

CHAPTER 4

The scholars as administrators

practices of other schools, or by reference to the original sources of Muslim legislation, especially the voluminous compendia of the prophet's *hadīths*. This factor was of considerable importance for the spread of Islam and the growth of Muslim learning in the Sūdān. The prevalence of Mālikism there was originally a function of early commercial contact with the North African Maghrib and, to a lesser extent, the impact of the Almoravid movement in the Western Sudan.⁵ However, even in the central Sudan, where interaction with Egypt was historically much stronger, Mālikism also established its prevalence at an early date.⁶ Whatever the case may be, it seems quite evident that scholars operating within the Mālikī tradition in the Sūdān sought to evolve such systems as were reconcilable with local customs and needs on basis of the broad frameworks of Islam.

The central feature of the system which arose in Timbuktu was the fact that the judge enjoyed an acknowledged ascendancy over the entire civilian population of the city. We do not know to what extent this had parallels elsewhere, whether in the Sūdān or across the Sahara.⁷ However, while the situation in Walāta and Jenne seems comparable, it is probable that the authority of judges in the Middle East and, to a lesser extent, North Africa, had witnessed some erosion, on the symbolic scale at least.⁸ We learn from Ibn Khaldūn, and others, that the custom whereby *imāms* had been invested in their posts by judges had been a feature of early Islam which was outmoded by the late fourteenth century.⁹ In Timbuktu the custom survived at least up to the mid-eighteenth century and probably well into the nineteenth century.¹⁰ This practice in effect meant that the parochial leadership of Timbuktu, which was vested in the *imāms* and especially in the *Imām* of the Main Mosque, was essentially independent of the rulers. For although the Judge was himself formally appointed by the ruler, this was largely a theoretical premise because selection of the Judge ultimately devolved upon the body of scholars. It will be suggested in the sections shortly to follow that the judgeship occupied a central position in the integration of Timbuktu society.

Before proceeding, we should perhaps explain that the administration of Timbuktu, insofar as the scholars were concerned, was characterized by implicit emphasis on reciprocity in the delegation of authority. This no doubt had some bearing on the concept of consensus (*ijmā'*) which had been central to the classical legislative process in Islam.¹¹ Thus, the *imāms* were formally invested by the Judge but they cannot in any way be conceived as his deputies or inferiors. Similarly, the factors of erudition and piety would have made it impossible for a judge to adopt a posture of superiority *vis-à-vis* other accomplished scholars. This, perhaps more than anything else, helped sharpen the distinction between the fluid hierarchy led by the scholars and the stricter system governing the military elites. Furthermore, it seems that the same factor imparted a strong element of stability upon the various *liens* which linked the scholars to the society at

Investigation of the administrative functions of scholars in Timbuktu confronts us with by far the most problematical aspects of their activities. The difficulty arises mainly from the fact that they controlled a rather limited number of public posts and yet they were custodians over every aspect of society and state which was governed by the Islamic Shari'a. This factor complicates the relationship between military-fiscal elites and the religio-legal administration throughout Islam, but it is particularly important in the context of the Sūdān. For the purpose of this study, it means that the politico-administrative impact of the scholars transcends the few posts they occupied and encompasses functions which they appear to discharge *de facto* when in reality these too are sanctioned by the Shari'a.

Though the administrative tenets of the Shari'a cannot be discussed at length here, it should perhaps be pointed out that Muslim political theory, originating in idealistic conceptions of a divinely guided community, did not evolve a complete and consistent system regulating social integration and delegation of authority.¹ The Hanafi and, to a lesser extent, the Shāfi'i schools did tend towards an organic view of Islam as governed by the organizing authority of the early rulers, as successors to the Prophet, *khalīfas* or caliphs. Even there, however, the stipulations specifically spelled out concerned only a few major posts, including viziers, provincial governors, *Qādis*, *Hukkām al-Mazālim*, *Imāms* and *Muhtasibs*.² In many areas, some of these posts, excepting provincial governors, *Qādis* and *Imāms*, did not make an appearance or else tended to take local titles and forms. This was particularly true in areas where Mālikism was predominant because the classical jurists of this school did not evolve an elaborate jurisprudential system. Ibn Khaldūn attributes this phenomenon to the relative underdevelopment of urbanism in North Africa, where the school had its main exponents and the greatest numbers of adherents.³ Additionally, it seems that the ideological orientation of the founders, beginning with Mālik b. Anas, influenced the future development of the school as well as its potential spread in various regions.⁴ In essence, the later jurists of this school had greater options to choose from, whether from

large. Implicitly recognized criteria of prerogative and precedence governed the entire social and economic life of Timbuktu. The market organization and the chieftaincies of the various wards are factors on which little information is available. Nonetheless, these and the professional and age-set associations form important though subtle links in a complex of relationships which made it possible for Timbuktu to achieve a certain sense of order and unity without the need for an elaborate hierarchy.

The institution of the judgeship: al-qādī

The institution of the judgeship which evolved in Timbuktu drew its strengths largely from its dual character as a representative of state authority in the city on the one hand and as spokesman for the whole city *vis-à-vis* the rulers on the other hand. This duality is best exemplified during the Fulāni regime when Timbuktu acknowledged the sovereignty of Hamdullāhi. When Barth visited Timbuktu at that time he found that the city had two judges. One represented the interest for the interests of the city appointed by the ruler, while the other stood for the interests of the city and was drawn from the ranks of the Timbuktu scholars.¹² Significantly, the governmental appointee is barely mentioned in the contemporary sources; he does not figure in later lists of the judges either. By contrast, the locally elected judge, Muḥammad b. Muḥammad b. 'Uthmān al-Kāburi, better known as Sān Sirfi (or Sirfi), became one of the most influential figures in the nineteenth century.¹³ At most other times, Timbuktu had only one judge who combined governmental authority with city-wide leadership: the seal of governmental approval strengthened the position of the Judge and gave added weight to his decisions and court judgements. However, the impact of the judgeship as an instrument of urban autonomy or administration by scholars far outweighed its role as an extension of state authority.

The scholars availed themselves of certain principles among the various non-binding stipulations of the Māliki school which together tended to fortify the position of the Judge. Among these stipulations perhaps the most important was the principle that the *Qādī* should enjoy intimate knowledge of the constituency he judges.¹⁴ This translated itself in the fact that all scholars who attained the post were native to the city and, moreover, tended to be drawn from the ranks of the long-established families. Thus, although we hear that al-Qādī al-Ḥājji came to Timbuktu from Walāta, the association of his sons with a *madrasa* of some sort, the Alfa Gungu, suggests a much earlier presence of members of this family in Timbuktu and elsewhere along the Niger bend.¹⁵ As already indicated, similar considerations surround the figure of Muḥammad al-Kāburi and the same would seem to be true of Kātib Mūsa.¹⁶ On the basis of genealogical and other evidence we have chosen to place al-Qādī al-Ḥājji, Muḥammad

al-Kāburi and Kātib Mūsa, in that sequence, as the first three in our list of the judges in Appendix 1.

The evidence on the early periods cannot serve as a basis for generalization concerning the selection of judges. The first judge ever to occupy the post in Jenne, for example, was a Saghangu settler rather than a native-born Wangara; after migrating to the city northwards from Bītu, he simply proved to be the most qualified for holding the post.¹⁷ The subsequent list of known judges in Jenne shows only one attempted case of imposing a *Qādī* from outside the circles of established families. This pertains to the period shortly after the Moroccan conquest when Songhai and Ruma sovereignty was still being contested. The evidence is complex but nonetheless requires some attention because it is quite instructive. It seems that the presiding judge at the time of the conquest, Banba Kanāti, had been either reluctant or else cautioned against endorsing the *bī'a* (a formal act of allegiance) to the Moroccan sultan. Some of the notables, probably out of fear of retaliation by the Ruma, formally sought the deposition of Kanāti. The Ruma in this case overstepped themselves: they imprisoned the *Qādī* in a humiliating way and named in his place a person who must have been a recent settler because al-Sa'di describes him as 'one from among the people of the Maghrib known by the name of Ahmad al-Filāli'.¹⁸ This turn of events, it seems, enraged the body of scholars, 'people of intelligence who knew the true state of affairs', as al-Sa'di described them, and they no doubt had a hand in what happened shortly thereafter. A body of Songhai troops and supporters made their way to the city and released the imprisoned *Qādī* who then apparently preferred to leave Jenne and ultimately settled in the sultanate of Ta'ba. The scholar-notables maintained their reservation concerning the endorsement of either Songhai or Ruma sovereignty, pending the outcome of the military contest.¹⁹ Nonetheless, they proceeded to raise to the judgeship Mūr Mūsa Dābu, a member it seems of a long-established Soninke family in Jenne.²⁰ Subsequently, the Ruma proved irreversibly to have gained the upper hand, but they refrained from deposing the new judge appointed under the auspices of their opponents. Subsequently, the Dābu family contributed two more members to the judgeship of Jenne though one of them, as we shall shortly see, may not have been fully qualified by his learning.

