pares. In the case of taxation, the principal tax collected by the Ḥassānī was the *ḥurma* or *gharāma*. In fact, Ḥassānī taxation was more like levying tribute, which, apart from *ḥurma*, included *ghafar*, *hukka* and *abbākh*. In general, however, subservient families had to pay their protectors. The preroga-

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[156] Brenner 1988: 38, 43.

[157] Colvin 1986: 63–64.

[158] Behrman 1968: 64. In addition, the *shaykhs* received other types of payment, such as payments for initiation and labour corvées. In fact, Behrman stresses that everything a man had could be taken by the leader.

[159] In fact, Osswald (1993) rejects the idea of a segmented society ("segmentäre Gesellschaft") in precolonial Mauretania as a fiction. Instead, he highlights the weak relationships within and between the various descent groups and lineages ("Schwäche der Verwandschafts-verbände") and stresses the fact that it was a rather individual-centred society, a fact which was strengthened through the *sharīʿa*, which focuses on the rights and obligations of the individual and his family as well as those of the *umma*, but has little to say about the conditions of kin and other affirmative groups. See further Osswald 1993: 105–108.

tive of collecting revenues was limited only by the temporal authority of a Ḥas-
sānī unit.[160]

Whereas the Ḥassānī lineages controlled the political life in southern Maure-
tania, the Zawāyā tribes controlled the economic resources of the country. The
exploitation of salt and its marketing, and the gathering and selling of gum were
among the responsibilities of the Zawāyā. Only Zawāyā tribes could create and
maintain wells, but the Ḥassānī had the right to use them during specified times;
commercial caravans were organised by the Zawāyā but protected by the Ḥassānī.
Like the Ḥassānī, the Zawāyā tribes collected various duties and levies from their
followers. However, the major difference was that Zawāyā revenue centred upon
various forms of religious offerings, such as *zakāt* (or *assaka*), which was paid to
noble families and chiefs.[161] Other revenues were the *ghabd*, paid to *shaykh*s and
their families; *hadāyā*, or religious offerings to *shurfa* or, in Trarza, *shaykh*s in
general; and *tajhārbit*, given to a teacher, *qāḍī*, or scholar for his *baraka*, or upon
a son's completion of his Qurʾānic studies. In addition, revenue was received from
ḥubus and *ʿumrā*, gifts in the form of endowment for varying lengths of time.[162]

The collection and distribution of *zakāt* was often discussed in the legal
treatises of the Zawāyā scholars. A general problem was whether a scholar had
some special right to receive *zakāt* or not, especially if he was not poor. Most
Zawāyā scholars would admit that the scholars as such were not in a preferred
position with regard to receiving *zakāt*, but in the same vein these scholars would
also claim that this situation could be nullified by declaring all Zawāyā as being
"poor".[163]

The social setting in Mauretania was more differentiated than a mere dicho-
tomy of that between a warrior and a scholar class. According to the Zawāyā, the
Ḥassānī were "perverted outsiders" in the Islamic society; in fact, in their texts
and treatises the Zawāyā in most cases refer to themselves as the "Muslims", the
rest of the population were not. In fact, the warriors were defined in the legal
treatises as *mustaghraqū al-dhimam*, 'someone who has used his credit' but also
'someone who has no legal ownership or property.'[164] Among the legal interpre-

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[160]   Stewart 1973: 54–58. Stewart also notes the collection of *zakāt*, which seems to have been
levied exclusively on *sūdānī* ('black') farmers of the right-bank of the Senegal River, and
constituted at least half of the produce harvested. See Stewart 1973: 58, fn. 1. On the
Ḥassānī, see further Norris 1986.

[161]   Thus, one reads in a local text, the *Risālat al-rawḍ*, that the Glāma, one of the Zawāyā,
collect *zakāt* from the warriors "... without sharing it among themselves apart with those
who have joined them" (translation in Osswald 1993: 69).

[162]   Stewart 1973: 59–61. See also Osswald 1993.

[163]   Osswald 1993: 120–121, 232.

