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This paper studied the establishment and administration of Maẓālim Court system in Sokoto Caliphate in the 19th century. This was with a view to investigating the efforts and commitment of the founders of the Sokoto Caliphate to the administration of justice which was one of the central arguments of the leaders of the 1804 Sokoto Jihad against the Hausa aristocrats before the 19th century. The case in point – Maẓālim Court was the apex court in the Islamic judicial system, and open establishment of the Caliphate the leadership in justification of their commitment to justice established this court in Sokoto which was the seat of power of the Caliph. Using a qualitative methodology, the paper found that Mazālim court was established and was operated by the Caliph in Sokoto during the 19th century. In addition, it was however discovered that the court was operated in Sokoto with three mandates: accepting and administering fresh judicial complaints; administering appeals from the lower courts, and operating an Ombudsman mandate. But its operation was not exclusively by the Caliph alone; rather it was operated in some instances by the Wullāt (representatives) of the Caliph as indicated in the text. Thus, this paper concluded that the establishment and administration of the Maẓālim court in Sokoto was a clear indication of the commitment of the founders of the 19th century Sokoto Caliphate to the administration of justice as a justification to their course of rising against the injustices of the former Hausa aristocrats.

**Keywords**: Sokoto Caliphate, Maẓālim Court System, Sokoto Metropolis
Introduction

The Islamic political system rests the responsibility of governing the entire Muslim *Umma* on the vicegerent of Allah on earth, that is, the Caliph. It is under this system that in an Islamic state, the Caliph holds all powers to administer the Caliphate in all aspects. This is as a result of his temporal authority that combines government power and judicial discretion, within which authority the Caliph equally enjoys the mandate to delegate responsibilities to different personalities for administration on his behalf. However, despite this the Caliph still reserves the right to inspect, guide and review some administrative decisions passed wrongly or inappropriately by his officers as the chief judicial officer of the Caliphate. On this note, decisions that have legal bearings are mostly affected by these reviews, for, the judgements in cases that directly or indirectly infringe into the rights of the *Umma* arose concern.

In conformity to the ideals of the movement since 1804, the leader of the movement; *Shaykh* Uthman bn Fūdī appointed Malam Muhammadu Sambo as the Chief Imām and *Qāḍī Quḍḍāt* - an officer responsible for judicial matters of the community (Last, 1977:45-46; Hiskett, 1960; Boyed and Mark, 1999). This signified the importance attached to the justice system by the leadership of the movement in Hausa land, and in turn with the successes resulting to the establishment of the Caliphate, judicial
administration became the hallmark in the affairs in the capital of the Caliphate, Sokoto. Thus, it is evident the judicial power was vested under the care of the Qādī al-Quḍāt, but its centrality as it formed the essence of the establishment of the Caliphate made it necessary to have some checks and balance for the judiciary to be created and maintained by the Caliph himself in the headquarters. It is in the light of this that Maẓālim institution was established to ensure justice throughout the territorial map of the Caliphate (Gwandu, 2011; Uthman, 2012; Sulaiman, 2012; Chiranchi, 2013). The object of this paper is, therefore, to examine the establishment and administration of Maẓālim court system in Sokoto. Further in the paper it will be expressed that not only did the institution of Maẓālim existed in Sokoto as the capital of the Caliphate, it was also operated differently from the Caliphates of Mamluks and Ottoman, where in both cases a single officer is enjoyed the responsibility of administering Maẓālim court by the Sultan (Fuess, 2009).

Conceptual Clarification

The word Maẓālim represents a plural form of Mazlimat, which denotes act of injustice or wrong doing (Tastan, 2003). In an ordinary sense, the institution is seen as an appeal court, for, different kinds of complaints are forwarded to the court for administration and however, complaints are synonymous to appeal. On the other hand, the institution of Maẓālim is avenues through which the temporal authorities took direct responsibility for dispensing justice and through which complains are
forwarded (Fuess, 2009; Nielson, 2012; Tastan, 2003). This demonstrates the open and wider operational jurisdiction of the Maẓālim court, and the powers vested on its adjudicator. This according to Khaldun (1958:392) suggests that ‘it (Maẓālim court) is an office that combines the high-handed powers of the Sultan with the nasafa or justice of the judge’. Specifically, the Maẓālim court operates a threefold functions: as a court of first instance where fresh complaints are registered by complainants; as a court of appeal where cases decided by the various Alkalai and Sarakuna are reviewed and as an ombudsman where orders or caution were issued against the injustices of state officials and other criminals (Tillier, 2009; 42-46). Hence, the working definition here rests on this operational jurisdiction.

