

# The bases of humanitarian thought in the Pulaar society of Mauritania and Senegal

by Ly Djibril

For the outside world, images of division, conflict and suffering today largely sum up the African continent. Even when these images do not reflect Afro-pessimistic clichés, they fail — deliberately or not — to take account of the secular traditions of respect for the individual and the enlightened humanity that exist virtually throughout Africa.

Africa's shortcomings, so prominent in human rights discussions regarding the continent, are surely proof, if not of the ineffectiveness, at least of the vagueness of the positive rules that are supposed to cover areas in which tradition has been relegated to the background.

The present text, which deals with the humanitarian rules of Pulaar society in Mauritania and Senegal, is therefore particularly relevant. Its aim is to try to understand the spirit of the rules rather than to sublimate them; to compare them rather than to over-simplify differences between positive and customary rules. Because written sources are scarce, we must tread carefully when assessing these rules, which can be slotted into two categories: those that aim to prevent armed conflicts and those that govern hostilities when these do erupt.

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## Conflict prevention

Relations between the various groups that live along the Senegal river, cradle of the Haalpulaaren civilization of Senegal and Mauritania, have not been without a wide range of conflicts.<sup>1</sup> The Haalpulaaren have what seems to be a well-established expression — *waak koda*<sup>2</sup> — to characterize what were for many years often hostile relations with their neighbours. This expression was also much used during the colonial period.

Despite the mistrust between communities living in close proximity, two methods of preventing conflict were developed and are of interest to the researcher: the groups' interest in forming alliances and the fact that these were supplemented by diplomatic modules.

## Alliances

It was possible to form alliances depending on explicit or implicit political or military expectations. The power relationships which gradually emerged often reflected the demographic, political and military influence of the towns and villages that came and went throughout the history of the river valley. It should be mentioned, however, that in most cases, the alliances between the various groups took the form of marriages between members of families that were in some cases former enemies. Once these unions were established, they acted as a shield between in-laws and as a means of reconciliation.

The delicate balance of power in the sub-region resulted in political and military alliances that were as numerous as they were significant. For some historians this practice also provides a key to understanding the history of Senegal and Mauritania. In this regard, Boubacar Barry, a Guinean, has rightly noted that the alliances formed according to the dictates of changing circumstances gave a special dimension both to relations between the two geographical entities and to their history.<sup>3</sup>

In Europe as well, in medieval times, political and military alliances had pride of place. They were influential and often provided the best way

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<sup>1</sup> A.B. Diop, *Société toucouleur et migration*, University of Dakar, IFAN, 1965, p. 15.

<sup>2</sup> The idea can be translated as "a people has to be able to defend itself so that it can claim the right to be master of the place where it has made its home."

<sup>3</sup> Boubacar Barry, *Le royaume de Walo. Le Sénégal avant la conquête*, Paris, Karthala, 1985, p. 421.

peacefully to solve the conflicts of the day.<sup>4</sup> With regard to marriage-based alliances, though they could be justified by geographical proximity alone, they also helped keep the peace between the various families brought together by this circumstance.<sup>5</sup>

The history of the *fuuta* (the area in which the Haalpulaaren are the majority group, basically along the banks of the Senegal river from the Malian border to the river's mouth) is full of such accounts, one as illuminating as the next. The alliances with the Ouolofs, the Moors, the Soninkés and the Sérères in particular bore eloquent witness to the encounter of cultures in that part of West Africa. Though they could not guarantee unshakeable and everlasting peace, these institutions promoted conciliatory attitudes during peacetime and even in war. Note the military alliances of El-Hadj Omar during his holy war. The American historian David Robinson records that during his travels, El-Hadj Omar entered into marriage-based alliances for political reasons.<sup>6</sup> However, Robinson qualifies his statement of the facts, believing that the hearsay surrounding the sources of his information, and the contradictory nature of that information, meant that the effects of those alliances in political relationships between the Sheik and the provinces and empires under his control should be interpreted with care. Other forms of union are listed, including marriage-based unions entered into by students of Koranic schools or their masters during their seasonal peregrinations.<sup>7</sup>

### Diplomatic procedures

Many exchanges and other contacts which the Haalpulaaren had with their neighbours facilitated the emergence of significant modes of arbitration and conciliation. Studies of these institutions have not been numerous. Though this fact inevitably restricts the possibilities for analysis, the existing studies cannot be discredited completely. Diplomacy has always

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<sup>4</sup> See, C.A. Colliard, *Institutions des relations internationales* (8th edition), Paris, Dalloz, 1985, starting on p. 23.