[164]   See further Osswald's discussion of the meaning of the concept of *istighrāq al-dhimma*, in
Osswald 1993: 130–148.

tations of Muslim and especially Mālikī scholars that Osswald has studied, four groups, who had no legal property, emerged: camel nomads, merchants, who use illegal means in their transactions, and representatives of the authority as well as such persons who have enough power to confiscate others' property without being punished.[165] In general, according to Islamic law and following the interpretation of Muslim scholars, illegal property should be confiscated and distributed among the "Muslims" as alms.[166] Such an interpretation about the conditions and consequences of *istighrāq adh-dhimma* was further developed among the Mauretanian scholars, although it legally only concerned the relationship between the Zawāyā, who were the "Muslims", and the Ḥassānī, who were those who had unlawfully acquired the property of others and, thus, had no legal property at all.[167] A further consequence was that the payment of "*zakāt*" by some of the Ḥassānī lineages to the Zawāyā was not legally the legal alms – as *zakāt* was only due on legally acquired property and the Ḥassānī had – per definition – no such property.[168]

Whereas the Ḥassānī lineages had developed a "warrior ethic", the Zawāyā had, willingly or unwillingly, come to manifest a purely pacifist ideal. In the end, it turned out that despite the military superiority of the Ḥassānī lineages, it was the Zawāyā who generated material as well as spiritual wealth. Osswald further notes that the Zawāyā were not ashamed of their material wealth, on the contrary, it was the source of their pride and a manifesto of an influential social as well as spiritual position. The resentment of the Zawāyā towards the Ḥassānī was due to both the demands of the latter for protection money, which was perceived as humiliating and non-Islamic – and thus illegal[169] – and the slight respect of the Ḥassānī of material wealth. However, as there was no established state authority and no central legal institution, it was the Zawāyā, especially the scholars and *shaykh*s, who emerged as the propagators, interpreters and legal experts of the Divine Law, namely the *sharī'a*, which emerged as the supra-tribal glue in Mauretania.[170] However, the whole crux of the matter was the lack of a central authority that could implement the rulings of the *sharī'a*, especially those rulings with

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[165] Osswald 1993: 191.

[166] Osswald 1993: 207.

[167] See further Osswald 1993: 220–265, 373, 412–413.

[168] Osswald 1993: 257.

[169] This seems to be one of the main arguments in the various Mauretanian legal treatises that Osswald has consulted. According to the logic of the scholars, it was unlawful for those who gave protection to others to demand protection money, like in the case of the Ḥassānī-Zawāyā relationship. If, however, non-Muslims sought the protection of Muslims, the non-Muslims had to pay protection money, as theoretically would be the case if a Ḥassānī lineage chose to put itself under the protection of a Zawāyā group.

[170] Osswald 1993: 62–78, 128–129, 240–241.

regard to the *istighrāq al-dhimma*. Whereas the scholars constituted the *jamāʿat al-muslimīn*, the community of believers, who legally could replace state authority, they lacked the means to exercise this authority, and some scholars even contested the idea of an existing *jamāʿat* in Mauretania at all.[171]

Most noble Ḥassānī and Zawāyā families were served by a number of clients. The livelihood of these clients depended on the status of their patrons, and the clients' food, clothing, and general welfare were the responsibility of the head of the noble family.[172] The case of Shaykh Sīdīya, an influential and important 19th-century Muslim scholar and *ṣūfī* in southern Mauretania who was the key figure in Stewart's 1973 monograph, serves as a good example of the economic power and religious influence of a holy man. The principal elements of the *shaykh's* economic power were revenue from religious offerings (*hadāyā*), agricultural lands, livestock, gum marketing, and the manpower resource in his group of *talāmīdh*, followers or clients. In addition, he enjoyed tax exemptions granted to him because of his religious position. The privileged economic position enjoyed by the *shaykh* was, on the other hand, based upon his responsibility to distribute the wealth he had acquired through his various forms of income. The religious position of the *shaykh* was strengthened through his ability to distribute his wealth; the *shaykh* himself had a reputation as a generous patron and selfless giver. Thus, within the community of the *shaykh*, the ideal of an Islamic order was realised and Islamic law did regulate the giving and spending of alms. In this respect, communities of holy men had established "islands of Islam" within a non-Islamic setting.[173]

In similar ways had community relations been established among the Jakhanke settlements in the western Sudan. Muslim law was applied within the community and *zakāt* was collected from all free-born Muslims within the community.[174] However, as in the Zawāyā case, *zakāt* is obligatory alms and not a tax paid to the state – there being no state to enforce the collection of religious taxes. Therefore, the notion of *assaka* in the Zawāyā case clarifies the notion of it being a religious obligation (*ṣadaqa*) and not a religious tax.

