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INHALT

DEMOCRACY, ISLAMICITY AND TRIBALISM IN MAURITANIA

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Mauritania had no chance to escape democracy. This sounds cynical – and is meant to do so. When Mauritania was dismissed into national sovereignty in November 1960 by the French an ever increasing confrontation set in: post-colonial, proto-state and state-like structures struggled with Western-based principles of government. Once triggered by ‚national independence‘, then put in the straightjacket of democracy, and most recently embroidered with ‚good governance‘ – this confrontation can be regarded as the most reliable constant of the domestic and foreign Mauritanian policy during the last four and a half decades. The two confronting quantities – nation-state and democracy – are mere ideals, or rather concepts that have been subject to considerable theoretical dispute and strategic changes during the same period, both outside the country, and within. Looking back at this confrontation, one is stunned by the long and conspicuous neglect of a third constituent without which, nowadays, the magic triangle of ‚modern development in Mauritania‘ could not be squared: Islam.

The fathers of the first Mauritanian constitution of 20.5.1961 decreed – with an unmistakable French accent – that „La République Islamique de Mauritanie est un Etat républicain, indivisible, démocratique et social“ (Art. 1/1; see figure 1). They thereby created the first „Islamic“ republic in the Islamic world (Weide 2000: 95). But by granting, in article 2, paragraph 2, the freedom of worship and conscience to the citizen immediately after having destined in paragraph 1 of the same article that „Islam is the religion of the Mauritanian people“, they also created a semantic contradiction.[1] This contradiction must be taken as the symbolic expression of the irritation about the role Islam was conceived to play in this newborn state.

The political turbulences of the mid-eighties following the violent removal of the post-colonial régime of President Mukhtar wuld Daddah in 1978 put an end to this irritation. Colonel Sid Ahmad wuld Taya, who was re-elected President for the third term of office on Nov. 7 2003, ordered an addition to the preamble of the constitutional chart of February 9, 1985 of two new elements that pointed the way ahead: „l'Islam est la religion de l'État et du peuple“ (article 5) and „la seule et unique source de loi est la charia islamique“ (Monteillet 2002: 81). Six years later, on July 12 1991, now under close control of the major international political and financial institutions, the Mauritanian government presented the current constitution to the voter – including the following significant modifications: The contradictory individual freedom of worship had simply been dropped or rather – if analysed meticulously – been replaced by the modern gender cliché, and the „seule et

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1 Both elements form already part of the first, pre-independence constitution of 13.5.1959, see Monteillet 2000: 70.

unique source de loi est la charia islamique" was toned down by „la loi est l'expression suprême de la volonté du peuple".

	Constitution of 20.5.1961	Chart of 9.2.1985	Constitution of 20.7.1991
1. Preamble	... attachement à la religion musulmane et aux **principes de la démocratie** ...		... attachement à l'Islam et aux **principes de la démocratie** ...
	[-------] ⌐	... la **seule et unique** source de loi est la charia islamique	... préceptes de l'Islam, **seule** source de droit ...
	[-------]		... ouverte aux exigences du monde moderne ...
Art. 1/1	La République **Islamique** de Mauritanie est un État républicain, indivisible, démocratique et social ...		La Mauritanie est une République Islamique, indivisible, démocratique et sociale ...
Art. ½	... sans distinction de race, de **religion** ou de condition sociale...		... sans distinction de race, de sexe ou de condition sociale ...
Art. 2/1	La religion du peuple mauritanien est la religion musulmane ...		
Art. 2/2	... garantit à chacun la liberté de conscience et le droit de pratiquer sa religion ...		[-----]
Art. 5		L'Islam est la religion de l'État et du peule	L'Islam est la religion du peuple est de l'État

Figure 1: Constitutional amendments (1961-91)

In addition, the formulation from the old preamble where „l'attachement à la religion musulmane et aux principes de la démocratie" is supported by the assurance that „les préceptes de l'Islam" are „seule source de droit et ouverte aux exigences du monde moderne" (Monteillet 2002: 82; Weide 2000: 85). By omitting „unique" and at the same time respecting the „exigencies of modern world", the Islamic turn of the eighties was somehow tempered – only to be taken up again one year later with a significantly different undertone. In February 1992, a constitutional decree (no. 07-92, Febr. 16) specified the general wording of the just newly introduced article 94 that the five members of the „High Islamic Council" be chosen from among the 'ulama of the Republic (article 3) and act „according to the principle of shura (consultation)" (article 7), with the specific order that the „general politics of the Nation obey Islamic orientation" and that „Islam play the first role in Mauritanian society" (article 5) (Monteillet 2002: 77).

With respect to the democratic elements in the constitutions, the modifications remained of secondary importance. Both constitutions (1961: Art. 9 → 1991: Art. 11) significantly curb the liberty political parties enjoy: No party was to question territorial integrity – a realistic problem after the bloody border-conflict with Senegal in 1989. And while prohibited to harm national sovereignty and unity, the parties were only requested to respect the democratic principles (Weide 2000: 109). Therefore, parties that pursue religious – that is to say: Islamic – or ethnic ends, are banned. So, curiously enough, the only and undisputedly national bonds that concern every single citizen (e.g., Islam) are made unavailable for the organized expression of democratic will. Further on, article 2 of the 1991 constitution was given a new heading: „La peuple est la source de tout pouvoir". In comparison with earlier Mauritanian (1960: article 7) and other Islamic constitutions (Weide 2000: 97-9), this reference to the democratic and *eo ipso* secular character of the source of sovereignty must be understood as an explicit restriction on Islamic aspirations to theocratic claims of power.