The only instances in which state authority effectively intervened in the selection of judges at Timbuktu came precisely in the wake of political upheavals. As already suggested, the intervention of the Massina caliphate, which named its own counterpart to the Judge of Timbuktu, was indirect and largely ineffective. Even Sunni 'Alī had been aware of the disadvantages of alienating the body of scholars, but his choice of the prestigious al-Qādī Ḥabīb did not in the end reconcile the Timbuktu notables to his policies. The Ruma for their part proved to be no exception to the rule since, being largely drawn from a foreign and in any case

distinct military elite in the organization of Moroccan society, they were predisposed to accept a limited and even marginal role in the ordering of urban society in the Sudan. Indeed, it is interesting to learn that al-Qāḍī 'Umar Aqīt was informed of the swift sequence of events in Jenne mentioned above: he warned the notables of that town against compromising the position of al-Qāḍī Banba Kanāti.²¹ As it turned out, this formed part of a series of developments which culminated in the arrest of al-Qāḍī 'Umar himself and his deportation virtually with the entire Aqīt family to Morocco. The Ruma in this case did not press their hand in their choice of a new judge but rather, after considerable deliberation, they induced Muḥammad b. Aḥmad b. al-Qāḍī 'Abd al-Rahmān, scion of the al-Ḥājjī family of judges, to accept the post. The chroniclers of a few decades later are more or less favourable to the memory of al-Qāḍī Muḥammad b. Aḥmad himself. Nonetheless, his acceptance of the post under the circumstances may have created a stigma against his family which helps explain the scarcity of obituary notices on his ancestors and kinsmen.²²

We might mention other principles in Mālikism which helped raise the Judge in the public eye to a position of veneration and respect. Dignity in comportment, along with reservation in speech and judgement, were part of a whole assembly of ethical standards inculcated into jurists throughout the whole training process. Insight into the inner meaning of things was more desirable than cunning, just as reliance on direct testimony and evidence in court was more important than introspection. It is not clear to what extent individual judges conformed to these norms but the stylized praises which we encounter in the obituaries suggest widespread subscription to an ethical ideal among scholars at large.²³

Of more practical importance than the above were the two stipulations in Mālikism that the Judge must be widely recognized as knowledgeable in the law, and must enjoy sufficient means and influence to place him above suspicion of accepting bribery and insure implementation of his rulings and decisions.²⁴ We have by way of exception to the first stipulation the heavy judgement of al-Sa'di that 'Abd al-Rahmān b. Mūsā Dābu, who succeeded his brother Aḥmad in 1062 A.H. (1651/2 A.D.) to the judgeship of Jenne, was 'a *jāhil* who knew nothing of jurisprudential *ahkām*'.²⁵ We are not sure what to make of this, especially since al-Sa'di, an otherwise impartial observer of his own times, may have had personal reasons for overstating the case.²⁶ In any case, the selection of 'Abd al-Rahmān at a very advanced age, after some 30 years in which the post had been held by his older brother, may have been intended to honour the family of the departed judge. During the remaining few months of his life, 'Abd al-Rahmān's standing as a highly respected elder may have compensated for his inadequacy as an accomplished jurist. Muḥammad b. Marzūq Mawla al-Huwāri, who succeeded him, probably assisted in the post. The fact that al-Sa'di commented on the ineligibility of 'Abd al-Rahmān, nonetheless,

attests to the insistence of scholars on erudition as the prime qualification to the post. This factor remained crucial throughout the history of Timbuktu partly because Mālikism looked with disfavour upon the delegation of judicial functions to assistants or deputies of the Judge. Indeed, it was stipulated that the creation of any permanent functions in conjunction with the judgeship, presumably because it gave rise to vested interests, invariably leads to corruption.²⁷

The stipulation that the *Qāḍī* be a man of some wealth had three important implications. First, it meant that he would not be dependent on the salary (*rātib*) which he was entitled to receive from state revenues. Aḥmad Bāba mentions in one of his treatises that the Judge in Muslim legal practice, or at least in the views of such early jurists as the philosopher-theologian Ibn Rushd (Averroes), was qualified by the nature of his responsibilities to receive remuneration, presumably for himself and for the *imāms* invested by him, from the state treasury. Such remuneration could be received either directly from the ruler or through the agency of an official who is empowered to disburse revenue at his discretion.²⁸ We do not know what this meant for the organization of Timbuktu since the few references to fiscal arrangement in Songhai times involve the Judge more than the Timbuktu Mundhu. We know of the existence of a Tusur Mundhu in Timbuktu, apparently an official in charge of taxation and imposts, much like the Kabara Farma on the Niger.²⁹ It is possible that this official surrendered a fixed portion of the revenues to the *Qāḍī* though there is no reference to such practice under the Ruma regime either. Fines and fees which were imposed upon litigants in commercial and inheritance disputes may have augmented the resources of the fluid administration presided over by the Judge. Whatever the case may be, the sources more often mention gifts than salaries and al-Qāḍī Maḥmūd b. 'Umar is alleged to have distributed to the poor everything which he thus received.³⁰

As a second implication, the independent means of the Judge helped place him above suspicions of corruption and favouritism. Throughout the area, the exchange of gifts and their dispatch over long distances from one region to another virtually constituted an important facet of commerce. Accordingly, it is difficult to distinguish the wealth which a judge brought independently with him to his position from that which he later accumulated in the course of his judicial career. Peculiar as this might seem, traditionalists in Timbuktu today claim that the eighteenth-century Judge of Arwān, al-Wāfi b. Tālibna, actually sanctioned the acceptance of bribes in cases involving disputes over commercial transactions and the taxation of caravans by various clans in the southern Sahara.³¹ As often happens in these cases, however, the specific composition in which al-Wāfi's putative *fatwa* was recorded is neither known nor extant. In all probability, the illustrious Judge indulged in some speculation on the

theoretical kinship between bribes and disinterested gifts, and this factor made his views a subject of popular misunderstanding.

The third and main implication of the choice of judges from among the wealthy was a tendency for the post to be monopolized by a small circle of families. The 'inheritance' of the post, as it were, by brothers, sons, other kinsmen or in-laws of the deceased judge, or else by his favoured student, became a strong criterion in the succession system.³² We have been able to assemble a more or less complete list of the Qādis from the early fifteenth century to the present.³³ Of a total of 35 known cases of succession we observe that only four judges were directly succeeded by sons as against five cases of succession by a brother. An overriding principle seems to be the fact that a judge who held the post for an exceptionally long time was often succeeded by a son. More commonly, however, the sons of the deceased did not command sufficient seniority in terms of age and veneration and, accordingly, the succession went either to a surviving brother or to a more distant relative or a non-relative especially esteemed for his learning. The result was a certain amount of alternation over the post and its occasional reversion to a family which had previously held it. Thus, a total of six families contributed some two-thirds of the judges of Timbuktu during the past 400–500 years.³⁴

It is important to emphasize that the Ruma Pashas, though they formally invested the judges during the seventeenth and eighteenth centuries, had barely any influence on their selection. The overwhelming majority of Ruma hardly enjoyed their tenure of the Pashalik for over a year. Indeed, during the eighteenth century, and especially towards its end, the Pashalik was often vacant, sometimes for extended periods of time. This all the more strengthened the hand of the judges, and indeed of the *imāms*, as a stabilizing force. It is no wonder then that the judgeship re-established its precedence though, as we shall see, the scholars evolved a vested interest in maintaining a gubernatorial post.

The powers of the judges were enhanced by the fact that they had some influence in all three spheres – the judicial, legislative and executive – which in modern theory are associated with the state. In the legislative sphere, the *qādi*'s judgements, though theoretically resting on interpretation of a divine and immutable law, became precedents which future judges would follow. Thus, for example, in his treatise on slavery, the *Mī'rāj al-Su'ūd*, Ahmad Bāba quotes the Qur'ān, the Ḥadīth and the views of the classical jurists, but he also places a great weight on a judicial precedent set by Mahmūd b. 'Umar. The jurists were all locally agreed that skin colour had nothing to do with legitimizing slavery; a captive could be reduced to slavery only if he was a non-Muslim or belonged to a group considered 'pagan' and hence beyond the pale of Islam.³⁵ To this general principle, Mahmūd b. 'Umar added the stipulation that the captive, rather than his owner, enjoys the benefit of the doubt if he should claim to have

been already a Muslim at his capture.³⁶ This stipulation, of course, had important implications since the distinction between Muslim and non-Muslim groups in the Sudān often remained a vague and fluid one. Even Askia Muḥammad apparently contemplated sequestering the properties of Sunni 'Alī's heirs and followers on the grounds that his conduct placed him, and by implication them, beyond the pale of Islam.³⁷ According to al-Sa'dī, none of the Songhai wars, excepting Askia Muḥammad's campaign against the Mossi in 904 A.H. (1498/9 A.D.), formally conformed to the prescriptions of *jihād* (or holy war).³⁸ Yet numerous other struggles were followed by reduction of the defeated parties to slavery. This caused Makhluḥ b. Šāliḥ al-Balbāli to rule that the wars waged by the Songhai and the various states of Hausaland, like the raids of the nomadic chieftaincies on the fringes of the Sahara, led to indiscriminate enslavement of Muslims and non-Muslims alike. According to this scholar, 'It is not permissible to exercise a right of ownership of any sort on such individuals; liberty should be restored, by judiciary action, to those who originate from, or declare themselves to be natives of, these countries'.³⁹ It is not clear to what extent a legal opinion rendered formally as a *fatwa* had an effect on actual practice. However, the quasi-legislative power of the judges was shared by the body of scholars as a whole. Certainly, Ahmad Bāba's views, on matters ranging from the question of customary law to the lawfulness of smoking tobacco, remained a framework of referral among scholars long thereafter.⁴⁰ His treatise on slavery, for example, became a basis for a comprehensive condemnation of the trans-Saharan slave-trade by the recent North African scholar, al-Nāṣirī.⁴¹

The judicial functions *per se* of the Judge were also shared in varying degrees by the general body of scholars. On a *de facto* basis, the scholars settled the frequent disputes which arose among members of their ethnic group or among inhabitants of their own neighbourhood, especially in matters of inheritance. Mālikī law stipulated specific shares for wives, sons, parents and sometimes even for other kinsmen of the deceased, depending upon their number.⁴² The process was often complicated by the need for selling immovable property to insure its proper distribution and for settling the claims of creditors and commercial partners whenever the estate of a merchant was involved.⁴³ The scholars acted as expert mediators in such disputes and, since the decision of the Judge alone was binding, they had to remain in close consultation with him. Thus, we are told that Muḥammad Baghayughu allotted a part of every morning for mediating between would-be litigants and often went to the Judge for that purpose. This scholar, who devoted a whole lifetime to the cause of teaching, was 'insistent on serving the affairs of the public and the judges whenever they could find to his intercession no alternative'.⁴⁴ On the whole, it seems that the scholars carried out on a *de facto* basis most of the judiciary functions and, as a result, litigation in Timbuktu was reduced to a

minimum. This further explains why the judgeship never evolved an elaborate bureaucratic or hierarchical apparatus. The important place reserved for intention in Mālikī adjudication meant considerable emphasis on weighing the value of testimonies. It seems that Maḥmūd b. 'Umar surrounded his court with a body of *shuhūd*, or character witnesses.⁴⁵ These formed part of *ad hoc* arrangements whereby scholars vouched for the moral rectitude of litigants and witnesses alike.⁴⁶

Unfortunately, we have no details on individual cases of public prosecution (if the terminology applies) or private litigation. We know of one instance in the eighteenth century when four Shurfa notables were convicted in a murder case. But the details seem to point to a verdict by scholar-notables rather than a formal court action presided over by the judge.⁴⁷ In another case, the *Qāḍī* sat in judgement in a dispute between two Ruma families who had long struggled over short-term tenures of the Pashalik. The proceedings of this trial illustrate the fact that prominent scholars acted as attorneys for litigants on both sides in important cases.⁴⁸ Both this and the case of the Shurfa hinged on matters of high state politics or else they would not have been mentioned in the sources. They will again be discussed in their proper chronological context in Chapter 6.