The Maẓālim Court in Sokoto Metropolis

Being the capital where the Caliph resided, Maẓālim jurisdiction was exercised by the Caliph as these cases were brought both within the metropolitan region (Sokoto and its districts) and from the distant emirates lying in the eastern flank of the Caliphate (Smith, 1960; Naniya, 2000; Uba, 1979; Madabo, 1991; Abubakar, 2008). However, as early as in the formative years of the Caliphate in 1806, Shaykh Abdullahi bn Fodiyo cautioned the injustices of the jihad forces in attacking the Dhimmis of Kwalde in which the Shaykh himself ordered the release of their captives and the booty derived from that expedition returned (Hiskett, 1956; Ibrahim, 2000; Mafara, 2013). Similarly, Caliph Muhammad Bello (1817-1837)
acknowledged the receipt of complaint against Abdulsalam (d. 1818, who was at Kware) brought to him by Ahl al-Shikayat (some complainants), that Abdulsalam seized their properties to which Caliph Muhammad Bello ordered Abdulsalam to return their properties to them (Bello). As identified earlier, the jurisdiction and operations of the Maẓālim court in Sokoto extended northward and eastward rather than westward. Though scanty, but some records pointed at Maẓālim cases being reported from the northern part of the Caliphate especially Adar (NAK/Sokprof.A/ARLO/Vol.1/8; NAK/Sokprof.A/ARLO/Vol.1/9). This was because of the political influence exercised by the Caliph of Sokoto on Adar and Agades (Last, 1977).

The exercise of the Maẓālim jurisdiction within the Sokoto metropolitan area is basically not only restricted to the Caliph’s court alone but also assigned to some officers of the state. Though, the officers involved derived the authority of exercising this jurisdiction from the Caliph, Wazīr and Qāḍī al-Quḍdāt were Known to have been exercising Maẓālim jurisdiction in the Metropolitan area (Silame, 2013; Mafara, 2013; Binji, 2012). But in terms of the performance in the exercise of the Maẓālim jurisdiction within the Sokoto metropolis, Qāḍī al-Quḍdāt was more occupied with these cases than the Wazīr. This is however conceivable as a result of two main reasons: one is the fact that most a times, the Caliph referred some cases of this nature to Qāḍī al-Quḍdāt for administration; and secondly, the Wazīr on the other hand being the Kofa to some
eastern emirates – Kano, Bauchi, Adamawa, Gombe, Zaria, etc. was more occupied with their administrative and judicial problems than those of the Metropolitan districts (Adeleye, 1971:48-49; Last, 1977:198-207). As noted earlier, official cases from the Metropolitan districts were addressed directly by the individual complainants and or appellants to either the Caliph or the Qāḍī al-Quḍāṭ (where possible).

From the eastern emirates, complaints and appeals were registered to the Caliph in Sokoto in two distinctive ways. First, through an official means, complaints or appeals were registered to the Caliph via a correspondence from a particular emirate to the Kofa of the emirate by the messenger of the Emir as an incoming correspondence then to the Caliph. It also goes the other way round, from the Caliph to the Kofa carried by the messenger of the Kofa (like messenger of Wazīr) in the case of an outgoing correspondence from Sokoto to other emirates. For instance, Dangaladiman Wazīr was known to serve as a messenger to the Wazīr who conveyed messages from Sokoto to Kano emirate (Last, 1977; Gandi, 2011; Buhari, 2013; Ango, 2013). Similarly, Dan Daura was the messenger who usually conveyed messages from Katsina to Sokoto during Emir Abubakar bn Ibrahim (1887-1905). Secondly, are the individuals who do not follow the protocol when appealing against the injustices of an Emir or any of the emir’s official. This is as a result of which the complainant fear being blocked or harassed and thus will avoid the protocol and go direct to the Caliph. This
is evident from the response of the Emir Abubakar of Katsina (1887-1905) to the Caliph’s orders in respect of a complaint registered to the Caliph’s court against him. The Letter in Backwell (1978:34) and in (NAK/Katprof, G/ARLO/Vol. I/10) read;

From *Sarkin* Katsina Abubakar Maiyaki, son of Ibrahim to the *Sarkin Musulmi* Muhammadu Attahiru, greetings, etc. After greetings, I inform you that I am sending to tell you of the arrival of your messenger. I have seen the reply in your letter about the Galadima’s complaint. He came from you with your messenger through whom you have ordered me to let him stay in his house and give him back what was taken from him. This was the substance of your reply. This is to tell you that I have not touched his property not even a needle and have restored to him his house willingly and joyfully. So I have written to you.