One can conclude from this short overview of the constitutions' introductory, general regulation and principles' (titre I) that the concept of Islamicity has undergone some significant modifications during the constitutional process in Mauritania since independence. If extended to other sections of the constitution, this comparative analysis yields similar results. Islamic constitutional elements not only strongly proliferated, but at the same time tended to get entangled in Western-borne secular concepts of liberty of religion and opinion, of trade and contract, and – in particular – in the concept of an independent judicial power. Just like constitutions, but more immediately, systems of laws also reflect the development of the societies that bring them forth. With respect to the observation made above, the citation of a Mauritanian scholar of law who recently investigated the impact of Islamic traditions on the organisation of jurisprudence in his country (Abdelwedoud 2001: 141ff), may serve us as a general guide-line: „A côté de l'organisation judicaire, la codification du droit des obligations et contrats (1989) et du droit commercial (2000) tient compte de l'habitude des Mauritaniens d'être régis par des règles inspirées du droit français, mais aussi de leur désir de garder un pied ferme dans les traditions musulmanes" (Ibid.: 153).

„The strong foothold in Muslim traditions" is too mild and static a metaphor for what has happened in this country during the last 25 years. The increasing constitutional and legal consideration of Islamic values and institutions reflect a continuous and heterogeneous process of reorientation to religious concepts. On the political level, the process started when Mu'awiya wuld Muhammad Salik who had just overthrown the post-colonial, autocratic regime of Wuld Daddah, introduced on Dec. 12th 1980 a constitutional amendment that ended the coexistence of Muslim and modern law to the advantage of „the general application of the *shari'a*". When four years later, in Dec. 1984, the current president gained power by a successful coup, this amended law was reinforced, as we have already heard, and the *shari'a* – for a brief period – strictly applied. Mauritania now acceded to the ‚Organization of the Islamic Conference' (OIC), the hitherto largest organization of Islamic states, and in 1989 became a founding member of the ‚Islam in Africa Organization' (IAO), essentially an African-wide *da'wa* (missionary) organization that wrote into its Preamble the desire to forge „a common front to unite the *umma* with a view to facing the common enemies – the imperialist and Zionist forces of domination and

secularisation" (Hunwick 1997: 41f.). This process, once opened and directed by the governmental head, inexorably affected the toes too. Bureaus of pan-Islamic, Islamistic organizations opened in Nouakchott. By the end of the nineties, Mauritania had become an integral part of the world-wide net-work of Islamic missionary and propaganda movement. Notwithstanding the wide popularity of the Saudi-controlled Wahhabi movement, splinter groups of many a different origin, the Palestinian *Hamas*, the Libyan *ad-Da'wa al-Islamiya*, the Pakistani *at-Tabligh* mission, to mention just some of them, found supporters from among all layers of the society. Already in 1999, those suspected of having joined Usama b. Ladin's and his brother Tariq's organization were arrested in Nouakchott (Marty 2002: 62).

On the cultural level, this reorientation took on different faces. Let me pick out two fields to illustrate this. In the beginning of the eighties, two enormous central mosques were constructed simultaneously in the capital Nouakchott one financed by Saudi-Arabia, one by King Hassan V of Morocco. Both remained poorly attended during the ensuing years as did the few dozen local mosques in the poor districts, and the growing suburbs of Nouakchott. Nowadays, however, both these central mosques, as well as a recently estimated 670 local mosques of the capital regularly fill at prayer times with queues of blue or white clothed believers.[2] Moreover, the endless squatter camps shooting up along the few tarred roads of the country and the outskirts of Nouakchott where about 80% of the Mauritanian people have fled to from the drought, display a similar feature: they visibly grow around crude mosques, the new symbols of communal identity.

Less impressionistic, but more indicative are the features of the Mauritanian school system. Since independence and under increasing pressure from international institutions and donors, the Mauritanian government has felt compelled to build up a secular school system, alongside and in strategic competition with the traditional Islamic system of learning, the Koranic schools and the *mahadir* or – as they have been correctly rendered – the Islamic ‚tent-universities'. The earliest available numbers go back to 1905, when – statistically – 500 inhabitants shared one *mahadra*. Until independence, a slight fall in number can be seen (figure 2 and 3). The evacuation of the desert owing to the continuous drought periods of the seventies, and the subsequent endeavours of the government to get along with the new school system, caused a significant drop until 1986. By then, as we have seen, the over-all conditions had changed. Education had become a major issue in the argument about the new orientation of the nation. In particular, a quarrel was fought concerning the rival concepts of an ‚Islamic curriculum in Arabic' and a ‚modern Western curriculum in French'. The almost simultaneous foundation of two opposite institutes marks this period best. In 1979 the ‚Institut Supérieur des Etudes et Recherches Islamiques' (ISERI) was established to produce from then on the necessary number of teachers, Imams and *qadis*. One year later, the non-arabophone minorities were granted their ‚Institut des Langues nationales' where curricula and teachers of the African languages, Fulani, Wolof, Soninké and Bambara, were to be produced. But not for long. The trend became clear in 1986 when the ‚State Secretary of alphabetisation and original learning' was established. From that point on, the concept of Arab Islamic identity governed the educational policy. In the constitution of 1991 (article 6), not only French did lose its status as ‚official

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2   Personal communication 2004 of Dr. Yahya wuld al-Bara', based on his investigation of 2002.

language', but also the African languages were refused acceptance as such
(Clausen 1993: 31). The extent to which the traditional *mahadra* system profited
from this trend is clearly visible (Bonte 2003: 110f.). On the other hand, the long-
established bilingual course of study which combined a basic religious education in
Arabic with a secondary scientific education in French, suffered a lasting setback
(Ibid.: 116).