The crucial factor which enhanced the power of the Judge was the fact that in most cases he saw to the implementation of his own decisions and judgements himself. Mālikism did not specify the means that could be employed to that end, but the *Qāḍī*'s influence opened to him several alternative courses of action. First and perhaps most importantly, the Judge could call upon his constituency as a whole, especially at times of crisis, or upon personal followers or students as circumstances required.⁴⁹ Secondly, we are told that the Songhai state since at least the time of Askia Muḥammad empowered the judges to call upon the services of certain officials in any matter connected with the execution of justice. Thus, listing the exclusive prerogatives of the various officials of Askia Muḥammad, *Tārīkh al-Fatāsh* says of the monarch:

No one in his lands was entitled to call upon his servant and send him to execute some command, whereby he could not refuse, and whereby he would treat his command exactly as he would treat that of the Askia, except the *Qāḍī*.⁵⁰

Reference to this as an established feature in the 'Songhai system' (*tariqat Saḡha*) suggests that the *Qāḍī*-Khatibs in Gao could independently call upon the help of the highest officials in any judicial matter not involving the military hierarchy. At Timbuktu, it seems almost certain that the Judge enjoyed a similar power of recourse over the Timbuktu Mundhu. We may assume that the help of this official, as probably also that of the Maghsharen-Koy, was necessary for intercepting fleeing culprits, though the only case on record is surrounded by ambiguity.⁵¹ However, the story that Maḥmūd b. 'Umar at one time expelled the Askia's emissaries, after

actually having ordered them beaten, suggests that the Aqit judges rejected infringement by state officials on their broadly-interpreted prerogatives.⁵² By and large, it seems that their recourse to the help of such officials in matters affecting the civilian public was minimal.

Thirdly, the Judge in Timbuktu disposed of a formally constituted police force which, though probably quite small, combined with his local standing to make his decisions certain of implementation. The police force was in the hands of an official identified variously as Khādim al-Shar' (Ar. 'Servant of the Law') and as Ashra' Mundhu.⁵³ This official makes an appearance at the time of the rebellion against the Moroccan conquerors when he acted as emissary between Judge and notables. Being otherwise rarely mentioned, the Ashra' Mundhu enjoyed little prestige, but it seems probable that the position was staffed from among the rank-and-file literati. There are no grounds for comparing his role to the wide powers of the Muhtasib over the market organization in the older cities of Islam. However, it seems that he was qualified to act against routine infractions and bring the offenders to court.⁵⁴ The post was probably even more reduced in importance after the Moroccan conquest when prison sentences made by judicial decisions were enforced, it seems, by Ruma officialdom.⁵⁵ The Ruma Pashas instituted the post of Ḥākim (Governor) who had a greater say in the daily affairs of the city, at first, than had been the case with the Timbuktu Mundhu. We know for certain that the governors despatched by the Pashas to Jenne had greater power than the Jenne Mundhu under the Songhai. Indeed, in recapitulating his history, al-Sa'di lists the Ḥākims of Jenne (though not those of Timbuktu) before the *qāḍīs* of that town.⁵⁶ However, a century later, reflecting a return to earlier criteria of precedence, the anonymous author of *Tadhkirat al-Nasyān* placed the Ḥākims of Timbuktu at the end of a rather long list.⁵⁷ The post of Ḥākim had, in fact, disappeared altogether in Timbuktu and, by and large, the entire Ruma hierarchical system had been slowly collapsing. The only post which ultimately survived was that of Pasha and even the title changed to that of Amīr when the scholar 'Abd al-Qādir al-Sanūsī combined governmental power with the judgeship in the early nineteenth century.

As already suggested, the fiscal prerogatives of the judges are most ambiguous. On the whole, we are inclined to believe that no uniform system of taxation was ever imposed on the city (until some time after the French conquest) beyond imposts on the entry and export of goods.⁵⁸ However, the exactions of fiscal officials could sometimes be quite enormous, and the judges sought as much as possible to protect the interests of merchants. Thus, on one occasion when Askia Ishāq I visited Jenne he found the notables in a resentful mood. He apparently made the mistake of declaring that he would punish anyone against whom a just complaint was made. The bold al-Qāḍī Maḥmūd Baghayughu then retorted:

No one here usurps the rights of another except on your behalf, by your order or by virtue of your power . . . This wealth which is taken to you from here, making you rich, does it really belong to you? Do you have slaves ploughing for you here or funds being invested on your behalf in commerce?⁵⁹

The *Tārīkh al-Fatāsh* indicates that Mahmūd was not yet *Qādi* at the time of this outburst. However, the evidence of al-Sa'di suggests that the presiding Judge, al-'Abbās Kab, was already nearing his end and that Mahmūd, one of his principal *shuhūd*, was recognized as his successor *de facto*.⁶⁰ It seems that taxation and extortions reached an all time high during the reign of Ishāq. At his death, according to al-Sa'di, it was found that two of his agents had collected a total of 70 000 *mithqāls* (of the order of 9000 ounces of gold) from the merchants of Timbuktu alone.⁶¹

Surprising as this might seem, the scholars looked upon most taxation as a superfluous source of wealth for rulers. According to their view, it was honourable for rulers, like other officials and non-officials, to augment their resources by employing clients and slaves either in agricultural plantations or in commercial enterprises. This attitude had its roots in widespread local custom which we find represented at an early date in faraway Hausaland.⁶² Nonetheless, its endorsement by scholars is of some interest because they seem to have had some influence in the end, even among the Ruma. By the late seventeenth century, the Pashas derived much of the state income through revenue received on a mutually agreeable basis from the wealthy notables and plantation owners (*al-musabbibūn*). At a yet later stage, we find that the main Ruma families sustained themselves through ownership of plantations along the Niger.

Besides the factors discussed above, the Judge's administration rested on a number of *liens* with the chiefs of the professional corporations. Unlike the Ashra' Mundhu, these 'officials' did not fall directly under the judgeship. Their relationship with the *qādi* was based on reciprocity, much as in the case of *imāms*, though they occupied a far more modest position. To all intents and purposes, their authority was an autonomous one drawn from their recognition as chiefs or foremen by members of their respective trades and by society at large. It is possible that the Judge presided over the formal investment of these chiefs at times. In any case, they seem to have represented their constituency *vis-à-vis* the Judge (and at times perhaps the Pasha) and *vice versa*. Mutual recognition of the distinct criteria of precedence and status was a central principle in this type of fluid, yet ordered system.

Our information on the crafts is almost entirely drawn from recent French sources and contemporary observations. Nonetheless, the antiquity of the professional organizations and their links with the scholars and judges are not in doubt. In no case were the links as strong as in the case of the tailor-*alfas*; these were the representatives *par excellence* of scholars among the craftsmen. The corporation of masons, a yet more formal

organization, attributes its foundation to a certain 'Alī who came to Timbuktu from Walāta at the same time, presumably in the mid-fifteenth century, as 'Umar Aqīl.⁶³ The chief of the muleteers, the Arukoy, is encountered in one instance in the eighteenth century when, during a period of insecurity, he sought refuge from persecution at the tomb of Ahmad Maghia.⁶⁴ Most striking of all the current traditions is the story that the age-set associations of Timbuktu, which cut across the entire population, quarter by quarter, crystallized into their present shape in the sixteenth century when al-Qādi al-'Aqīb rebuilt the Main Mosque, Jinger-ebr. According to this tradition, the illustrious judge called upon all the inhabitants of the city to help in the project and their participation was organized on an age-set basis.⁶⁵

We are free to question the accuracy of these traditions but they do help us understand how the corporations and age-set associations supplemented the Judge's administration of Timbuktu. By analogy with mediaeval Tunis, for example, we may see the chief of the masons as a recognized expert in the customary application of the so-called Muslim *Māliki droit de voisinage*.⁶⁶ He probably saw to it on a routine basis that builders calling on the services of his corporation did not infringe on the property of neighbours or on public passageways and market spaces. Contact and consultation between him and the Judge would have been a continuous affair and especially at times of disagreement over urban property and litigation. The chief's post has always been attributed magical powers which, in repairing the mosques and the elevated two-storey buildings, protected the masons from falling or being hurt. Succession to the chieftaincy of the masons has been to a large extent hereditary, but authority also rested in a consultative body made up of the veterans of the craft.⁶⁷

Similarly, the Arukoy, or chief of the muleteers, represented the members of his craft in all matters pertaining to the transport of merchandise between Timbuktu and Kabara on the Niger. The ten-mile tract, being unsuitable for camels, linked the Saharan and trans-Saharan caravans, which unloaded at the northern outskirts of Timbuktu, to the riparian trade with Jenne and elsewhere along the Niger. The Arukoy, a modest but respected official, presided at every large procession setting out to Kabara. In all probability, his subordinates were responsible to him for any merchandise lost or damaged and he, in turn, acted as an expert and character witness in cases when Tuareg warriors (Imoshagh) or their clients (Imghād) plundered individual companies of muleteers.⁶⁸ A clue to the importance of the chieftaincy lies in the fact that merchants did not always accompany their merchandise, whether towards Jenne, or to the salt-mines in the Sahara and beyond. We find no reference to a chief of the camelteers, but the Maghsharen, the Barābīsh and other clans which monopolized the transport of goods and the escort of cara-

vans in the Sahara contributed their own criteria of order (and sometimes disorder) to the mercantile organization of Timbuktu.⁶⁹

The insecurity at times of transport and commerce tended to strengthen rather than weaken the city's subscription to legal formalism. For example, the contract drawn on behalf of Ahmad b. And-Agh-Muhammad b. Maḥmūd in 983 A.H. (1575/6 A.D.) concerning his purchase of a book is far more detailed than one would expect in a relatively minor commercial transaction. There were professionals in such *mu'āmalāt* who saw to drawing up the proper instrument for every transaction. The scribe and witness in this case is a certain Abu Bakr b. 'Alī b. Danbu Sili who appears distantly related to a later judge of Walāta.⁷⁰ His son, Ahmad, is encountered in another context as a scribe who presented a copy of *Risālat Ibn Abū Zaid* in 1586 A.D. to Askia Muhammad Bān.⁷¹ The buyer in our contract, being a member of the respected And-Agh-Muhammad family, did not need detailed introduction. However, the seller is described in the document in full as a stranger to the city, a tall youth from Bulāla named Mālik b. Muhammad al-Fulāni. It is further specified that he came to Timbuktu in the company of known grandees (*akābir*) who would, presumably, testify to his character. We are assured that seller and buyer reached the agreement 'voluntarily and in full command of their faculties'. Finally, the document specified that the agreed price was in *mithqāls*, following the Timbuktu standard gold-weight. The last stipulation was important since the *mithqāl* of Timbuktu and the Niger bend area differed up to the nineteenth century from that of Bornu, Hausaland and elsewhere in the Sudan.⁷²

The proliferation of *shuhūd*, scribes, modest chieftaincies and age-set leadership, insured for the entire population intervention at times of need at the highest levels of judicial and governmental authority. Among the Tamashagh-speaking Bella, who live at the eastern outskirts of Farāndi, the problem is complicated by traditions of permanent subservience to the Tuareg. Modern sources, reflecting local views and idiom, often describe the Bella as having always been 'slaves' of the Tuareg.⁷³ We are not sure what this means, since dominance over the local Kel Inkundar has historically changed hands from the Maghsharen to Barābīsh, Tadmekkat and Wulmdān (Ouilmiden) and, in the late nineteenth century, to the Tingeregīf.⁷⁴ The most that can be said is that they have been since perhaps the eighteenth century subject to whoever achieved dominance among the Tuareg. Augmented over the centuries by slaves of the Tuareg who have settled among them, they were nonetheless governed by internal and autonomous traditions of order.