<sup>5</sup> See in particular M. Dupire, *Organisation sociale des Peuls*, Paris, Plon, 1970, p. 262 and elsewhere.

<sup>6</sup> David Robinson, *The Holy War of Umar Tal — the western Sudan in the mid-nineteenth century*, Oxford, Clarendon, 1985. For example, the author mentions the marriage with Mariatu, who was sent from Nigeria as a sign of reconciliation.

<sup>7</sup> See B. Barry, *op. cit.* (note 3), p. 83; see also L'Abbé D. Boilat, *Esquisses sénégalaises*, Paris, Karthala, 1984, starting on p. 398.

been part of human history, particularly in cases of international disagreement, and it is almost impossible not to take them into account in any consideration of the development of social relations in this area.

African jurists explain the enthusiasm for diplomatic procedures as an extension of attitudes that reflect little patience for more procedurally oriented and formalistic techniques. Tensions between opposing parties can often be eased by diplomatic practices characterized by disregard for legal mechanisms and all their disadvantages. Negotiation, discussion and deference to the wise men of opposing groups often seem the best possible institutions in societies where the moral code and custom play the dominant role.

In addition to the so-called diplomatic procedures, arbitration was a favoured course of action. Written history is full of references to this. Consider the use reportedly made of it in the fratricidal dispute between El-Hadj Omar Tall and Amadou III. Without going into details, let us merely recall that the avowed cause of the conflict lay with the fact that the King of Macina had given sanctuary to an animistic Bambara king whom El-Hadj Omar and his troops were trying to forcibly convert to Islam.<sup>8</sup> The refusal of the King of Macina to cooperate led to conflict. El-Hadj Omar sent a delegation to the King of Macina, proposing that the disagreement be settled through arbitration but the Peul of Macina appeared not to support the proposal. Omar Tall submitted to making a speech for the defence in the form of a statement which is reproduced in the opusculé entitled "*bayan ma waqa a bayna shaikh umar wa ahmad ibn ahmad*".<sup>9</sup> This process is still widely cited by the Haalpulaaren as a salutary example.

Analogical reasoning was used in Omar Tall's defence. Since he had protected a non-believer, the King of Macina was *ipso facto* considered to sympathize with such practices. Hence, the act of declaring a holy war against someone who, by analogy, was seen as a heathen, was not necessarily considered reprehensible, either by Omar Tall's troops or the public.

Though the justifications put forward remain difficult to support, the process used conveys the hesitations that preceded the outbreak of hostilities. This marked caution seems somewhat premonitory: for Omar

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<sup>8</sup> For details, see D. Robinson, *op. cit.* (note 6).

<sup>9</sup> "This is what happened between Sheik Omar and Ahmed, son of Ahmed."

Tall's troops the Macina campaign was one of the most difficult and costly operations ever.

The conciliation process was also important in Haalpulaaren tradition. In his consideration of El-Hadj Omar Tall's holy war, David Robinson stressed the conciliatory role that the chief of the Tijaniya brotherhood had played in settling many conflicts in the Sudan-Sahel sub-region.

The use of force remained an exceptional measure, even in the event of a breakdown in so-called diplomatic processes. This is confirmed by a Pulaar saying which extols the virtues of dialogue: "*Fuunti laami, buri felli laami*".<sup>10</sup> Summing up as it does the pacifism inherent in the Pulaar tradition, this widely-quoted saying recognizes the judiciousness of debate and dialogue given the uncertainties of hate and violence.

### **The rules of the law of war**

New fighting techniques are perfected through warfare. Because these techniques grow ever more destructive, corresponding humanitarian rules need to be constantly developed. Where there is no law as such, the warring parties can still resort to customs as they react to events.