	Population	*mahādir*	students
1905	0.4 Mio [est.]	800	[----]
1960	1.0 Mio [est.]	691	5 765 [!]
1977		657	54 128
1979		430	32 547
1986	1,8 Mio [est.]	257	20 641
1986: Establishment of *Secrétariat d'Etat à l'alphabétisation et à l'enseignement origi-nel*			
2003	2,7 Mio [est.]	1 524	72 799

Figure 2: Mahadir Development in Mauritania, 1905-2003

	1980-81	1985-86	1990-91	1995-96	1998-99
Primary		81%	97,4%	93,4%	96%
Secondary	35,1%	72,4%	78%	87%	87,5%
Higher	28,2%	63,8%	77%	81,9%	86%

Figure 3: Attendance at Arabic study courses

It was during this period of reorientation that the ,democratic wave' hit the
country. The impatience of the international community with underdevelopment
and backwardness manifested itself first in the field of human rights. On November
11 1980, for the third though not the last time, Mauritania had to officially declare
the abolishment of slavery. In 1986, under increasing pressure, the ruling Military
government had to allow the establishment of the ,Mauritanian League of Human
Rights' (Clausen1993: 46). Economic sanctions by the World Bank and the Inter-
national Monetary Fund emphasized this pressure. In the same year, 1986, the first
local elections since independence, were carried out (Ould Cheikh 1994: 32, cf.
figure 4). Simultaneously – to keep track of what was happening on the other side
of the coin – Saudi capital had given birth to the ,Islamic Bank of Mauritania',
import and consumption of alcohol been strictly forbidden, and a document under
the title *Oppressed Black African Manifesto* was distributed (Hilling 2002: 700a).
Politics followed. In 1990, during the 16th French-African summit at La Baule in
France, the French prime minister, François Mitterrand, declared that from then on
the allowance of economic and development aid would be closely attached to the
pursuit of democratic reforms and obedience to human rights (Clausen 1993: 29).
Thus, the combined forces of advocates of human rights, free trade and voter's
democracy had rallied in shape of a virtual global ,liberty-trust' and proclaimed
their strategy: blackmail into freedom. And Mauritania, one of the 20 poorest and
most indebted countries of the world, according to the UNDP index, indeed, had no
alternative. Democracy was now installed from above, the spirit of La Baule was
converted into democratic legitimation. Between July 1991 and April 1992, within

9 1/2 months, the period of a political pregnancy, the country metamorphosed from a military regime into a parliamentary democracy.

19.02.1986:	Municipales régionales (only capitals)
01.1989:	Conseils municipaux, maires, chefs-lieux de département (32)
07.12.1990:	Municipales (208 communes)
12.07.1991:	Constitution (97,9%)
24.01.1992:	1. Présidentielles (62,7%)
03.1992:	Législatives (PRDS 67 of 79 seats)
04.1992:	Sénat (PRDS 35 of 56 seats)
28.01.1994:	Municipales
10.1996:	Législatives (PRDS 71 of 79 seats) Sénat (PRDS 17 of 18 seats)
12.12.1997:	2. Présidentielles (90,9%)
04.2000:	Sénat (PRDS 13 of 18 seats)
10.2001:	Législatives (PRDS 64 of 81 seats) et Municipales (PRDS 184 of 216)
07.11.2003:	3. Présidentielles (66,9%)
04.2004:	Sénat (PRDS 17 of 18 seats)

Figure 4: ‚Democratic' elections in Mauritania, 1986 – 2004

Yet, in 1989, Col. Ould Taya, then head of the Military Council, had still declared:

> One cannot put the cart before the horse. The Mauritanians must first be educated before being politically active ... Hardly 32% attend public schools. We must first dispose of illiteracy, and teach as much Mauritanians as possible to read and write and to understand their civil rights before heading – as quickly as possible – for democracy.[3]

Three years later and with the catalytic help of ballot-boxes, the head of a military dictatorship had been transformed into a democratically elected prime minister. The back-bone of this transformation was the newly formed *Democratic and Social Republican Party* (*Parti Républicain, Démocratique et Social* = PRDS), one of 16 parties the majority of which had been founded out of nothing and had been admitted to the elections by the old minister of the interior (cf. figure 5). Closely scrutinized, the results of the elections between 1992 and 2004 purport a message that turns the expectation pinned on elections, the very nerve of democracy, on its head: The predominance of the pro-governmental PRDS is being regularly confirmed by election results that legitimize the exclusive control of the entire state machinery. (As for the elections of 2001, subtract the six ‚cooperative', in fact pro-governmental mandates of the RFD and UFP, and the ‚old' relation is restored.) The blunt thrust of this message, however, reveals more: The *de facto* one-party rule of the PRDS seems simply to be a democratic version of the *Parti du Peuple Mauritanien* (PPM) to which the constitution of 1961 (article 9) entrusted a one-party rule until 1978, and – in due course – of the Military Committee which took over the monopoly of power from the PPM and ruled until 1991. If democratic

3   Interview in Arabies, no. 26, Paris February 1989, pp. 28ff; see Clausen, ibid.

reforms had no significant effect on the monolithic organization of power and the social participation in political authority, then either the reforms had not worked or the Mauritanians are persistently expressing their will to monocratic rule.