Peace.

In the same Backwell (1978:35 and NAK/Katprof, G/ARLO/Vol. I/8) the second letter reads;

From *Sarkin* Katsina Abubakar Maiyaki, son of Ibrahim to the *Sarkin Musulmi* Muhammadu Attahiru, greetings, etc. After greetings, I am writing to you about the arrival of your messenger and that we have seen the answer in your letter about the man who complained about his girl slave, on whose account you sent him with your messenger, and ordered me to return what I have taken from him. This was the substance of your letter which we have received. We hear and obey what you have ordered, and tell you that we have returned the girl to him in accordance with your orders, with joy and (slander), if Allah wills. May He protect you from your enemies. Peace.
On the other hand, instances were however recorded where Caliph wrote to the Emirs directly advising them on how to run their governments in accordance with the Shariah provisions and in respect to news or reports received of the Emir himself or an officer of the Emir’s court on some injustices and administrative problems in his domain. In this case the tradition of manual of advice to Emirs of Katsina Ummaru Dallaji (d. 1842) and Bauchi Yaqub (d. 1847) by Caliph Muhammadu Bello (d. 1837) as well as Caliph Abubakar Atiku’s (1837-1842) letter to Emir of Katsina, Muhammad Bello bn Ummaru Dallaji (1844-1869) are clear examples (Yamusa, 2004; Ismail and Aliyu, 1975:24-75; NAK/Sokprof, A/ARLO/Vol. I/75; AHK/DNA/6/13). Also, Caliph Aliyu Babba’s (1842-1859) letter through Magajin Rafi Muhammad bn Umar (1842-1859) to Emir of Bauchi Ibrahim bn Yaqub (1847-1879) cautioning the methods of investigation being employed by his Qāḍī al-Quḍḍāt and ordered that the emir should order the Qāḍī al-Quḍḍāt to stop that, for, the Qāḍī’s method of investigation was not in line with the Shari'āh is also another example. Also adjudication on Galadiman Gombe Muhammadu Bubawa of Akko and his Emir (Umaru of Gombe 1898-1922) further proved this (Ya’u, 2013:41-54; WJHCB, SOK.S/OLO/AR-7).

Thus, one important point to note here is that, going by the available correspondence between the Caliphs in Sokoto and the various emirates, greater extent of loyalty manifested from the Emirs to the Caliph, for, no correspondence so far available
has shown resistance to the Caliph’s decision. In fact, even in an instance where an Emir was not happy with the Caliph’s decision on a judicial matter handled in his emirate, his response was *sami’ina wa ada’ana* (we hear and obey). At times like in the above letters, the Emir involved indicated clearly his unhappiness with the decision but yet he replied;

> We hear and obey what you have ordered, and tell you that we have returned the girl to him in accordance with your orders, with joy and slander.

This is despite the fact that, records (Last, 1977:153; Usman, 1981:139-162; Smith, 1960) have shown that some Emirs were deposed by the Caliph of Sokoto in the history of the Caliphate; Emirs of Daura Ishaq, of Katsina Siddiku (1836-1844), and of Zazzau Sambo (1881-1890). But however, of these deposed Emirs, it was only Emir of Katsina Siddiku (deposed in 1844) that was deposed on the grounds of not respecting and resisting the orders of the Caliph Aliyu bn Bello (1842-1859), and after the deposition he attempted to regain his position as the Emir of Katsina with the help of the Maradi and Damagaram in 1853, Caliph Aliyu bn Bello publicly tried Emir Siddiku in Katsina and transferred him to Sokoto under stringent surveillance (Usman, 1981:159-162; NAK/KADCAPTORY/AMSS/O/AR:2/37). Emir of Zazzau Sambo (1881-1890) was also deposed on the grounds of his inability to handle the emirate affairs, but after deposition he did not resist (Smith, 1960:178-188). However, the Emir of Daura Ishaq was deposed by *Wazīr*
Gidado bn Laima (with the authority of the Caliph) on age grounds and his son Zubair bn Ishaq was appointed (Gandi, 2011; Mafara, 2013, Last, 1977). It is important however to note that, although these cases were not directly reported to Sokoto as an appeal, but were handled by the Caliph through the Wazīr because of its expediency especially in the case of the later. But one thing to note here is that, even if these cases were not handled by the Wazīr in their respective emirates as an appeal, the cases were handled within the context of Maẓālim jurisdiction of the Caliph and might as well end up in Sokoto as the final point of arbitration in the Caliphate.