Similar considerations affect the inhabitants of the northern Abaradyu (Abaraju) quarter, though these tend to be more recent in settlement and less uniform in traditions and language. Some would seem to be remnants of Barābīsh fugitives who, after a series of internal struggles in the Sahara

during the eighteenth century, fled to Timbuktu in defeat and settled there.⁷⁵ They were at various times joined by impoverished settlers from Arwān, a substantial town in the seventeenth and eighteenth centuries which was particularly vulnerable to the ravages of periodic drought. The patronage of these settlers devolved on the chief lineages of their clans and to an extent on kinsmen among the established notables of the Sankore quarter.⁷⁶ We might mention that household slaves tended over the years to be assimilated along with the more modest craftsmen and petty traders into a fluid social-status grouping identified as the Ghabibi. These, though generally low in prestige, ranked higher than the suburbanites among the 'sons of the city' for two reasons: they inhabited the built-up quarters in permanent dwellings rather than straw huts; and their economic position, based on substantial contribution to retail trade and the crafts, seems always to have been of consequence. Historically, they have been viewed as clients of the wealthy families, including the families of scholar-notables and of Songhai and Ruma high officials.⁷⁷

Finally, we might mention that the judgeship indirectly controlled the commercial organization of Timbuktu without there being any formal machinery entrusted with overseeing the market. The central market was never as great as one would associate with a predominantly commercial city. This resulted from the dominance of long-distance over retail trade and from the huge fluctuations in prices which were contingent upon the city's locality. The nomadic clans came for their supplies of grain, in return for hides and cattle, on a seasonal basis and the villages in the area were few and far between. A tradition took root whereby even the modest families purchased their vital supplies in bulk. The physical market dealt in a range of perishables, and it seems that the corporation of butchers achieved some considerable importance.⁷⁸ Other important merchandise were utensils, leatherwork, household goods and ornaments. Some of these, like textiles, cloth and books, and also shoes (in which the Ruma specialized), became objects of local export. Nonetheless, owning stores and market stalls remained unimportant, and the bulk of even the local trade was carried out through the agency of the *teifa* or the commercial brokers who acted as intermediaries between sellers and buyers. The system was given some regularity through the role of expert measurers, sometimes drawn from among the tailor-alfas, who were also the custodians of standardized weights and measures.⁷⁹ These experts, like the specialists who marked the salt-slabs following known categories of weight and quality, were usually remunerated by people who sought their services. They enjoyed an official capacity of some sort and may even have been the subjects of donations from judges and rulers. If so, then they may have helped oversee the market and secure some standardization in the levels of exchange. Whatever the case may be, they were potential expert witnesses in cases of litigation and, as a result of this,

they helped complete the market organization of the city under the auspices of the judgeship.⁸⁰

In the section to follow, we will consider the spatial aspects in the organization of Timbuktu. We have chosen to consider these factors alongside the role of the *imāms* because the mosques in which the latter presided were the most stable factors in spatial organization. Chieftaincies of the various wards were also important but the existence of these is documented only in the later periods.

Parochial leadership: imāms and mosques

Beginning as far back as the sources can take us, the topography of Timbuktu has always been dominated by its mosques. These pious foundations, devoted both for prayer and study, served also as the main centres in which the poor and needy sought relief at times of famine and crisis. Their architecture rose above everything else in the city and they became the main points of referral and congregation in their respective quarters. Elements of this picture have already been discussed in Chapter 1, but it is here that we are able to give full attention to the phenomenon. A starting point is to emphasize that the main mosques became the foci of social integration long before the formal delineation of specific wards and quarters. Indeed, it was the influence of the mosques which ultimately determined the directions in delineation of quarters.

We have already paid considerable attention to the Jingerebir, Sankore and Sidi Yahya Mosques. To these we might now add the influential Market Mosque (*Jāmi' al-Sūq*). This was a modest structure up to the late sixteenth century when al-Qāḍi al-ʿĀqib renovated and expanded it, along with Sankore and Jingerebir.⁸¹ This act, as it were, completed the parochial organization of the city during its height of prosperity and wealth. From then on, and up to the mid-nineteenth century, the topography of Timbuktu took a triangular shape. The Sankore Mosque defined and gave its name to the Sankore quarter at the northern portions of the triangle. Similarly, Jingerebir defined the southwestern portions of the triangle, while the Market Mosque, standing actually to the east of the Main Market (Yobu Ber) helped give structure to the Sarekeina quarter. Finally, the Sidi Yahya Mosque stood at the very centre of the city and, although it never strictly belonged to any quarter, its first *imām*, who is buried there, has come to be seen as the spiritual patron of Timbuktu *par excellence*.⁸²

The positions of the Sankore and Jingerebir Mosques, the two oldest, offer considerable scope for speculation. Sankore stands today, and has stood for a long time, at the very northwestern edge of the built-up section.⁸³ Jingerebir, on the other hand, has stood almost at the southeastern edge of the city. This phenomenon, whereby a mosque is not at the centre of a

population concentration, testifies to a certain characteristic in the origin of Timbuktu which it was not possible to treat fully in Chapter 2: there exists a strong possibility that the city in its obscure and ill-documented periods prior to the Maghsharen ascendancy was a twin settlement. We need not contradict the chroniclers, and especially al-Sa'di, in postulating that the northern sections were inhabited by Muslims while the southern sections were inhabited by 'pagans'.⁸⁴ However, there are certain important similarities to the twin cities described by al-Bakri and al-Idrisi which flourished in the eleventh to the thirteenth centuries on both sides of the Senegal and Niger rivers. There, and especially in ancient Ghana, one section of the city was dominated by king and court while the other section was autonomously administered by Muslim settlers.⁸⁵ In Timbuktu, the seat of government was in the southern sections at all but Maghsharen times. In contrast, the judges were most often drawn from the Sankore quarter. We should not overexaggerate the importance of these observations, but it remains a fact that Sankore has throughout the centuries drawn Sanhāja, Tuareg and Arabic-speaking settlers, while Jingerebir and Sarekeina have tended to draw Malinke, Fulāni and Songhai-Ruma settlers. According to some views at least, the former were the *Bidan* (whites) among the inhabitants, while the latter were the *Sūdān* (blacks) who tended to migrate to the city more often from further south.

Germane to the above considerations is some evidence that the Niger inundations used to reach Timbuktu in fuller force and in greater masses of water than they have in more recent centuries. Thus, Kabara appears in the early sources as the main port of Timbuktu, and perhaps even the sole one, during Songhai times. But judging from more recent sources, the seasonal inundations of the Niger have not been reaching it for a long enough time, and since the nineteenth century at the least it has had to compete with Day and Kuryummi further southwest on the Niger. In more ancient times we may perhaps assume that navigation in smaller boats all the way up to Timbuktu was possible in some seasons for quite a few months around January and February.⁸⁶ What now has become the commercial Badyindi quarter, located on low-lying ground, used to be reached and perhaps fully inundated in some seasons by the Niger.⁸⁷ It stood between and separated Sankore from Jingerebir and its eastern portions were probably the original market place which linked the twin settlements together.

Among the various quarters and wards which at different times made an appearance in the topographic divisions of Timbuktu only Sankore and Jingerebir have sustained their distinct characters. The integration of the two and hence the unification, so to speak, of the city, belongs to Maghsharen times and the credit goes to the Timbuktu-Koy Muhammad Naḍ. We have no details on other particulars of his policy, but his erection of the Sidi Yahya Mosque, halfway in the middle along the Sankore-

Jingerebir axis, was a crucial step in integrating the two main centres of populations. Al-Sa'di indicates that Kātib Mūsā was the last among the Sudanic *imāms* who held the parochial leadership of Jingerebir. Recent scholars have sometimes understood this to mean that whites became dominant from the Maghsharen ascendancy onwards.⁸⁸ This, however, overlooks the fact already mentioned in Chapter 2 that Kātib Mūsā's white successor, 'Abdallāh al-Balbālī, had settled in Timbuktu under Mūsā's auspices. Sidi Yahya, for his part, graciously acknowledged the precedence of Sudanis, mainly from Kābura, in consolidating the cause of learning in Timbuktu.⁸⁹ We do not know who immediately succeeded him to the imamate of the Central Mosque but, beginning with Muhammad Baghayughu, the post has been virtually monopolized by the Malinke Wangara up to the present time. Indeed, we know that Muhammad was offered the prestigious imamate of Sankore but he declined it on the grounds that his responsibility to the Sidi Yahya Mosque had 'prior claims'.⁹⁰

It seems that the Maghsharen interlude in the mid-fifteenth century was also the period in which the unity of whites and blacks in the city was fortified by moral sanctions and constitutional legend. Thus, the 'whites' led by the And-Agh-Muhammads and later by the Aqits, gained a strong position through tenure of the judgeship, but most of the recognized *walīs*, scholars whose tombs became venerated at this time, were Sudanic scholars, or at least scholars who originated further south, including Soninke and Malinke.⁹¹ Al-Sa'di, for example, relates that Muhammad al-Kāburi was at one point insulted as a 'Kāfuri' by a *fālib* from Marākish. Tradition maintains that by virtue of insulting such a pious and venerated individual, the *fālib* was immediately stricken with elephantiasis and, despite all treatments and potions which were administered to save him, he perished shortly thereafter.⁹² The moral and psychological sanctions against racial prejudices remained so strong that they barely made an appearance in the sources and they certainly never contributed to internal strife in the long history of Timbuktu.