	Party	1992	1996	2001
PRDS	Parti Républicain, Démocratique et Social	67	71	64
[--]	'Independent' [=PRDS] candidates	10	6	-
RDU	Rassemblement pour la Démocratie et l'Unité	1	1	3
PMR	Parti Mauritanien du Renouveau	1	-	-
UFD [/EN] => UFP	Union des Forces Démocratiques [/Ère nouvelle] Union des Forces du Progrès [2000]	-	-	3
AC [CC]	Action [Comité] pour le Changement [2003]	-	1	4
RFD	Rassemblement des Forces Démocratiques [2001]	-	-	3
UDP	Union pour la Démocratie et l'Unité [1993]	-	-	3
FP	Front Populaire [1998]			1
PJD	Parti pour la Justice et la Démocratie			
APP	Alliance Populaire pour le Progrès			
PCDM	Parti du Centre Démocratique Mauritanien			
UPC	Union de la Planification pour la Construction			
PAN	Parti de l'Avant-garde Nationale			
PLEJ	Parti pour la Liberté, l'Égalité et la Justice			
PTUN	Parti du Travail et de l'Unité Nationale			
PNUD	Parti National pour l'Unité et la Démocratie			
USD	Union Sociale Démocratique			
RNUJ	Rassemblement National pour l'Unité et la Justice			
MW	El Mithagh El Watani			
PSD	Union Populaire Sociale et Démocratique			
Umma	Islamic community, no party status			
Total		79	79	81

Figure 5: Political parties and parliamentary seats won, 1991-2004 about here

Of course, the first alternative seems more plausible: all elections were attested by international observers to have been carried out under more or less constantly defective conditions. The local hand-written birth registers, for example, from which voters had to prove their right to vote, are – if existing at all – not only too remote and inaccessible for most of the poor urban population, they are also incomplete, often lacking the exact date and place of birth, and at best ambiguous: around *wuld* or *mint* (son, daughter of) about 30% of the Mauritanian high-school students have a variant of *Muhammad* in their name: Nothing easier than to reject a voters' claim to be the very *Muhammad wuld Muhammad* of the polling-list (Ould Cheikh 1994: 33). But even admitted that the elections were bluntly manipulated, some democratic legitimacy remains: external estimations assess the real turnout at about 30%.

Superficially regarded, the second alternative looks absurd. Half a dozen of successful or attempted coups d'état – the last one on the 8th of June last year –, countless suppressed manifestations, expelled *personae non gratae* and banned

political organizations and papers, rather draw a picture of political rivalry and civil resistance.[4] Upon closer examination, however, things again stand differently. In order to investigate the traditionally *and* democratically supported monopoly of political power, the social structure of the Mauritanian society has – finally – to be focused upon.

Though being in the process of transformation, the present Mauritanian society is firmly rooted in traditional structures that display some particular features. Horizontally, different ethnic, tribal and linguistic communities constitute the Mauritanian identity (see figure 6). Vertically, status and dependency define different social layers that arrange themselves into a double and complementary hierarchy. The most obvious difference is language. Hassaniya, an Arabic dialect that was imported to the Western Sahara by Arabic nomadic tribes from the 15th century onwards and successfully pushed aside the locally spoken Sanhaga Berber – hence *Znaga* –, is the mother-tongue of about 80% of the population. The Halpular group, consisting of Fulani and Toucouleur speakers, and the small minorities of Soninké, Wolof and Bambara speakers make up the rest. Less obvious, although seemingly evident, are the differences of colour. Biology and human nature have taken care of that: three centuries of co-existence and inevitable intermingling have produced a smooth range of indiscernible complexions. The traditional self-denominations, *bidan* (whites) and *sudan* (blacks), however, do not, in the first instance, refer to complexion but to linguistic and social identity. A *bidani* understands himself to be a free-born member of the Arab speaking community, in distinction to the *'abid*, the slaves of black African origin.