In effect, such "islands of Islam" had established a network of taxes and gifts which served to redistribute wealth in a variety of forms. As McDougall has pointed out, it is possible that between the 17th and the 19th centuries much of the

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[171]   Osswald 1993: 260–262.

[172]   Stewart 1973: 62.

[173]   Stewart 1973: Chapter V, esp. 110–112. The case of Shaykh Sīdīya resembles that of the Kunta clan, especially during Sīdī al-Mukhtār's time at the end of the 18th and beginning of the 19th century. In fact, Shaykh Sīdīyya had been a pupil of Sīdī al-Mukhtār. See further McDougall 1986.

[174]   Sanneh 1979: 106, 230.

wealth in the south-western part of the Sahara – and probably also in other similar Muslim enclaves south of the Sahara – changed hands and found investment through such social relations rather than through the market per se.[175]

However, Muslim scholars and holy men throughout the Bilād al-Sūdān were given children to educate. This was seen as a gift by the family to the scholar, and it was expected to bring blessings to the family as well as education to the child. In similar ways women and slaves were also given to scholars as alms or gifts. Among the Wolof, for example, the children received by the scholar belonged to him and had to work for him in the fields, studying only at dawn and in the evening and begging in the village for his food. Adult students would give the scholar *khidma wa hadīya*, a few days' volunteer labour and gifts of alms. Thus, one outcome of the habit of giving children, women and slaves as gifts as well as the attraction of students was the establishment of clerical estates which were based on agriculture and teaching in an isolated rural area. They were free from taxes, from the obligations of hospitality that ordinary villages constantly had to provide for the king and his officials and soldiers, and from the normal land taxes. Their territory was taboo to warriors, their and their dependants property was untouchable and their estates were inheritable from generation to generation (although the scholars usually did not own the land). On the other hand, the scholars were obliged to provide services to the kings and warriors in exchange for gifts.[176]

Whereas the Zawāyā and the Jakhanke serve as an example of "rural Islam", the scholarly community in Timbuktu is usually regarded as "urban Islam". Timbuktu was famous for its learning and the scholars dominated the daily life of the town. As Saad has pointed out, the scholarly community in Timbuktu was a very hierarchical one. First, full-fledged jurists (*fuqahāʾ*) were more highly honoured than the main body of scholars (*ʿulamāʾ*). Second, there was another socio-educational stratum comprising elementary school teachers (*muʿallims*), mosque functionaries, scribes and government secretaries besides a horde of local scholars, called *alfa*. Third, the entire body of comfortable craftsmen and retail traders sent their sons to one of the 150–180 Qurʾānic schools and Saad under-lines that by virtue of their aspirations to advance the education of their sons, this "respectable stratum" in society looked to the scholars for leadership and patronage. According to Saad's estimation, there were some 200–300 fully qualified scholars in Timbuktu from the 16th to the 19th century.[177]

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175 McDougall 1986: 60.