The only case where colour distinctions are specifically recorded concerns al-Faqlīh 'Alī Sili b. Abu Bakr b. Shihāb al-Walāti al-Tunbukti. This venerated scholar who died in 1013 A.H. (1604/5 A.D.) appears to be the father of the Abu Bakr who has been encountered above as a witness to a legal deed. It seems that when al-Qādi al-'Aqib rebuilt the tombs adjoining the Jingerebir Mosque, there arose a discussion concerning the identity of 'Alī Sili's grandfather, namely Shihāb al-Walāti. At that time there was in Timbuktu a visitor from Walāta, a *walī* who claimed that he had seen Shihāb in an apparition and wished to visit his burial place. On enquiry by the scholars, according to al-Sa'di:

He turned to Muhammad Baghayughu and said: 'You are darker in colour than him'. He told Ahmad Maghnia: 'You are lighter than him'. Finally, he pointed out al-Faqlīh Ahmad b. al-Hājj Ahmad [Aqit] and said: 'His colour was like the colour of this man'.⁹³

We need not concern ourselves with questions of colour and race any more than it concerned the scholars themselves. Nonetheless, it seems that the ancient family in question, hailing from Walāta, like many others whose ethnic identity is not clear, belonged to a variety of Soninke groups originating in ancient Ghana.⁹⁴

We observe in the sources a certain condescension, partly by the later Aqits, towards the Zagharānis. The main body of this group, which intermarried with the Songhai, often makes its appearance alongside Fulānis in the area of Massina, and they may be Soninke who are linked to ancient Zāgha.⁹⁵ We encounter one of their scholars, Masara (Misir) Bubu al-Zagharāni, as a close friend of al-Qādi Mahmūd b. 'Umar who taught his son 'Abd al-Rahmān.⁹⁶ Later, however, the group apparently declined in prestige because their clan, to the west and southwest of Timbuktu, took no interest in learning and 'was not known for virtue'.⁹⁷ Still, we find that Mahmūd b. Muhammad al-Zagharāni, who died in 1011 A.H. (1602/3 A.D.), was respected as an accomplished grammarian and he became *imām* at the mosque of the Tuātis.⁹⁸ It is rather obvious that this mosque was not for the exclusive use of settlers from Tuāt, though they apparently built it. The location of this small mosque, probably in the Sarekeina quarter somewhere to the north of the Market Mosque, has long been forgotten. However, its last known *imām*, the eighteenth-century Bamoy b. Muhammad Wangarab, judging by the usage of the nickname or title of Muri in his ancient family, appears to be of Soninke descent.⁹⁹

One element of prejudice which remained strong throughout the centuries was directed against the Fulānis and especially the Dikko clan from whom the Ardo or rulers of Massina were drawn. We even learn that Muhammad Aqit had transferred his family from Massina to Timbuktu because he feared that his sons would intermarry with the Fulānis.¹⁰⁰ Resentment of the whole group in this case bears strong similarity to the attitude of scholars towards the warrior Tuareg. But while among the latter the permanent settlers in Timbuktu and elsewhere tended to lose their Tuareg identity, the scholars drawn from among the former continued up till recent times to be principally identified as Fulāni. Even as late as the nineteenth century, we find an element of almost racial bias in Ahmad al-Bakkā'i's missives against the Lobbo dynasty, although they had overthrown the Ardo in a *jihād*.¹⁰¹ This, however, had little influence upon the position of long-established Fulāni families of Timbuktu. Beginning with the late sixteenth century, these families have more or less monopolized the imamate of Jingerebir.¹⁰²

We have given considerable attention to ethnic besides spatial factors in this discussion because the mosques were the main forums of interaction between the various groups. More importantly yet, the appointment of *imāms* each with his own deputy who might conceivably succeed him, served as a basis for the distribution of prestige and influence and, in

Songhai times at least, for the circulation of elites between the various quarters. The servile Bella were left out of the process and the same is probably true of the impoverished nomadic settlers of the northern outskirts. Artisans and small traders, however, often descendants of freed slaves who are identified as Ghabibi, were strongly integrated into the parochial organization. Modest *alfas* were often drawn from among the Ghabibi to become the *mu'adhdhins* (callers to prayer) who were also in charge of maintaining the mosques. However, we find, for example, reference to Sayyid Yahya Bāba b. Muḥammad b. Sayyid Kulum (or Gulun) as 'the Great Mu'adhdhin' of the Sidi Yahya Mosque who died in 1154 A.H. (1741/2 A.D.).¹⁰³ The *mu'adhdhins* were probably at times formally remunerated by the *imāms* but in more recent times they derived their livelihood from alms directly contributed to them.

Besides the mosques already mentioned above there were numerous others which made their appearance in Timbuktu at various times. Caillié, for example, mentioned seven mosques in the early nineteenth century when the Market Mosque was probably no longer standing.¹⁰⁴ A few decades later, Barth mentioned three small mosques, besides Sankore, Sidi Yahya and Jingerebir. These were the mosques of Sidi Hājj Muḥammad, the Msid (Masjid) of Bilāl and the mosque of Sidi al-Bāmi.¹⁰⁵ None of the latter three are identifiable in the local sources; they, like many others before them, were probably modest structures built by wealthy merchants and notables for members of their own neighbourhoods. Historically, we have reference to the mosque of Alfa Babakr, the mosque of al-Jazūlis (al-Jazūl) and the mosque of the Qaṣba, the latter being built by the Ruma early in their history for the use of the soldiery.¹⁰⁶ Another mosque which is listed in the chronicles is that of al-Qā'id 'Amir, a late-seventeenth-century structure built by an unknown Ruma official. But the only important one among these smaller mosques is *Jāmi' al-Hanā'* (the Mosque of Felicity). It is peculiar that Timbuktuans chose this particular name, for al-Sa'di claims that al-Sulṭān al-Manṣūr, who dispatched the expedition to the Sudan, had hoped to give it to the principal mosque built by him in Marakesh. He died before the completion of the mosque however, and because of this, al-Sa'di claims, the mosque came to be known as *Jāmi' al-Fanā'* (the Mosque of Extinction!).¹⁰⁷ The *Jāmi' al-Hanā'* of Timbuktu fell into ruin in the year 1185 A.H. (1771/2 A.D.) but its remains have never been removed and the empty square in which it is located has come to be looked upon as an especially blessed place for burial. The proliferation of tombs in the courtyard has given rise to the popular legend that it had collapsed upon a congregation of 40 virtuous scholars who were then buried there.¹⁰⁸ A more credible version of the same legend is that it was built in the early seventeenth century by 40 scholars who wished to have their own mosque as an exclusive place of congregation for the virtuous.¹⁰⁹

The importance of *imāms* rested on symbolic criteria of social and religious integration more so than on actual administrative prerogatives. To all intents and purposes they were simply leaders of the prayer with no official capacity other than being prominent in the public eye. They delivered the sermon during the Friday congregation and could, therefore, influence public opinion, but the sermons generally dealt with pious and ethical themes. Nonetheless, the original sources of Muslim legislation, studied by generations and generations of scholars, placed the *imāms* in an unsurpassed position of spiritual leadership. For even as Ibn Khaldūn observed:

The religio-legal prerogatives (*khiṭāb*) of prayer, *futyā*, *qadā'*, *jihād* and *hisba* all fall under the Great Imamate, which is the Caliphate. The leadership of the prayer (*imāmat al-ṣalāt*) is the highest among all these prerogatives and is higher than kingship (*al-mulk*) itself in its particular sense as a function under the Caliphate. . . . If this is established, know then that mosques in a city are of two kinds: the great and spacious mosques devoted for the public prayers, and the smaller ones which belong to a particular group or quarter.¹¹⁰

In Timbuktu, it seems that Jingerebir, Sidi Yahya and Sankore, as also at times the Market Mosque, were considered public mosques whose *imāms* were invested by the *Qāḍī*.¹¹¹ This status may have extended to the mosque of the Tuātis, *Jāmi' al-Hanā'* and other mosques, especially under circumstances during the eighteenth century when the influence of Jingerebir was restricted to its own quarter.

Throughout most of the history of Timbuktu, Jingerebir (al-Jāmi' al-Kabir = The Great Mosque) was considered the mosque of the congregational prayers *par excellence*. The evidence is not clear-cut, but we are inclined to believe that the Friday congregation during Malian, Songhai and early Ruma times drew to this mosque the main body of scholars and notables from all quarters of the city. The *Imām* of Jingerebir was the acknowledged parochial leader of Timbuktu and the *khatib* which he delivered to the public on Fridays included a ritual proclamation of allegiance to the reigning monarch on behalf of the entire city. We do not know to what extent this formality, or its omission, had an effect on popular sentiment. But certainly in Songhai times this was an important consideration. The post of *khatib* in Gao, as well as in Jenne, remained distinct from that of *imām*, and was often held by the judges. It is quite obvious that reciting the Friday sermon only symbolized the relation between *khatibs* and state, for they also acted as caretakers over the properties of the deceased monarchs between reigns.¹¹² In Timbuktu, the *imāms* also acted as witnesses over the transfer of state properties, especially during Ruma times when the Pashas overthrew one another in swift succession.¹¹³ The evidence of *Tārīkh al-Fattāsh*, if credible, suggests that at the time of the rebellion against Askia al-Hājj several *imāms* acted independently in proclaiming the sovereignty of Muḥammad al-Ṣādiq in

the *khutbas*.¹¹⁴ However, judging by the details of the revocation of Moroccan sovereignty in 1070 A.H. (1659/60 A.D.), the *khutba* at Jingerebir alone seems to have had substantial significance.¹¹⁵ This factor persisted up to the nineteenth century when Barth learned that the Lobbo dynasty sought to impose a fine upon anyone who absented himself from the Friday prayers at Jingerebir.¹¹⁶