Quite similarly, the *sudani* or *kwar* are free members of their respective ethnic groups, outside and independent of the *bidan* society. At the same time, however, *sudan* is used as an external denomination for the *'abid*, the slaves, who's existence nowadays – by definition of constitution and law – is denied, and therefore *sudan* is also applied, by logical extension, to those of the *haratin*, the ex-slaves, that are darker than others. Thanks to recent political correctness, these *sudan* have made it to be occasionally called *hadr* (greens).[5]

The most crucial element for the understanding of status, relation and identity in Mauritanian society is certainly the group of the *haratin*, sing. *hartani*. Popular etymology designates them as *hurr thani*, as of „secondary free status". Linguistically, the term goes back to the Berber root ‚HRTN', a mixed shade of white and black (Taine-Cheikh 1989: 96). An estimated 40-5% of the Mauritanian population is considered to belong to the *Hartani* group (Ould Saleck 2000: 257). Their corporate identity stems back to the historical structure of the *bidan* society. At its top, two aristocratic groups, the Banu Hassan and the Zawaya, had divided up among themselves the political and spiritual control of the subordinate layers, hence their respective self-portraits as „warriors" and „students". Within the ethnic

4   Cf. the short overview in Hilling 2002: 700a-703b.
5   For a detailed discussion of the etymological and semantic background of these terms, see Villasante-de Beauvais 1999: 83.
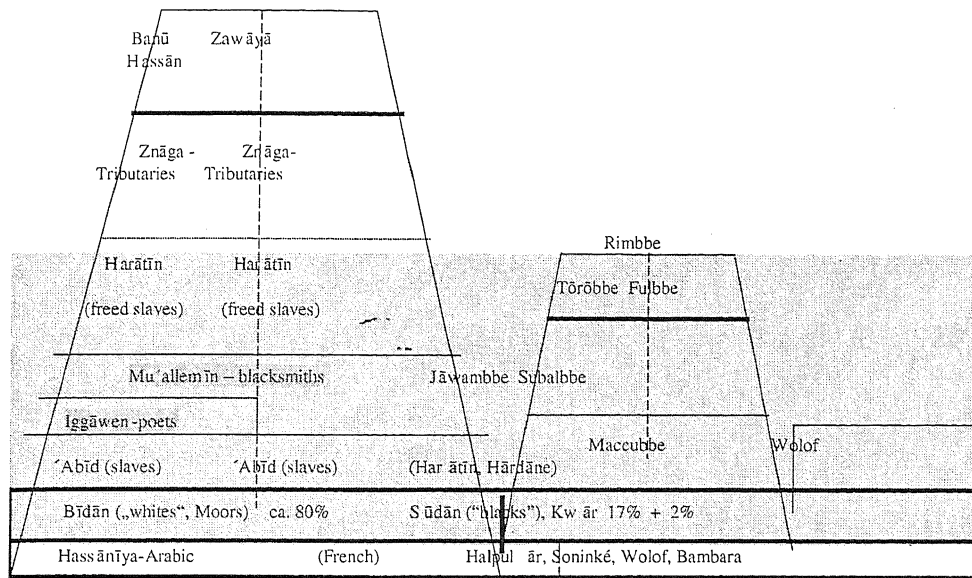
Banū   Zawāyā
Hassān

Znāga -   Znāga-
Tributaries   Tributaries

Rimbbe

Harātīn   Harātīn

(freed slaves)   (freed slaves)

Tôrôbbe Fulbbe

Mu'allemīn — blacksmiths   Jāwambbe Subalbbe

Iggāwen -poets

Maccubbe   Wolof

'Abīd (slaves)   'Abīd (slaves)   (Har ātīn Hardāne)

Bīdān („whites", Moors) ca. 80%   S ūdān („blacks"), Kw ār 17% + 2%

Hassānīya-Arabic   (French)   Halpul ār, Soninké, Wolof, Bambara

Figure 6: Social, ethnic and linguistic structure in Mauritania

sudan minority of the Halpularen, the *rimbbe* aristocrats, the warrior *fulbbe* and the scholar *torobbe*, held a correspondingly dominating rank. Below, various degrees of social and economic dependency divided the rest of the society into four different layers: the *znaga* tributaries, historically Berber tribes that had been subjugated, arabized and contractually been obliged to pay tribute to their Banu Hassan and Zawaya master-tribes in exchange for physical and spiritual protection; further below ranked the *haratin*, who's distinctive legal feature, personal freedom, distinguished them essentially from the slaves. Since historically every *hartani* was once – by legal definition – a slave before being set free, and since slavery had been abolished – by constitutional definition –, both layers can be treated together. The *mu'allemin* craftsmen and the *iggawen* singers and poets, though dependent too on their respective master-clans and tribes, formed small endogamous subsistent units within this society, and remain to do so until today. Thus, numerically, the *haratin* and the *'abid* have merged nowadays into an overall majority of the Mauritanian population. Socially and economically, they form the lower, that is to say discriminated and impoverished majority of a society that has now to express its will by way of votes – and this continuously in favour of a regime that manages to successfully deny them equal access to the resources of status, rights and wealth.

The reasons for this astonishing ,democratic' behaviour are rooted in the very basis of the traditional Mauritanian society that democracy was ordained to overcome: the tribe that is, on its part, the very antithesis of the Modern State. The so-called democratic process Mauritania was pushed into is setting free a phenomenon that has been registered only recently and has been given different names: „politicised neo-tribalism"[6] or „reinvention of chieftainship" (Leservoisier 2003: 172). In

6   Ibid.: 257: "néo-tribalisme polities".

an official report of the Ministry of the Presidential Office of 2003 this retribalisa-
tion is carefully circumscribed as

> contribution of the democratisation of the political regime to the activation of parental,
> lineage, tribal and regional relations within which a series of institutions and informal
> practices effectively organize the domains of credit, social insurance, job employment,
> business and trade; and the protection of personal and family interests (Bonte 2003: 25).