The Organisation of the Maẓālim Court in Sokoto

As the final point of appeal in the Caliphate, the Caliph’s court in Sokoto operated on daily basis in the palace. As proposed by Shaykh Abdullah bn Fūdi (d. 1829) in his Diya al-Hukkam, a Caliph should specify a day where he makes himself available and accessible to the common men in order to address their problems (Yamusa, 2004). Some sources suggested that Shaykh Uthman bn Fūdi adhered to this advice and specified Fridays when he was in Sokoto (1815-1817) as the day he received complaints from the commoners and addressed their problems (Uthman, 2012). But, the Shaykh was traditionally known to have been receiving peoples’ complaint after dawn. However, what appears apparent from the information gathered so far in this research is that other Caliphs besides Shaykh received complaints at any time and the gravity of the complaint could determine
when and how the complaint would be handled. For instance, the Caliph may receive a complaint in the evening or at night which may be civil in nature, the parties involved may be close by and the case may not require serious investigations, in that case the Caliph was free to handle the case immediately (Mafara, 2013; Binji, 2012). But in a situation where the parties involved were not within close proximity and or the case was complex, requiring in-depth investigations, such a case would be handled by the Caliph in his court with all the court members around.

In addition, it is however identified that complainants themselves prefer registering their complaints in the day time while the Caliph is on seat. This was for easy access to the Caliph and for their complaints to be addressed (Binji, 2012). But easy access to the Caliph in Sokoto was only known during the early Caliphate, specifically before the reign of Caliph Abubakar Atiku (1842). Because of his stringent attitude in administering the Caliphate, a barrier or fear existed among the common men to forward their complaints to the Caliph directly. A reflection of this is discernible in some of his courtiers’ complaints over his attitude. Mu’allim Tofa (Mustapha Al-Toroddi d. 1844) expressed his feelings of the Caliph Abubakar Atiku’s tyranny openly to him after his servants were molested by the Caliph’s guards, viz;

Atiku, it is because of tyranny that we hate your rule. Today, you have already shown us your tyranny. Your slaves have beaten up my
servants, and they have broken my vessels (AHAK, 1/11/116; NAK/Kadcaptory I/9).

In response to this claim of Mu’allim Tofa, Caliph Atiku aptly replied; Bring to me now whom you like and I will be the first to pay homage to him (NAK/Kadcaptory I/9.).

The court sessions operated with the help of some supporting staff that served in different capacities as Messengers, Dogarawa, Scribes and Yari. It is through these officers that appeals were registered in the court though, at times complaints about injustice and appeals were registered through the Kofa or District heads in Sokoto or in any of the metropolitan districts (Mafara, 2013; Gandi, 2011; Shehu, 2013). Thus, those staffs were used in the process of administering appeal cases. For instance, the Dogarawa were used as a force that arrested culprits and criminals or in a milder way invites those accused to the court in the palace, while scribes were in charge of writing complaints and responses or judicial orders to District Heads, Alkalai and the Emirs involved in the appeals (Shehu, 2013). Thus, at the end of the appeal trial, Yari administered the judgements to the guilty of either Taazir or Ḥadd if the case was within the Metropolitan emirate. But in an event where the case was an appeal from other emirates, the case after being decided would be referred to the Emir concern to enforce the judgement on the appellant (NAK/Katprof, G/ARLO/Vol. I/10; NAK/Katprof, G/ARLO/Vol. I/8).
Besides the group that supported the administration and operations of the Maẓālim cases in the Caliph’s court, there were also Caliph’s courtiers, who though operating their functions independently, were equally participating in running the Caliph’s appeal court. The principal of these officers were those Shehu appointed initially when he was conferred with the title of Amir al-Muminin in 1804; the Wazīr, Chief Imam, Qādi and Yari (Mafara, 2013; Shehu, 2013; NAK/Sokprof, A/ARLO/Vol. 1/8; NAK/Sokprof, A/ARLO/Vol. 1/59). These principal officers though not designated (officially) formed members of the Maẓālim court in the Metropolitan emirate with the Caliph as the chief judge. In addition to these officers there were other officers like Amir al-Jaish, Muḥtasib, Sarkin Dogarai, etc. that were not usually available at every sittings of the Caliph’s court, but in some instance cases of appeal follow through these officers to the Caliph for adjudication.