176 Colvin 1986: 61, 66, 68, 70–71.

177 Saad 1983: 81–82, 89.

The sustenance of an exceptionally large number of Muslim literati in Tim-buktu was made possible in part by occasional and yearly contributions from the Songhay and Ruma rulers and state officials. According to Leo Africanus, the religious officials and other leading scholars in Timbuktu were supported by the Songhay rulers.[178] However, Leo's statement is rather vague and Hunwick has pointed out that the Askiya or the state did not directly support the *'ulamā'* in Timbuktu. On the other hand, the ruler was expected to make generous gifts to the scholars and to other persons of civil rank.[179] At the height of Songhay rule, Askiya Dāwūd set up farms manned by 300 slaves devoted to the maintenance of the "poor" of Timbuktu, although it is unclear whether the text, *Ta'rīkh al-Fattāsh*, is referring to poor people in general or poor scholars in particular. In addition, Askiya Dāwūd was reported to have dispatched 4,000 measures of grain annually to be distributed by al-Qāḍī al-ʿĀqib. The Ruma rulers were known to have made gifts in the form of textiles to the scholars at the end of Ramaḍān and even the 19th century ruler of Masina, Ahmadu Lobbo, who was the nominal sovereign over Timbuktu, dispatched considerable gifts of grain to the city. How-ever, as Saad underlines, apart from the *waqf* of Askiya Dāwūd, the contributions of the rulers were not made in the form of stable endowments, such as *hubūs*, but as donations, namely *ṣadaqa*.[180]

According to Saad's calculation, there was a student population of 4,000 to 5,000 students during the late 16th century in Timbuktu, whose welfare had to be looked after by the scholars and teachers. The mosques presided over by the *imām*s were the main agencies for patronage and relief of the poor and for needy students. As Hunwick has pointed out, organised forms and institutions of higher learning and teaching, such as the *madāris* (sg. *madrasa*, 'college') in North Africa and the Middle East, did not exist in Timbuktu or the Bilād al-Sūdān. Instead, individual "schools" were the norm and the term *madrasa* used in Arabic texts, such as the *Ta'rīkh al-sūdān*, meant a "school" organised by an individual teacher and not an institution. These "schools" had no pious foundations like *awqāf* or *aḥbās* attached to them; those *awqāf* that did exist in Timbuktu were all attached to the various mosques in the town.[181] Poor relief could be organised through the mosques on an ad hoc basis. For example, during a famine that hit Timbuktu during the mid-16th century, *qāḍī* Abū ʿAbd Allāh Modibbo Muḥam-mad al-Kabari distributed one thousand *mithqāl* as alms among the indigent at the door of the Sankore mosque. The *qāḍī* had announced in his class at the Sankore

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[178]   Leo Africanus in Hunwick 1999a: 281.

[179]   Hunwick 1999a: liii.

[180]   Saad 1983: 88–89. Similar state contributions for scholars were known to have existed in Borno as well as in the eastern Sudanic kingdoms.

[181]   Hunwick 1999a: lix.

mosque a few days earlier that "whoever makes an offering of 1,000 *mithqāl* I will guarantee Paradise" and had received the sum as alms from one of the leading men of the Sankore quarter.[182] However, according to Saad, only the main mosque in Timbuktu was definitely known to have had a tradition whereby a specific sum was collected on a yearly basis for relief and patronage. This sum amounted to some 500 *mithqāls* of gold and had to be delivered by wealthy notables to the *imām* by the end of each Ramaḍān (i.e., a sort of *zakāt al-fiṭr*);[183] this amount would have purchased some 75 tons of grain in the 19th century. Yet Saad suggests that similar customs might have prevailed at the three other large mosques in the town, namely at Sankore, Sīdī Yaḥyā and the Market Mosque.[184]

Pious endowments, donations and tax exemptions, such as *waqf* and *ḥubus* in the case of Mauretania and Timbuktu or the *maḥram*s in Borno and elsewhere in the eastern Sudan, were of key importance for the social welfare of the Muslim communities. Through the existence of such institutions, the collection and distribution of alms, whether as *ṣadaqa* or *zakāt*, could be applied on a local level without the existence of an Islamic state. For example, in 18th century Sinnār and Dār Fūr, the Arabic term used in the documentation for the granting of land, slaves, and other property to holy men was *ṣadaqa*. In an Islamic context, *ṣadaqa* signifies a charitable contribution and a free-will offering, in contrast to *zakāt*, the fixed and obligatory alms tax. According to McHugh, *ṣadaqa*, as a less specific and legalistic term, was perhaps more easily accommodated by the customary law of Sinnār and to an estate system correlated to the socio-political order. It appears to be closely linked to the notion of *jāh* – privileged or consecrated status – with its implications of special immunity from normal social disabilities, sanctions, and obligations.[185] In Dār Fūr, the *fuqarā'* were regarded as having a special status which was described in the charters of privileges as *jāh*, 'high status', *ḥurma*, 'immunity', *ḥurr*, 'free', and *karāma*, 'sanctity'. This privileged status gave immunity from taxes and other burdens borne by the sultan's subjects. In addition, the privileged status was heritable. O'Fahey further notes that under the influence of the *sharī'a* law of inheritance, individual *faqīh*s sought and received sections of their clan's land as *ḥāqūra* land which was held under *mulk* or full property rights.[186]