The precedence of Jingerebir is further emphasized by the fact that its *imāms* alone are fully covered in the sources. This at least is true of the period from the early fifteenth to the late eighteenth century, but even in the nineteenth century the survival of a few documents helps to complement the information of living traditionists on the sequence of *imāms*. By contrast, the *imāms* of Sankore are virtually unknown except during Songhai times, when the northern quarter of the city, at that time sprawling all around the mosque, was the abode of the most prominent scholars. Sankore at that time was the main forum of interaction between scholars and, in the recitation of *Kitaab al-Shifa*, it boasted of at least one permanent professorial post. There is no doubt that various scholars held their advanced *durūs* at other mosques and that, thereby, each mosque had its own *madrasas*. But the position of Sankore under the patronage of the Aqīt judges was unsurpassed so far as erudition is concerned in the sixteenth century.¹¹⁷

Al-Sa'di makes a point of listing the *imāms* of Sankore during the Songhai period but he does not include their successors in recapitulating his account of the Ruma regime.¹¹⁸ This is symptomatic of the swift decline which befell the Sankore quarter after the deportation of the Aqīts by the Moroccans. The *Jāmi' al-Hanā'*, built to the west of Sankore, within the same quarter, at times overshadowed the ancient mosque. Indeed, since the later chroniclers do not always identify the mosques in which the *imāms* presided, we are often unable to distinguish between the sequence over the two. It seems, however, that the judges continued to be largely drawn from the Sankore quarter and they often combined the *qaḍā'* with parochial leadership either at Sankore or at al-Hanā'.¹¹⁹

Of eight *imāms* at Sankore whose sequence in the sixteenth and seventeenth centuries is known with certainty, half held the post in conjunction with the judgeship. Indeed, it seems almost certain that attaining the imamate of Sankore served as a stepping-stone to the judgeship. Besides the four cases already mentioned, And-Agh-Muhammad b. al-Mukhtār al-Nahawī kept alive his family's claim to the judgeship by attaining the imamate of Sankore. Muhammad b. Muḥammad Kara, on the other hand, paved the way for his son's accession to the judgeship. In the other cases, what appears surprising is that the judges, first the Aqīts and later the And-Agh-Muhammads of the early seventeenth century, retained the parochial leadership of Sankore while serv-

ing as judges. This perhaps emphasizes the psychological precedence which accrued alone to the *imāms*.¹²⁰

The monopoly of parochial leadership at Sankore by a limited circle of families tended further to emphasize the precedence of Jingerebir in the fifteenth and sixteenth centuries. At that time the alternation of numerous families in holding the post gave its *imāms* the posture of duly-elected officials. From Kātib Mūsa down to Wadī'at Allah al-Fulāni, his thirteenth successor who took charge in 1052 A.H. (1642/3 A.D.), we find little repetition of names. 'Abdullāh was followed by three settlers from north of the Sahara, the Biḍān (or Whites) of al-Sa'di, but they gave way to al-Faqīh Aḥmad, known only as father of Nāna Surku (Surgu), perhaps a Songhai name.¹²¹ The only family which established a claim upon the post at this early time was that of Siddiq b. Muḥammad Ta'alla, the Sudani scholar from ancient Kābura. After a tenure of the post by Muḥammad Gidādu al-Fulāni, he was succeeded under the Ruma by two sons. By the early eighteenth century, however, after a brief interruption in the evidence, the grandsons and great-grandsons of Muḥammad Gidādu established a virtual monopoly on the post. From then on, this monopoly, coupled with other factors, tended to reduce the importance of Jingerebir until the early nineteenth century.

Before turning to these factors, a word should perhaps be said concerning the process of selection to the post. We find little basis for generalization, but it seems that the whole body of notables took an interest in the choice of the *imāms*. Sidi Abu'l-Qāsim al-Tuāti, who attained the post shortly after the conquest by Sunni 'Ali, was a notable of the quarter itself who lived across from the mosque, patronized the *Muddah* and established a school for children in the vicinity. Furthermore, it seems that Tuātis tended to settle around Jingerebir at that time, for the graveyard in the back of the mosque, which was in fact built by Abu'l-Qāsim, is described by al-Sa'di as the abode of 50 Tuātis equal in piety.¹²² Al-Sa'di quotes his own father concerning another *imām* as saying: 'Our master Ibrāhīm al-Zalafi had great prestige among the people of Timbuktu because they believed in him; otherwise they would not have submitted to him in that post'.¹²³ It seems that the *imāms* were chosen from among the ranks of venerated elders who could secure for the mosque sufficient patronage for helping needy students and the poor. One such *imām* was Sayyid 'Ali al-Jazūli who, however, delegated the leadership of the prayer to an unimportant deputy 'Uthmān b. al-Ḥasan b. al-Ḥāj al-Tishīti, shortly before his death. The congregation failed to contribute the customary 500 *mithqāls* a year under the auspices of this deputy, and al-Qāḍi Maḥmūd b. 'Umar had to intervene with the notables on this subject. This, among other things, may account for the fact that 'Uthmān al-Tishīti did not immediately become a full-fledged *imām*. As the story goes, he declined the imamate at the death of al-Jazūli and pointed out Siddiq b. Muḥammad

Ta'alla as a more qualified candidate. He continued to serve as deputy under Siddiq and a close friendship developed between the two which apparently became a subject of commentary by traditionalists. At the death of Siddiq, he finally became *imām* in his own right but he only accepted the honour after al-Qāḍi al-ʿĀqib threatened that he would otherwise actually imprison him.¹²⁴

The *qādis* were empowered formally to invest the *imāms* on the theoretical premise that they were the deputies of the Askias who in turn were seen, somewhat half-heartedly, as delegates of the central caliphate in Islam.¹²⁵ In practice, the intervention of the *qādis* in the selection of the *imāms* was restricted to two exceptional cases. At the death of Maṣūf al-Fazzāni, student and successor of Sidi Abu'l-Qāsim al-Tuātī, the 'people of the great mosque' agreed upon al-Faqih Aḥmad, the father of Nāna Surku, and he was accordingly confirmed by al-Qāḍi Maḥmūd b. 'Umar. Shortly thereafter, however, the eldest son of Sidi Abu'l-Qāsim came to Timbuktu from Tuāt and some of the notables apparently changed their mind in his favour. At that point al-Qāḍi Maḥmūd said to them: 'After the investment of al-Imām Aḥmad you come to say this! If you do not go away from me I will imprison you all.'¹²⁶ Again, when 'Uthmān al-Tishiti died, the notables disagreed between themselves over Aḥmad b. Siddiq b. Muḥammad Ta'alla and Muḥammad Gidādu al-Fulāni. Al-Qāḍi al-ʿĀqib in this case was given the final word, and his choice fell upon Muḥammad Gidādu.¹²⁷ It seems that Fulānis by this time had a substantial numerical presence in Timbuktu and among the circles of scholars, especially in the Jingerebir quarter. They subsequently produced one *imām*, drawn from the warrior Dikko clan, not known for its interest in learning, before the imamate was ultimately monopolized by the Gidādu.¹²⁸

The declining influence of Jingerebir as a forum for city-wide leadership partly resulted from the emergence and growth of other mosques in the southern quarters of the city, principally in Sarekeina. The name of this quarter stands for 'the little city', but over the years it actually became an aggregate of small wards. The richest of these wards, at the southeast corner of the city, was that of the Ghadāmsi (*Hawmat al-Ghadāmsiyyin*) which was largely sequestered by the Moroccans at the time of the conquest, but re-emerged by the nineteenth century under the name of Sane Gungu, once again as the abode of wealthy merchants from Ghadāmsi and Tuāt, across the Sahara.¹²⁹ Other wards within the same quarter included the Wangara Kunda, principally east of the Sidi Yahya Mosque, the Sirfi Kunda, inhabited by descendants of Sidi Yahya himself and of Aḥmad al-Saqali and, at a later stage, the Alfasin Kunda, which got its name from one of the main divisions of the original Ruma army.¹³⁰ The persistence of the name Tjefr Kunda (believed to mean 'Ward of the Infidels') further emphasizes the fact that Sarekeina was less integrated than either Jingerebir or Sankore. Indeed, it seems almost certain that

most of the small mosques which made brief appearances in the history of Timbuktu arose in various wards of the Sarekeina quarter.¹³¹ The transfer southwards of the Main Market (Yobu Ber: the Great Market), at a period unknown, to somewhere roughly at the meeting point between the Sarekeina and Jingerebir quarters however, helped to give character to the former quarter from the sixteenth century onwards. The Market Mosque, whose location is no longer precisely known, rose to the east or northeast of the market, somewhere in the proximity of the main 'Gate' which led the muleteers to and from Kabara. The Ruma contributed their share to the proliferation of mosques when they erected the Qaṣba Mosque, within the complex of barracks which they raised as a citadel over the Ghadāmsi ward. The imamate of this mosque, first held by Sa'īd b. Muḥammad Gidādu, robbed Jingerebir of some of its precedence as the mosque most closely associated with the elusive questions of sovereignty in Malian and Songhai times.¹³² At this juncture, it seems, a certain distance arose between the northern quarters, surrounding Sankore and *Jami' al-Hamā'*, and between the southern quarters of Jingerebir and Sarekeina where the Ruma gradually settled and intermarried. In the north, parochial leadership alternated between two Waddāni families, originating north of the Sahara but long established in Timbuktu, and between the Maghia and Zankanu families of judges.¹³³ The Sidi Yahya Mosque, presided over by the Baghayughus, became once again the main forum of interaction between north and south and was perhaps the most important in the city throughout the Ruma period. In the south, on the other hand, the Market Mosque achieved precedence for some time and its *imāms* were largely drawn from the Gurdu Fulāni family acknowledged as the most illustrious in learning throughout the eighteenth century.¹³⁴

The main reason for this development is that the Ruma, once settled, produced their own families of notables which came to be divided between two contending factions. The distinction and the struggles between the Fasiyyin and the Marākishiyyin is prominent in the sources; it originates in the alternation of the commanders of these two main military divisions over the Pashalik (Tibshasha). The notables of these two also alternated over the command of a third division, however, that of the Drāwis; while a fourth division, identified as the 'People of the East' (Abla Shraqa, mainly from Tlemcen), held its own until it was virtually destroyed in a struggle which largely took place outside Timbuktu. As will be indicated in Chapter 6, it is most difficult to establish the patterns of allegiance among the Ruma, but at many points they came to be defined in terms of city ward or quarter. The result was polarization between Jingerebir and Sarekeina, or at least certain adjacent parts of these quarters. Under the circumstances, Jingerebir lost its pre-eminence and was at certain times of strife inaccessible to worshippers from the eastern quarters. The Market Mosque may at times have overshadowed it as a more advantageously located parochial

centre. The Main Market itself was, however, in one instance in 1125 A.H. (1713/14 A.D.) totally abandoned and replaced by three different smaller markets.¹³⁵ The Sidi Yahya Mosque alone, by virtue of its central position, remained the subject of city-wide parochial allegiance.