The Wullāt of Maẓālim Court in Sokoto

In a classical sense, the Caliph reserved the right to delegate powers to representative in ensuring administrative efficiency in the court. This created convenience for the personnel involved, as there was a clear division of labour in running the state. The leadership of the Caliphate in Sokoto Metropolis had this in mind as they wanted to establish and maintain a model of the classical Islamic state. Right from the time when the mantle of leadership was vested on Shaykh Uthman bn Fūdi, his first move in 1804 was to appoint some
officers that would help him to manage the affairs of the community (Last, 1977:46-57). With the developments in Jihad campaigns especially from 1808 more responsibilities became necessary, for, the increasing territorial expansion leading to the establishment of emirates as political units (Abubakar, 1974).

However, there is no doubt in the fact that this institution existed and was maintained even beyond the demise of the Caliphate, yet it is interesting to suggest that throughout the Caliphal period the jurisdiction of Maẓālim was not delegated to one single individual like in the case of other offices. Rather, it was handled by the Caliph himself with his three principal representatives (wullūt), viz; the Emirs (only within their respective emirates and which is out of this papers limitation), the Wazīr (in respect of some eastern emirates) and the Qāḍī al-Quḍūt mostly within the Metropolitan emirate (Mafara, 2013).

1. The Wazīr (Vizier)

The institution of the Vizierate has popularly been attributed to the Abbasid Caliphate (750-1258 AD), but looking at the literal meaning of the word as ‘helper’, it could be argued that its theoretical basis lay in the Qur’anic injunctions reflecting the need for an assistant to Musa (AS) in approaching the Pharaoh of Misrah (Qur’an, 20:28). In this sense Caliph Abubakar (RA) himself signified the position of Umar (RA) as his Vizier in undertaking the administration of the Muslim community (Abdul, 1980; Last, 1977:147; Bako, 2011:69-69).
Thus, it is only acceptable here that the institution was organised as an organ of the state during the Abbasid Caliphate and from where it was popularly known as well as being adopted by the subsequent Caliphates in the history of Islam.

However, theoretically the position of the Vizier is the second most important office of the state after that of the Caliph in an Islamic State. His position in Sokoto was established since 1804, formalised as an institution at the beginning of Caliph Muhammad Bello’s reign in 1817 (Bashar, 2013; Alkali, 2002:14-25). In this sense, the office became fully administrative with a fief to manage within the metropolis in addition to his responsibilities of being the Chief adviser to the Caliph and the Kofa to some eastern emirates (Paden, 1973:318). In the Caliph’s court, the Wazīr was the most senior official among the Caliph’s courtiers. He was followed by the Alkalin Alkalai, the Chief Imām and other officials of the state in that order. The Wazīr however, used to be in every sitting of the Maẓālim court except on occasions where he (the Wazīr) was officially assigned other responsibility to discharge by the Caliph either within the metropolis or outside.

As the Kofa to some eastern emirates, Wazīr undertook yearly tours to all emirates under his supervision, as signified in an adage as Shekara tafiyar Waziri (Gandi, 2011). While on yearly tours, the Wazīr had the mandate to administer any administrative or judicial problem he came across on the course
of his tours. A clear example of this could be seen in the Wazīr Gidado’s decision to depose the Emir of Daura, Ishaq and appointed his son Zubair bn Ishaq in his place while on tours (Last, 1977; Mafara, 2013). On the other hand, the Wazīr also visited these emirates on emergency appeal matters that require his presence to be resolved. For instance, on the succession crisis in Kano between Tukur and Yusuf, Wazīr Muhammadu Buhari (d. 1910) was there in person as a result of appeal to resolve the succession disputes but the crisis got out of hand and finally led to the famous Kano civil war between 1892 and 1894 (Fika, 1978; Dokaji, 1958; Bello, nd).