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[182]   TS in Hunwick 1999a: 68. The *mithqāl* was a measure of gold.

[183]   According to the TS (in Hunwick 1999a: 86), "it was the custom of the mosque congregation to make him [i.e., to the *imām*] a charitable donation of 500 mithqāl every Ramaḍān."

[184]   Saad 1983: 108, 115, 199.

[185]   McHugh 1994a: 91.

[186]   O'Fahey 1979: 200–201.

Zakāt or not? A Tentative Conclusion

The existence of *zakāt*, the third pillar of Islam, has been difficult to detect in sub-Saharan Africa. This study began by identifying cases where an institutionalisation of *zakāt* could be identified, namely to investigate the collection and distribution of *zakāt* as a religious tax by an Islamic government. However, although attempts were made to introduce or reform taxation in accordance with Islamic law and according to the ideal of an Islamic order, few, if any, of the examined states in the Bilād al-Sūdān in the precolonial era ever applied a genuine form of religious taxation for a long period of time.

The true Islamic state has so far remained an ideal in the history of Islamic societies because, in most cases, some pre-Islamic habits, traditions and beliefs were still applied in states which were ruled by Muslims. Therefore, it is not surprising that only a few traces of *zakāt* as a religious tax were detected in the study. In addition, one must not forget the fiscal and economic reality of precolonial African states: trade, not taxation, was in most cases the most important source of income for the state. Although there exist no fiscal records for any of the precolonial sub-Saharan African states, it is generally assumed that taxation as such was never largely applied. In most cases, it was only trade and those regions under direct control of the ruling estate which were taxed.

However, although the study has been critical with regard to the impact of Islamic taxation in sub-Saharan Africa, the argument in this chapter has been a positive one with regard to the existence of organised almsgiving within Muslim communities. Within these communities, the third pillar of Islam was, in fact, applied. However, this "*zakāt* of everyday life" or *zakāt* within the private sphere was a kind of a semi-institution, being realised within the microcosm which was made up by a community of believers. The public sphere, namely the state, was absent. There was no regulation of almsgiving; the recipient never had any influence upon the giver. Therefore, *zakāt*, whether voluntary or obligatory almsgiving, was a one-way process: it was up to the intention of the giver, his generosity and kindness, whether any of the eight categories of lawful recipients would receive a share of the alms. Thus, the application of the third pillar in everyday life was based on voluntary almsgiving, or *ṣadaqa*, and not *zakāt*, although in some of the communities the obligatory element was quite strong.

However, the ambiguous and haphazard manner of collection and distribution of alms was sometimes used by scholars as a basis for their critique of the way Islam was practiced by the rulers and the commoners. The Suwarian tradition, which was to become the backbone for the peaceful coexistence of Muslims with non-Muslims in Sudanic Africa, faced stiff criticism from radical

and orthodox scholars whose aim was to establish an Islamic state and the Islamic order. Yet, in the end, the militant reform movements of the 18th and 19th centuries were seldom successful in their attempts to establish "pure" communities and states of believers. Especially in the case of *zakāt* this proved to be true, yet, it has to be underlined that many of the conclusions presented in this study are tentative: the lack of sources and the absolute lack of any quantitative data does not make any further investigation possible. Thus, as a working hypothesis, it could be argued that *zakāt* indeed existed and functioned on a local level within Muslim communities, but ceased to do so when introduced as a form of religious tax.