Perhaps one of the outcomes of the struggles which took place in the eighteenth century between the Ruma was the delineation of quarters, and the emergence of quarter chieftaincies. We simply have no reference to any such chieftaincies prior to the nineteenth century and even there the evidence is not clear-cut. We know that Jingerebir and Sankore each had its own body of *Muddāh* presided over by a Shaikh al-Maddāhīn, but these were closely linked to the parochial leadership of the *imāms*.¹³⁶ In the central parts of the city, other wards besides the Wangara Kunda looked to the *imām* of Sidi Yahya for leadership. The Sharifs, principally based in the Sirfi Kunda, had their own acknowledged leader at any one time, but while exerting great influence this leadership was not defined in terms of an official post.¹³⁷ In other words, though the craftsmen and traders had their own chiefs, there was for a long time no significant alternative to the spatial organization provided by the mosques.

The Ruma seemed to have introduced the new factor as a result of the dominance of the Marākishiyyīn in the Sarekeina quarter, led by the Mbārak al-Darā'i family, and the dominance of the Fāsiyyīn, led by the Tazarkinis, in the Jingerebir quarter. The Masūdu family, though considered originally Fāsi, stood between the two and ultimately one of its descendants became the last city-wide *amir* before the French conquest. The developments of that period are not fully known, but it seems that Jingerebir, Sankore and Sarekeina became distinct quarters and a fourth was added in Badjinde, to the northeast of the Sidi Yahya Mosque, which came to have its own chief. For the most part, the Kunta and the closely-related Ahl Sidi 'Ali, like the Tuareg Kel Inkundar and the settlers from Sasanding who specialized in dyeing, had their own chiefs.¹³⁸ The chieftaincies of the quarters, having in the course of the present century largely disappeared, are no longer a subject of interest to traditionalists. Among other things, it is widely believed that succession to these posts was inherited, but the evidence of the early French colonial documents proves otherwise. What is certain is that the chieftaincies of the quarters tended to be held by descendants of the old military elites, both Ruma and Songhai. Among the Songhai, actual lines of descent, from the Askias, seem to have lost relevance after the mid-eighteenth century and, among the Ruma, this happened shortly thereafter.¹³⁹ Today we find that both the Masūdu and the Idji (Idye) maintain an unspecified descent from the old Pashas, but the French sources tended to identify the former as Ruma while designating the latter as Ghābibi.¹⁴⁰ Whatever the case may be, we notice that around the time of the French conquest the chieftaincy of Jingerebir was in the hands of a certain Ben 'Ali Masūdu (also referred to as Ibrāhīm b. Sidi

Masūdu) while that of Sarekeina was in the hands of Hammey Hammam Idji, a notable who had previously held the lesser chieftaincy of Badyindi.¹⁴¹ His predecessor at Sarekeina was the illustrious Alfa Sa'id, a scholar who was elected by the notables as chief (*Amir*) of Timbuktu at the French conquest.¹⁴² His successor at Badyindi, a fluid quarter to which the Main Market reverted under the French, was a scholar named Muḥammad 'Umar b. 'Umar b. Sa'id b. Bāba, a propertied individual and a large-scale merchant. This man was apparently also recognized as an honorary *imām* of Jingerebir, though the formal *imamate* was not in his hands.¹⁴³ Finally, the chieftaincy of the Sankore quarter had been held by Mahaman Tafa Idji at some point and he was succeeded by Sān wuld al-Qa'id Babakr.¹⁴⁴ The circulation of posts suggests that the chiefs were not elected solely by the notables of each quarter. Rather, under the leadership of the *Amir* (or Kāhia, if Ruma) and Judge, succession to these posts was determined by the notables of the city as a whole.¹⁴⁵

The complex administrative and extra-administrative configurations which emerged during the nineteenth century will be further discussed towards the end of this study. It will be suggested that the period witnessed an erosion of the sharp distinction which once existed between military and learned elites. The proliferation of posts outside the orbit of religio-legal prerogatives tended to reduce the importance of *imāms*. They continued to be a medium of intercession on behalf of the respective quarters with judges and *amirs*. But their role as mediators in familial and neighbourhood disputes was increasingly shared by others; namely the chiefs of the quarters.

In the classical period the mosques presided over by the *imāms* were the main agencies for patronage and relief for the poor and for needy students. This was an important consideration owing to the cycles of drought which frequently hit the area and threatened to depopulate the city. It seems that only the Main Mosque had a tradition whereby a specific sum was collected on a yearly basis for relief and patronage. As already indicated, this amounted to 500 *mithqāls* and had to be delivered by wealthy notables to the *imām* by the end of each Ramadan.¹⁴⁶ In the nineteenth century such a sum could purchase some 75 tons of grain, whether rice or millet, and even the dates imported across the Sahara from Tuāt sold at less than half a *mithqāl* for each *naḥaḥ*.¹⁴⁷ It seems probable that these donations were for the benefit of the Jingerebir quarter alone and that similar customs arose at Sankore, Sidi Yahya and the Market Mosque. So far as Sankore is concerned, we have a unique piece of information from al-Sa'di suggesting, among other things, that the 'Master of Masters', Muḥammad al-Kāburi, may have held the *imamate* besides the judgeship.¹⁴⁸ The author relates that at one time, during a famine, Muḥammad induced a notable, possibly also a Kāburi, to donate 1000 *mithqāls* by declaring that he would guarantee a place in paradise to anyone who would give such a sum.¹⁴⁹ It seems that the story became celebrated from then on and a similar plea was made during 'Abd al-Rahmān Aqī's tenure of

the imamate. Our text reads rather ambiguously on this point, but it is open to the possibility that 'Abd al-Rahmān himself made an equal donation.¹⁵⁰ At Sidi Yahya, the Wangara *imāms* may themselves have been the foremost patrons of the mosque for at all times their family's participation in commerce appears substantial.¹⁵¹

Finally, so far as the role of *imāms* is concerned, we should point out that their posts helped them stand out markedly among the ranks of scholars. They were generally better placed for mediating in the familial and other disputes which arose in their neighbourhoods and throughout their respective quarters. By the same token they interceded more frequently on behalf of plaintiffs with the judges and, when necessary, with the Askias and, later, the Pashas. Muslim jurisprudence generally gave preference to full-fledged jurists (*fuqahā'*) over the other scholars (such as the *huffāz*) as the most qualified to become *imāms*.¹⁵² In Timbuktu, this stipulation seems to have been observed during the fifteenth to the eighteenth centuries in the selection of the main *imāms*, including those of Jingerebir, Sidi Yahya, Sankore and the Market Mosque. The result was that these *imāms* could join the judge to form a supreme court, on a temporary basis, for passing a particularly difficult sentence.¹⁵³ One or another of the *imāms* was also usually selected to head the arbitration commissions (*Mashyakhas*) often established to mediate between warring Ruma or else between Ruma and Tuareg.¹⁵⁴ We could perhaps suggest as well that the *imāms* acted informally as deputy judges in their respective quarters. In this, however, their decisions were only symbolically more binding than the decisions of other jurists whose intercession was also often sought.

The scholars as a semi-corporate Jamā'a

As already indicated above, the semi-legislative powers of the Judge extended to all other scholars who were qualified to interpret the *Shari'a* or else advance formal *fatwas* concerning its applications. This, however, did not transform the scholars into a legislative body *per se* because their own frameworks of reference precluded such a development. Firstly, the scholars' sense of identity and their 'jurisdiction', so to speak, transcended the organization of their own city and, indeed, of the states which incorporated Timbuktu. Secondly, although the ultimate framework of reference was 'Islam' as a whole, Muslim jurisprudence had not allocated a formal status to scholars beyond the implicit stipulation that the *fuqaha*, or rendition of formal legal opinions, should be based on learning. This left considerable scope for the influence of wealthy or powerful individuals other than scholars who ranked with them among the notables or *a'yān*. In Timbuktu, the term *a'yān* was a fluid one which in classical times designated principally the scholars, and especially those belonging to the

major families. Even at that time however, notability status was extended to the Sharifian family of Ahmad al-Ṣaqali, though its members did not particularly contribute to the cause of learning.¹⁵⁵ Another factor was a tendency from that time onwards to admit to the ranks of notables recent settlers who had been prominent or influential, and especially if learned, in their original home towns. As will be further explained in the next chapter, a combination of factors all contributed to the definition of status, though learning was paramount. Putting it as briefly as possible, the concept of notables pertains to questions of power and influence, but had no direct bearing on administration as such.

One concept which did have some bearing on the organization of Timbuktu, and especially in its relations with the outside world, was that of the *jamā'a*. We have mentioned at the outset of this study that Marty saw Timbuktu as essentially an internally administered city whose public affairs were regulated by its *jamā'a*. This observation certainly applies to the nineteenth century when state authority was either minimal or altogether absent. The concept of the *jamā'a* however, rooted in parochial conceptions of social organization, was present in Timbuktu at a much earlier time. Each mosque had in a sense its own *jamā'a*, theoretically including everyone who attended the congregational prayers at that particular mosque. In practice however, the *jamā'a* included the scholars of each quarter and those notables who, by virtue of wealth, could patronize either the *tulba* or the mosque. Thus, it was up to the scholars and their patrons to elect the *imām*, or accept him in cases of familial succession, in each quarter. The *jamā'a* of Timbuktu therefore was a higher body drawn from the most influential among these lesser *jamā'as*.