Thus, the two elementary functions of tribal allegiance, competition and protec-
tion, turn out to have not only survived under democratic conditions but rather
infiltrated the corporations of the regime itself.

The government, on the one hand, in order to expand her control of all state fa-
cilities, and the newly installed democratic structures, on the other hand – political
parties, municipal councils, and so on –, take recourse in traditionally approved
modes of alliance that alone can guarantee success and security of the individual.
In the manner of a new and supra-tribal organism, the state, employee of 20% of
the Mauritanian labour force and composed of representatives of the major aristo-
cratic tribes, is paying off political loyalty with jobs and privileges. Every four
years, three to four thousand lucrative key-offices are to be allocated – by way of
elections. But the legitimacy of the power to decide this give and take is competed
for in tribal manners, too: In the November presidential elections last year, both the
office-holding president and his challenger – and predecessor 20 years ago! – Ould
Haidallah, belonged to the same tribal group, the Turkuz, though to different frac-
tions. The Mauritanian sociologist Abdel Wedoud Ould Cheikh recently tried to
describe this patrimonial management of power as „sultanic culture" (Ould Cheikh
2004: 2).

Among the ‚voters' similar features can be detected: their alignment with politi-
cal parties is regulated by the advantages their tribal, ethnic or regional group have
been given – or not – owing to the result of the last ballot. Depending on their re-
spective status within the larger unit, fractions therefore tend to split away and look
for better support from other parties or organizations that, for their part, are
doomed to pursue the interests of their new clients.[7]

With this vicious circle briefly outlined, we can return to the role the *haratin*
play in this theatre of democracy. Though having been legally set free, their social
and economic existence continued to be closely knitted to the benevolence of their
former masters. Their being excluded by matrimonial laws from the patrilinear
filiation of the tribal *bidan* system, and their being uprooted and deprived by the
tremendous demographic change of their former social bonds, the *haratin* turned
from being „domestic servants" into „political servants". With the exception of a
radical minority that joined the secessionist movement of the „Négro-Maurita-
niens", the overwhelming majority of the *haratin* sought refuge in siding with the
political formations their former tribal masters had formed up into.[8]

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7   See Lervoisier's (2003: 173 and passim) detailed analysis of the electoral behaviour of the
    Haalpulaar'en and the Soninké blacksmiths between 1999 and 2001.
8   The background of this bifurcate political cooperation is briefly described in Ould Saleck (2000:
    259 and 261ff); the complex antagonism between the *haratin* and the *sudan* and – respectively –
    the *bidan* is analysed in Ruf (2000: 240ff); see also Messaoud (2000: passim).

To sum up this short review: the democratic process in Mauritania has not only grinded to a halt, it has also brought to light again the pre-state tribal structures that are choking the country's development under the pretext of democracy. Inevitably, this failure is fostering a multitude of oppositional movements. Apart from the radicalists' alternative of the secession of the black South or – vice versa – of the white North, two main trends can be discerned: One, visibly fighting a lost cause, is nourished by the *sudani* belief in the future of a united, multicultural democratic Mauritania. Basing themselves on the canon of human rights and democratic values, non-political and sometimes illegal organisations, partly operating in exile and predominantly supported by black intellectuals, advocate a secular modernism of a Western type. This *Walfugi-Chngit*-movement that „n'attend que la fin des élections [du 7 novembre 2003] pour sortir officiellement de l'ombre"[9] may serve as an example of this unbroken optimism (see figure 7).

Walfugi-Chingit*

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Wal <= Waalo, Land of the Wolof

| | |

FU <= Fuuta, Land of the Peul

| |

GI <= Guidimakha, Land of the Soninké and Bambara

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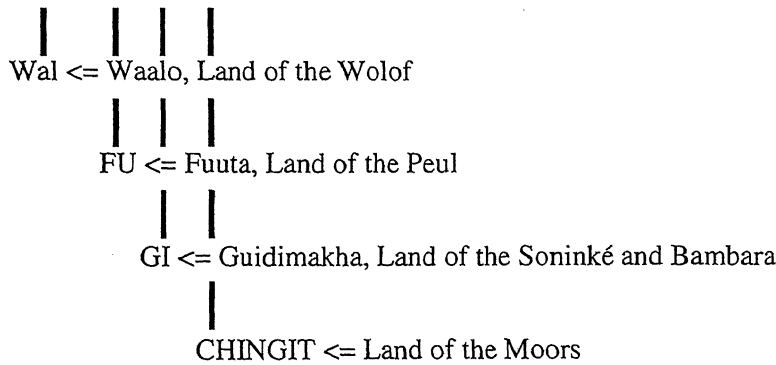CHINGIT <= Land of the Moors

Figure 7: Walfugi-Chingit (*Acronym for movement of national change, founded 2003)

The other trend, based on the frustration of the aroused democratic hopes and fostered by the globally increasing Islamic mistrust in the universal validity of democracy – or rather: ,Western' democracy –, is gaining ground in all social layers, in particular among the impoverished *sudan* and *bidan*, and the *haratin*. Their alternative confronts – in the words of one of the few influential journalists – the „Democracy of Athens" with that of the ,City of the Prophet', the „Democracy of al-Madina" (Ould Nema 2004: 8). Permanent loudspeakers installed around the central market of Nouakchott preach the same message, though in different words. The crucial aspect of this cultural scepticism does not primarily refer to the (non-)compatibility of Islam and modernity disputed world-wide by Western think-tanks as well as by Islamic conservatives. On the contrary, basic Islamic concepts of equality between peoples of different colours and languages (as appealed for in Koran 30:22, for instance) are consulted and diffused in order to mobilize the believers' energy against laic, tribal and ethnic priorities. If fundamentalism means