Linguistic affinities and relationships also provided other essential parameters for the application of the humanitarian rules in force. As we will see below, this is referred to when applying relevant provisions in the event of armed conflict. In certain situations, justification probably lies in the fact that, particularly during the eighteenth century, the Haalpulaaren emphasized the contrast between their intelligence, honour and honesty — which characterized them as dominant classes — and the uncivilized behaviour of their slaves.<sup>11</sup>

The advent of Islam in the Tekroun of the ninth century and its gradual consolidation in Pulaar tradition and culture encouraged the introduction into warfare of rules that were more extensive because they were observed by all believers, without discrimination. This kind of juxtaposition of what amount to quasi-positive and customary standards contained possibilities for sanctions. It also prompted a new type of conduct on the part of combatants already accustomed to sparing a category of persons and

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<sup>10</sup> "It is better to reign through dialogue than to rule by force."

<sup>11</sup> D. Robinson, *op. cit.* (note 6).

objects and according a particular status of prisoners of war and other captives.<sup>12</sup>

### The conduct of war

The weapons of the Pulaar soldier, the *sofa*, were usually rudimentary: assegais, sabres, arrows, guns and so forth. War was waged according to the means available but it was also prepared beforehand during the *sofa's* training, which taught him how to comport himself both during combat and in his everyday life.<sup>13</sup> This training was also tried out in other regions of Senegal, as pointed out by Yolande Diallo, who writes that there was a real ethic of warfare taught to all young noblemen for use in their future soldiering career.<sup>14</sup>

But what was the basis for these rules? Into which category should they be placed? Though roughly similar to customary rules, there are two important reasons why they cannot be systematically viewed as such.

Firstly, the increasing hostilities in the region became so frequent that the people themselves used the well-known term *waaw kooda* to refer to the fighting. Therefore, relations between neighbours were more likely to determine both the specific rules in times of armed conflict and their applicability. Given the disparity of the relationships along the river and of the areas in which the Haalpulaaren lived alongside other groups, it is not easy to draw conclusions about where these relations tallied, how clear they were and where they were repeated, which makes it possible to classify the facts and customary acts at the same time as the *opinio juris* is being discerned.

Finally, populations on the move — whether in search of new, more congenial areas or because the weaker group was being forced to leave a given area — often impeded the orderly development of more precise rules of conduct.

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<sup>12</sup> See P. Alexandre, *Les africains. Initiation à une longue histoire et à de vieilles civilisations, de l'aube de l'humanité au début de la colonisation*, Paris, Lidis, 1981, p. 267.

<sup>13</sup> For the teaching related to the laws of war of Omar Tall's troops, see D. Robinson, *op. cit.* (note 6).

<sup>14</sup> Yolande Diallo, "Humanitarian law and traditional African law", *IRRC*, No. 179, February 1976, pp. 57-63.

These standards, which were often inspired by pragmatism and experience in war, had a marked philosophical content. They were part of everyday conduct — no legislation was necessary. Considerations such as honour and dignity can be more of a deterrent than all the rules combined, even those of positive law.<sup>15</sup>

The positivism of law can truly be asserted only in a favourable sociological climate. To be convinced of this one need look only at the numerous attacks on legal rights in many countries where moral and cultural points of reference have been displaced, whether in Africa, Europe, the United States or Asia.

These standards, which adumbrated law, were refined and gradually adapted as necessary. With Islam they would come to resemble positive law. It is possible to identify a few rules that apparently commanded consensus.

1. In the Pulaar warring tradition, it seems that armed conflict was generally resorted to only after hostilities had been declared. Obviously, that could mean a number of things and take various forms. In the various empires and towns that grew up along the river Senegal, intelligence agents were given the job of providing information on conflicts. Their role was acknowledged and tolerated. These agents, who often belonged to the Griot caste, informed their sovereigns of impending wars, which enabled the troops to prepare themselves, move individuals enjoying special protection to a safe place, protect crops and conceal information that might be useful to the other side. The informers were therefore viewed as delicate peace envoys and the development of humanitarian rules lay partly with them.<sup>16</sup>

2. When military operations began, troops confronted each other face to face. This was a matter of honour and dignity. In the Pulaar tradition, victories gained through surprise attacks were meaningless. Fighting was viewed as balanced only if the adversaries were able to confront each other fairly and according to the rules, in accordance with the views of Pierre Corneille, i.e. that a victory without danger was a triumph without glory. The general attitude was that even in the face of death, a condemned

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<sup>15</sup> A nineteenth-century French author wrote in this regard that the Haalpulaaren were proud of having outstripped [the Europeans] in reason, justice and humanity: Keledor, *Histoire africaine*, quoted by B. Barry, *op. cit.* (note 3), p. 195.