We know that Timbuktu concerned itself at an early date with this concept from the fact that al-Āqib al-Anṣamuni devoted a treatise to the matter calling it *On the obligatoriness of instituting the Friday congregation at the village of Ansamun (Fi Wujūb al-Jum'a bi-Qaryat Ansamun)*. This treatise is no longer extant and, although the views of al-Anṣamuni prevailed, they seem to have been contested at the time by Makhlūf al-Balbāli.¹⁵⁶ We do not know the details of the controversy, but we know that the subject of the *jam'a* had been an important theme in the classical legislative process in Islam. Abu Hanifa, founder of the Hanifi school, had stipulated that the *jam'a* could be held only in cities, while Mālik postulated that it was permissible in any settlement which could become the seat of a full-fledged city. The most specific view was offered by the founder of the Shāfi'i school who maintained that the *jam'a* be held in a town which had 40 legally qualified male citizens (*min ahl al-Jum'a*) permanently established in that town.¹⁵⁷ We are inclined to believe that al-Anṣamuni adopted a variant on the latter view, for his home town of Ansamun, though smaller than nearby Tagedda, appears to have been a small centre of learning in the east-central Sudan.¹⁵⁸ In any case, this recourse to a theme forgotten in the Middle East denotes a tendency among

the scholars of each settlement in the Sūdān to look upon themselves as a semi-corporate entity defined by parochial criteria.

The concept of *jamā'a* emerges again in one of the treatises of Aḥmad Bāba concerning the organization of an autonomous settlement in the Sahara. In response to a formal enquiry, he wrote:

If the *jamā'a* of Muslims agree among themselves, in a place which has no sultān or is not reached by the authority of a sultān, upon establishment of the stipulations of the law in the proper manner, then their authority becomes as that of the Qāḍi or that of the Sultān . . . If they establish special sanctions and rulings in accordance with the public interest that would be permissible provided that these are in consonance with the general outlook of the law (*ḡariya 'ala waḡh al-shar'*).¹⁵⁹

Unfortunately, we have no detailed information concerning the special rulings established by the successive *jamā'as* in Timbuktu. The views of Maḥmūd b. 'Umar, al-Balbālī and Aḥmad Bāba on slavery are an exceptional case; they came in response to special circumstances in the Sūdān which required more than the usual elaboration of Muslim law. As we shall see, the views of scholars on this subject, for all their detail, remained open to varying interpretations. In other spheres, the adoption of special legal practices incorporating elements from customary law, did not receive their due share of attention from the chroniclers and jurists. The main reason for this is that reference to the original sources of Muslim law, and especially to the *Ḥadīth*, overshadowed the reliance of jurists on local or recent precedent or custom.

One exigency which required a definitive ruling on the part of scholars was the appearance of tobacco in the late sixteenth century. The novelty elicited contradictory opinions throughout the Sūdān, as indeed in North Africa, but Timbuktu seems to have subscribed throughout to a single view. This view, once again, is known at the earliest from a treatise by Aḥmad Bāba, whose writings tended to supersede earlier ones, until they themselves were superseded by the writings of al-Mukhtār al-Kuntī and Aḥmad al-Bakka'ī in the nineteenth century. Aḥmad Bāba in this case had little or no recourse to the original legislative sources except in recalling the prohibition of alcohol and hallucinatory drugs. On comparison, he concluded that tobacco was neither an intoxicant nor a narcotic and was therefore perfectly permissible. This view was adopted by all later scholars in Timbuktu and tobacco indeed became one of the major items of commerce, grown locally and imported from Tuāt.¹⁶⁰ However, the leader of the Massina *jihād* ruled against the permissibility of tobacco and this, along with disagreements on questions of slavery, became the main bone of contention between Timbuktu and the Lobbo dynasty of Hamdullāhi.¹⁶¹

The political attitudes of scholars, or at least those affecting their attitude to military officials and the state, constitute a subject on their own and will be dealt with in the following chapter. Here, however, we may indicate that the concept of *jamā'a* was largely a dormant one which had

practical significance only at times of crisis. During the Songhai period, it seems to have been embodied in the recognition of some 30–40 scholars, headed by the Judge, as the notables of the city or rather as the notables of the scholars (*a'yān al-'ulamā'*), and the representatives of the public interest. It seems rather doubtful that other wealthy notables were fully admitted to this body of erudites before the seventeenth or even the eighteenth centuries. The scholars appear to have been as wealthy as anyone else in this period, being drawn from the great merchant families. We learn that the Ghadāmsis were among the richest in the city but only one of them deserved mention by name in the chronicles, a certain Fayyād, and this because al-Qāḍi Maḥmūd b. 'Umar presided in old age at his funeral.¹⁶² At the time of the Moroccan conquest no one could intercede in matters of public policy or lead the resistance except the most notable scholars.

From the late seventeenth century onwards we get the impression that the distinction between scholars and other civilian notables ceased to be as clear-cut as it had been in the sixteenth century. Several factors contributed to this long-term development, but our evidence is in most cases indirect. First of all, the decline of literacy, more so than higher learning, meant that the older gradations of learned status were slowly eroded. An ultimate outcome of this was breakdown of the distinction between full-fledged *'alims* and lesser *alfas*. During the course of the eighteenth century and thereafter, the two titles became gradually interchangeable.¹⁶³ Under the circumstances, merchants who enjoyed a sufficient literacy in Arabic could more easily attach themselves to the circles of scholars.

Closely related to the above is the fact that long establishment in the city, and especially descent from a venerated scholar, helped sustain the prestige of many non-learned families. Thus, the descendants of those Aqīs who survived the Moroccan conquest fell considerably in influence because they did not contribute to the cause of learning. Nonetheless, the name of Awlād Sidi Maḥmūd, or Ḥafā'id Aḥmad Bāba, secured for these tolerably wealthy families a position of special respect.¹⁶⁴ The Shirrī descendants of Aḥmad al-Ṣaḡālī, on the other hand, enjoyed a powerful position in the eighteenth century, though the presence of scholars among them was probably limited to very few prior to the nineteenth century.¹⁶⁵ Additionally, the nearby Tuareg and Ḥassāni clans each tended to be represented by a settler in Timbuktu who, almost as ambassador, secured a voice for his kinsmen among the ranks of the *jamā'a*.

A crucial development took place in the fiscal sphere when the Ruma established a direct system of taxation whereby much of the income of the state came to be received by the Pashas from the merchant-notables. This meant formal recognition of a body of patricians, so to speak, defined by other criteria than the *jamā'a* of scholars. The two bodies overlapped to a great extent and it seems, indeed, that the *shurifs* were especially equipped

to stand in the middle. Their recognition as descendants from the prophet tended to place their leaders among the highest circles of scholars while the bare literacy of these leaders associated them more closely with non-learned merchants.¹⁶⁶ Since wealthy merchants tended to acquire one level of learning or another, the tradition of learning ultimately regained the initiative by a lowering of standards. Exceptionally gifted scholars, such as among the Gurdu, continued to thrive, but the broader body of scholars was no longer defined by the rigorous jurisprudential training of earlier times.

The late eighteenth and early nineteenth centuries witnessed a significant shift in the integration of Ruma elements into the body of notables. This was the product of a long development which began immediately after the conquest and received a thrust forward in 1150 A.H. (1737 A.D.) when the Ruma army was virtually destroyed in open battle by the Kel Tadmekkat.¹⁶⁷ Subsequently, the remnants of the army were reconstituted again and again, although the post of Pasha was often vacant, for a whole century. This was possible because of the tacit cooperation of scholars at a time when the leaders of the Ruma drew their strength from their position as notables of their own 'ethnic' group. Henceforth, a few of these leaders joined the ranks of the *jamā'a* which controlled Timbuktu up to the French conquest.

The size of the *jamā'a* is indicated to us, though at a rather late date, from a document which was drawn up in 1915 in response to a formal enquiry by the French concerning the attitudes of the notables towards Turkey and towards Germany and her allies in the war. This was signed by 26 notables, beginning with the *Amīr*, Alfa Sa'īd b. Guidādu, and the then very influential al-Qādi Ahmad Bāba b. Abu'l-'Abbās. We note that the names of the main *imāms* are high on the list, while those of the chiefs of the quarters are lower on the scale. The signatories include two representatives of the Barābīsh, including a previous *qādi* of Arwān, along with one Kunta scholar. Otherwise, the list is interspersed by the names of eight notables from Timbuktu itself, mainly scholars, followed at the end by five Moroccan and southern Saharan settlers.¹⁶⁸

We need not suggest that this list is fully representative of the configurations of influence. Still, it seems that a similar body of notables, led by al-Qādi Sān Sirfī, formally invited Ahmad al-Bakkā'i into the leadership of a struggle against the authority of al-Hājj 'Umar in 1862. The document in which this invitation was made is actually a *bī'a*, or a formal act of allegiance, written in the name of the *Jamā'a* of the people of Timbuktu, its whites and its blacks.¹⁶⁹ Similarly, it seems that a broad body of notables made the decision to send an embassy to Morocco at the time of the French conquest. In that instance a letter accompanied the embassy which was written in the name of 'All the people of Timbuktu, and its notables, and the adjoining people, both 'Arab and 'Ajam'.¹⁷⁰ Finally, in 1885 a letter was addressed to the French authorities requesting reduction of the taxation and imposts and pleading, among other things, on behalf of the whites (*biḍan*) 'because they

bring the salt and other merchandise and because the people of the Niger would otherwise not come trading in the city'.¹⁷¹ The document was drawn up in the name of 'the chiefs of the people of Timbuktu', but it is obvious that in all cases the same body of notables, more or less, led principally by the scholars, acted as spokesmen on behalf of the whole city. Naturally, there were great differences in precedence and prestige within the body of notables and, including vicissitudes in careers, even within the same generation. Nonetheless, the continued presence of descendants of the ancient families of scholars – Maghia, Gidādu, Baghayughu, Zankanu, Gurdu, 'Irāqi and Ṣaḡālī Sirfīs – tended to impart a sense of stability to the internal notions of what constituted the core of the *jamā'a*.

In essence, the institutional base of the religio-legal hierarchy at Timbuktu should be described as 'semi-administrative' rather than strictly as administrative. It was mainly at the level of the judgeship that the scholastic establishment played a directly administrative role. This, in itself, was quite important, owing to the links between the judgeship and other urban organizations, like the corporations of masons and muleteers. Additionally, however, we should not underestimate the routine influence of most jurists over the daily commercial and legal affairs of the city. Nor should we overlook the organizational impact of parochial leadership by *imāms* at the mosques. The Muslim parochial conceptions of 'community' which underlie this impact are quite problematical and elusive. Nonetheless, this may be a function of the adaptability of these conceptions. At Timbuktu, they did afford some scope for conception of the city as a whole as a parochial entity led by its own *jamā'a*. So long as there was no formal 'council of elders' (or a council of scholars or patricians), the *jamā'a* of Timbuktu cannot be described as a formal institution. Nonetheless, the phenomenon of a collective leadership which is signified by the term *jamā'a* was always a factor of prime import in the organization of the city.