

Islamic jurisprudence establishes a set of licit frameworks by which merchants can raise capital in order to engage in long-distance trade. Yet in practice, these formal mechanisms for raising commercial capital were often legal fictions meant to get around troublesome restrictions on customary trading practices. In this paper, I explore some of the issues that arose around problems of credit and partnership using both commercial correspondence from a nineteenth-century trade network based in Timbuktu and legal opinions drawn from some of the most important fatwa collections produced in Muslim Western Africa between the 17th and early 20th centuries. These sources reveal some of the particularity of the functioning of commerce in the interior of pre-colonial Western Africa which did not meet the stipulations of Islamic law, but which was justified in terms of high levels of commercial (and ethical) risk. By putting sources which reveal details of the commercial practice of a single network into dialogue with a more abstract regional discourse about the legality (and morality) of particular arrangements that supported trade, the paper reveals some of the historical mechanisms of credit and the anxieties that accompanied them in this part of Africa.