<sup>16</sup> Interviews with Oumar Ba, a renowned Mauritanian sociologist.

person should comport himself with dignity and courage: “*So neddo ina maaya, yoo maaydu et ndimaagu mum.*”<sup>17</sup>

3. Fighting at night was forbidden. Difficult visibility at night made the relative strength between the opposing troops disproportionate. Wisdom dictated that troops should make faces at the enemy if they encountered him at night, as stated in the following maxim: “*Hai so jamma kawrudaa e gano maada, biin dum, duum fof ko e hare jeyaa*”. The ban on night attacks is the result of a view shared with many other societies including India, as confirmed by the former President of the International Court of Justice, Judge Nagendra Singh, when he wrote that in ancient India “night attacks were forbidden”.<sup>18</sup>

4. Not everyone was allowed to take part in combat, and recruitment was particularly restrictive. Children, the elderly and women were basically not allowed to fight. Children, in particular, could be recruited only if they had reached puberty, whereupon they adopted the role played by adults in the group, including the right to go to war. In general, this rule was respected, since it is quoted by way of example in the case of the conflict between Almami of the Fuuta Abdel Kader and the Ouolof Prince Amadi Ngoné in the name of holy war.<sup>19</sup> It should be stressed that the combatant also had to be of sound mind and body.

5. Perfidy (*jamfo*) was also prohibited because it conflicted with the virtues of honour and courage. Surprise attacks or attacks not in keeping with what had been agreed beforehand between warring troops were also considered perfidy.

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<sup>17</sup> This view is taken to extremes in certain circumstances. Samba Geleajo Jeegi, an eighteenth-century Pulaar prince, committed suicide by confiding to his consort the secret of his relative invulnerability in the various battles that he had successfully waged, despite the fact that he was convinced that his wife was going to use that information to kill him. In his final moments, he defended his action by stating that he should not refuse to reveal his secret for fear of being called a coward. So for him, “*wataa wad maaya, hattaa kam wadde. Hadatami wadde tan ko wataa wad koyaa*” was important. This can be translated as “I would not refrain from doing such a thing out of fear of death, only if I had to be ashamed of it”. For the fascinating story of Samba Gallajo Jeegi, see O. Kane “La tragique histoire de Samba Gellajo Jeegi qui regna sans avoir été sacré”, *Afrique Histoire*, No. 7, 1993, p. 60.

<sup>18</sup> Nagendra Singh, “Armed conflicts and humanitarian laws of ancient India” in C. Swinarski (ed.), *Studies and essays on international humanitarian law and Red Cross principles, in honour of Jean Pictet*, Geneva/The Hague, International Committee of the Red Cross/Martinus Nijhoff, 1984, p. 535.

<sup>19</sup> See l’Abbé D. Boilat, *op. cit.* (note 7), p. 398.

6. A combatant who had fled was no longer considered to be taking part in the conflict, as reflected in the saying “*so dimo riddi dimo haa naati e ngaska foolidum*”.<sup>20</sup> Any violation of this rule made the perpetrator liable to punishment by his superiors following or even during the hostilities, depending on the seriousness of his act.

7. Attacking a combatant who had surrendered was not allowed unless he himself attacked the soldiers who were capturing him. If he did not resist, any violence against him would be considered an unequal struggle.

### Protected individuals and objects

Several categories of persons and objects enjoyed special protection. In this respect there was nothing original about the Pulaar tradition. However, though the rules underlying this protection — usually based on common sense — were shared, their psychological and cultural bases sometimes differed.

1. Specific considerations prompted the protection enjoyed by women. However, this protection could be invoked only if the woman was not directly involved in the fighting. Curiously, this belief was based on superstition. Combatants imagined that an attack on a woman would quite simply be the harbinger of their own defeat. Protection, therefore, had nothing to do with women’s role as givers of life. The belief nevertheless stayed firmly rooted in the minds of combatants.<sup>21</sup>

2. The elderly were also protected during armed conflicts. As repository of the history of their groups and arbiters in social conflicts, they played an extremely important role in maintaining the equilibrium of African traditional societies in general. In the celebrated saying originated by the late lamented Amadou Hampaté Bâ, “in Africa, an old man who dies is like a library that burns to the ground.”