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9 Rencontre avec le Professeur Saidou Kane, 5.11.2003, see: www.ocvidh.org/forum/nav.php3?pag e =voirsujet^&board, p. 12.

going back to the roots then the reference to the prophet Muhammad's fight against tribal and racial privileges that the Meccan pagan aristocracy was built upon, turns under the ruling circumstances into a necessarily progressive argument. Within this trend, one can conclude, the particular Sahelian dilemma is sought to be solved by a complex Islamic ethics: In the figure of Bilal, the freed black Abyssinian slave of Abu Bakr and first muezzin of Islam who nowadays serves as the promising symbol of non-white Islam in Mauritania, the concept of ethnic equality is fused with the criticism of tribal hegemonism.[10]

The curious trinity posing in the title of my lecture is taking shape: the general disappointment with the democratic process shared by the political opposition, the majority of the society and the international institutions engaged, the neo-tribal tendencies inspired by this failure, and – in response to both – the overall readiness to turn to Islamic concepts of reform relate to each other immediately. Although the gearing of this intricate mechanism might already have been known by and large, or anticipated partly, the set-up under which it is unfolding its effects has recently – and this is the final step to be taken – changed again in a significant way.

In 1998, the French Premier, Jacques Chirac, announced the formula of ‚good governance‘ to replace the formula of ‚democratisation‘ as the new guiding principle of French development policy. Two years later, the United Nations Development ment Program took over and in February 2001, on their trip to Mali and Tanzania, the presidents of the World Bank (James Wolfensohn) and of the International Monetary Funds (Horst Köhler) proclaimed their sympathy for this new developmental strategy[11]. Meanwhile, and not at all surprisingly, Mauritania – like other ‚highly indebted‘ countries – has fallen in with this internationally prescribed shift from a hard- to a soft-line democratisation. Early January 2004, the government publicly declared ‚good governance‘ to be the foremost aim of the national reform policy. The African-wide confusion about what *good governance* could mean and demand is best documented by a meeting of seventeen heads of state and members of the so-called ‚New Partnership for the Development in Africa‘, March 2004 in Kigali, Ruanda. The meeting was held to find out why this initiative, founded three years earlier in order to bring about ‚good governance‘, had hitherto failed, and to discuss anew the priorities of this strategy.[12]

The meeting coincided with the publication of the guidelines for US development aid that the Bush administration had defined shortly before. Five criteria had to be met by the receiving countries: free and fair elections, independence of justice, free press, absence of corruption, and budgetary assignments to social services. In Mauritania, the discussion about ‚good governance‘ has expanded far beyond the governmental groups and raised considerable expectations among the population. Above all, the basic concept inherent in the strategy of ‚good governance‘ contributes to these expectations. Based on a ‚good administration' and supported by the explicit strengthening of the civil society a new partnership between state and citizen is imagined[13.] As pointed out exemplarily above, it is the blatant

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10 For the ‚Bilalism‘ in Mauritania, see Marty (2002: 65f.); Maxime Rodinson (1961: 129-30) has pointed to this particular social non-conformism in the early Meccan Islam.
11 Internationales Afrika Forum 2 2001: 106.
12 Les Racines, no 06, Mars 2004: 2.
13 The press is openly discussing the issue, see for example Les Racines, no 06, Mars 2004: 6-7.

absence of a functioning civil administration that provokes ballot rigging, and it is the oppressiveness of the apparatus of state that keeps suppressing all tendencies of civil engagement. After fifteen years of tremendously failed democratisation, a development strategy is at hand that finally and in bilateral agreement tackles the preconditions of democracy. This is the good news. One does not have to be a devil's advocate to anticipate the bad news. Most of the Mauritanian non-governmental organisations – we can safely and by definition call them the extra-parliamentary, or rather: the extra-tribal opposition – draw their inspiration and motivation from Islamic values and concepts. Therefore, the new partnership between state and citizen, advocated by ‚good governance‘, must inevitably bear an Islamic imprint. Under the general head-line of the „Medinese democracy“ alternative models of participation, legitimation and collective solidarity have been proclaimed and partly forced on the secular state. The ‚High Islamic Council‘, although completely at the disposal of the President since its introduction 1992, incorporates the early Islamic idea of *shura*, of consultation. Notwithstanding the weakness of the institution itself, the principle of consultation as opposed to the hierarchy of authority has become an attractive if not trendy argument when decentralisation or local autonomy are discussed. One of the few positive results of this discussion – to give another example – turned out to be the installation of local *qadi* law-courts presided over by alumni of the above mentioned ISERI Institute. In order to guarantee any legal sovereignty outside the capital, the legal authorities had to cede the dispensation of justice in the field of family and personal law to these *muqata'at-* or district courts. Quite evidently, the law dispensed there is not in accordance with the modernists' stipulation – let alone with that of the Bush administration – but rather in harmony with traditional Islamic principles of law. However, Mauritanian jurists have insisted on the progressive effects these principles may exert on the social acceptance of the legitimacy of the state (Monteillet 2002: 94, 97-8).

Moreover, some of these principles have already started to produce new and unexpected outcomes. Let me give a last example of this ‚good governance‘ practise inspired by Islamic values (figure 8). This legal judgement *(fatwa)* was given and signed by a dozen of Islamic law experts in August 2003 in Nouakchott. It regulates the collection and distribution of the Islamic alms taxes *(zakat)* for the combating of poverty – one of the governments primary and most unsuccessfully pursued goals. In the crucial passage of this *fatwa*, the funds *(sanadiq)* installed commonly by governmental and non-governmental organisations are permitted to collect the religious tax duties and to use them for any kind of poverty-reducing measure. Early figures of the project were published in February 2005 and are promising.

With democratisation having failed, tribalism flourishing on this failure and Islamisation from below – and outside – articulating itself as the responding *vox populi*, the future development of Mauritania (and other comparable countries) is at stake. The response to this complex dynamics aggravated by the effects of globalisation must go beyond romanticizing concepts like ‚glocalisation‘ or newly designed tribalisms. Rejection of dogmatic purism and inclusion of cross-cultural concepts – and be it a ‚Medinese democracy‘ in the hands of tribal rivals and for a transitional period – are demanded.

بسم الله الرحمن الرحيم

الحمد لله والصلاة والسلام على رسول الله .

فتوى

هل الصناديق التي تتكفل بعلاج المحتاجين تعتبر من مصاريف الزكاة والتبرعات ؟

الزكاة: هي الركن الثالث من أركان الإسلام . واجبة بالكتاب والسنة والإجماع، فرضت في السنة الثانية من الهجرة النبوية وهي عبادة مالية .

المسائل المعنية بالزكاة :

◆ العين،

◆ التجارة،

◆ النعم،

◆ المنتجحات الفلاحية .

مصارفها: إن الله استأثر بتنصيص المستفيدين من هذه الزكاة في سورة التوبة الآية 60 . : قال تعالى:

﴿ إِنَّمَا ٱلصَّدَقَٰتُ لِلۡفُقَرَآءِ وَٱلۡمَسَٰكِينِ وَٱلۡعَٰمِلِينَ عَلَيۡهَا وَٱلۡمُؤَلَّفَةِ قُلُوبُهُمۡ وَفِي ٱلرِّقَابِ وَٱلۡغَٰرِمِينَ وَفِي سَبِيلِ ٱللَّهِ وَٱبۡنِ ٱلسَّبِيلِ فَرِيضَةً مِّنَ ٱللَّهِ وَٱللَّهُ عَلِيمٌ حَكِيمٌ ﴾

انطلاقا من فتوى المجمع الفقهي التابع لرابطة العالم الإسلامي (مكة المكرمة) المعاصرة والمعتبرة المنظمات الزكوية والمشاريع الاستشارية التي تدر نفعا على الفقراء والمساكين من مصارف الزكاة، فلا مانع من اعتبار الصناديق التي تتكفل بعلاج المحتاجين من نفس النمط أي من مصاريف الزكاة والتبرعات لأن الهدف من الزكاة ليس إعطاء الفقير درا هم معدودة أو كلوغرامات من زكاة حرث إنما الهدف تحقيق مستوى لائق للمعيشة حسب الزمان والمكان والحال وأدنى ما يتحقق بذلك:

◆ هيئة السكن والمعاش

◆ ما يرتبط بها من متطلبات ومن أولها الخدمات الصحية والتعليمية لكي بالشروط التالية:

◆ تأمين هذه الصناديق من الابزاز باختيار لجنة تسيير مسلمة، أمينة عارفة بأحكام المال العام

◆ التأكد من أهلية الاستحقاق إعداد لائحة المستحقين حسب عوز مم

◆ اقتصار الصندوق على علاج من خصص لهم.

◆ كون المستفيد لا مندوحة له عن هذه الصناديق .

قال خليل وشراحه « عدم كفاية بليل وإنفاق أمي عليه من نحو والد أو بيت المال » انتهى محل الحاجة منه.

ومن المعلوم كذلك إن الغني أن ينوب عنه في إيصال الزكاة لمستحقها أي جهة

◆ منظمة خيرية

◆ ودادات صحية

◆ مشاريع استشارية

◆ لأنها تتولى تقديم المساعدات للمحتاجين في وكيلة عن المزكي في إيصال الزكاة إلى المستحقين والنصوص لم تشرط دفعها أي الزكاة للفقراء مثلا بأعيانهم بل بكيله بمجرد عزلها لهم في الجملة كما بينه الشيخ خليل وإن تلف جزأ نصاب وإن يمكن الأداء سقط كزلفها فضاعت انتهى محل الحاجة.

الخلاصة:

الصناديق التي تتكفل بالحاجين يمكنها شرعا الاستفادة من الزكاة والتبرعات والمزكي تسقط عنه الزكاة ان دفعها في هذه الصناديق التي تشرف على علاج الحاجين . والله تعالى اعلم

حرر بانواكشوط بتاريخ 2003/08/05

الخبيران :

الاستاذ الجليل حمدان ولد اتا.

باب ولد معط .

Figure 8: Fatwa regulating the collection and distribution of the Islamic alms taxes (*zakat*) for the combating of poverty, August 2003

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