3. Children — symbols of innocence and promise for the future — also enjoyed special protection during military campaigns. In principle, they could not be attacked. When they took part in campaigns and were arrested, children had to be treated more leniently than adults in view of their relative physical weakness.

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<sup>20</sup> “One who is being chased and chooses to go to ground is no longer a combatant”.

<sup>21</sup> Interviews with Oumar Ba.

More generally, inculcating respect for children was not contingent only on military operations. In many Pulaar villages, parents and teachers were urged to instil in children a high degree of respect for what is good and a love of peace. The Haalpulaaren had a proverb that epitomized this: “*So neddo ina woowa, yoo woow jam; goowdo jam suusataa bone*”.<sup>22</sup> This idea highlights the benefits of raising people to love peace. Today, this message should be based on easily identifiable cultural themes in order to ensure that the target audience can identify with it.

### **Prisoners of war and other captives**

The manner in which the prisoner-of-war status was determined frequently varied according to the respective military force of the various neighbouring groups that conflicts pitted against each other. The hierarchical and traditionalist character of Pulaar society provides an additional argument in assessing the status of prisoner of war or captive. The traditional Pulaar system draws a distinction between nobles — *toroodbe* — and other castes. This stratification ensured a dual standard in categorizing the prisoner. Thus, combatants from the *toroodbe* cast who had embraced the Muslim religion were not described or treated as prisoners of war, or simply as slaves. What was unthinkable was the forced submission of these people.

The French practice of capturing people and selling them into the slave trade provoked the anger of the Almamy of Fuuta Abdel Kader. In May 1789 he wrote to the French governor, warning that “anyone who comes to our homeland to engage in the slave trade will be killed and massacred”.<sup>23</sup>

This willingness to differentiate between prisoners seemed to have been widely shared. A contemporary of El-Hadj Omar was unsparing in his criticism of how the latter’s troops breached this rule when the Sheik’s army held the wife of the prince of Macina, Seku Amadou, captive. The accusations against the Sheik must have been particularly serious to judge by the tone of a letter sent by El Bekaye Kounta: “I have heard that your men have treated her like a slave and that they have justified their

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<sup>22</sup> “If you must become accustomed to something, become accustomed to peace. A person accustomed to peace cannot love violence”.

<sup>23</sup> Quoted by B. Barry, *op. cit.* (note 3), starting on p. 194.

behaviour by claiming that she is a heathen. Who among the Peuls — least of all Seku Amadou — is a heathen?”<sup>24</sup>

The dual-standard rule meant that armed forces in conflict had to give special preferential treatment to certain prisoners as long as they were held captive. Other combatants were essentially treated according to their army rank. Relations with them were decided case by case.

Observing this rule also meant that procedures for freeing prisoners differed as one went down the hierarchy. Nobles and Muslims were freed after an exchange of prisoners or unilaterally, but others were usually kept as prisoners of war. They were part of the spoils of war and therefore tended to be relegated to the status of domestic servants in royal courts, where they nevertheless had to be treated humanely. Under Islam, respect for a person temporarily or permanently in a position of weakness and vulnerability is a fundamental rule, which naturally extended to prisoners of war. Verse 4 of sura 36 states: “Adore God and imagine not that he has an equal, whomsoever it may be. Treat with kindness father and mother, relatives, the orphans, the poor, the neighbour belonging to your group and the foreign neighbour, the close companion and the street child, and whomsoever may be your slave”. The freeing of a prisoner as part of an exchange or following a ransom could be viewed as consistent with this.

## Conclusion

Two points thus emerge that provide food for thought. First, we have the accidental nature of recourse to the use of force. The desire to protect individuals in all circumstances made it essential for the group to improve its own rules.

Second is the simplicity of the body of law applicable to armed conflict. This takes its inspiration from custom and common sense and is the product of reciprocity. These standards were essentially the fruit of specific issues that the hardships of war inflicted on the group's equilibrium.

In the face of resurgent internal armed conflict in Africa, the teaching of humanitarian traditions inspired by African experience would give a more useful context for discussion of the need to strengthen culture and practice for greater respect for the rights of the individual.

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<sup>24</sup> Quoted by D. Robinson, *op. cit.* (note 6).