The mandate to administer or handle some judicial appeal cases in the emirates is what qualified the Wazīr of Sokoto as the Wali of the Caliph in the administration of Maẓālim cases. It is from this mandate that he earned the title of Amir al-Masāliḥ Wal-Nasāʾīḥ, meaning ‘head of public good and advice’. But what appears apparent from this point is that of all the Wuzrā in Sokoto, Gidado bn Laima (1817-1842) and Muhammadu Buhari (1891-1910) were the most widely travelled to outside emirates in settling administrative and judicial appeal cases. This is conceivable for one principal reason, that both reigned during a period though opposite but very distinct to the Caliphate. Wazīr Gidado bn Laima reigned during the period of the consolidation of the Caliphal administration and Wazīr Muhammadu Buhari reigned during the last days of the Caliphate and the early years of the colonial period.
Cases were handled by the Wazīr in two ways. First, there were some cases that the Wazīr administered on the receipt of the complaints and or on coming across the complaints during the course of his annual tours. This was without first intimating the Caliph until he (the Wazīr) passed judgement on the cases which would have been sent to Sokoto under the appeal system. While the second, were the cases that Wazīr did not administer directly unless with the consent of the Caliph. This might be as a result of the nature of the cases and the Caliph’s interest in such case as it reflected in the case of Kano succession dispute, where according to Gandi (2011) the Wazīr himself on seeing the situation in Kano before the coronation of Tukur wrote strongly against the Caliph’s orders to install Tukur against the popular choice of the Kanawa – Yusuf, that “Mutum bashi yin Banna. Saboda yazan Gwanin gyara. Meaning: A man cannot destroy. Because he is a master reconciler.

2. The Qāḍī Al-Quḍḍāt

The establishment of the office of the Qāḍī is parallel to the foundation and formation of the Caliphate itself. This is because of the significance of the office as justice formed the core of the struggle that led to the emergence of the Caliphate. This could further be viewed in its essence to reflect clearly the basis upon which the survival of the Caliphate is being determined. Thus the Shaikh emphasised in a statement that ‘a land can endure with unbelief but it cannot endure with injustice’. Similarly, Mallam Maikaturu in a poem signified this, Ja’irchi shi ya kawo kuffaru
Therefore, the office assumed its full mandate of Qāḍī al-Quḍḍāt from 1808 with the fall of Alkalawa to the jihadist and subsequently the establishment of some new emirates. In this respect however, the office of the Qāḍī al-Quḍḍāt became one of the most sensitive offices of the Caliphate not only in the metropolis but also in the emerging emirates. Manifestation of this is clear in the case of Adamawa where for a period of 22 years from 1809-1831 Modibbo Adama was having only the Qāḍī al-Quḍḍāt as a state official of the emirate (Njeuma, 1978; Abubakar, 2008:140). In addition, unlike the case with the office of the Wāzīr, that was peculiar to Sokoto Metropolis during the Caliphate period, the office of the Qāḍī al-Quḍḍāt was generally operated with the inception of the Caliphate administration in every emirate.

As the Wālī of Maẓālim, the Qāḍī al-Quḍḍāt in Sokoto handled Maẓālim cases in two main ways: first are those Maẓālim cases that came to his court directly either from within Sokoto city or from any of the metropolitan districts. However, these kinds of cases also came from individuals and from the office of the district heads (WJHCB, SOK.S/OL(J)O/AR-1; WJHCB, SOK.KWAR/OL(J)O/AR-1). In fact at times cases from Jega and Gwandu were reported to him but only when the case happened within the Sokoto metropolis or when the parties involved were residents of the Sokoto metropolitan area. In this respect, the Qāḍī al-Quḍḍāt in Sokoto treated the case with all seriousness, passed the judgement and sent the parties involved to their
district heads for the administration of the Qāḍī al-Quḍḍāt’s judgement (WJHCB, SOK.G/OL/O/AR-1; WJHCB, SOK.G/OL(J)/AR-1; WJHCB, SOK.G/OL(J)/AR-2; WJHCB, SOK.S/OL/AR-2; WJHCB, SOK.S/OL(J)/O/AR-2).

Secondly, are those cases that were forwarded to the Qāḍī al-Quḍḍāt from the Caliph’s court, or those cases that were treated in the Caliph’s court in his presence and as such he would be ordered by the Caliph to communicate to either the district head involved or the Emir where possible. An example of this type of case was the Karfe’s case, a brother of Banaga of Maru, who was reported to ‘have gotten rid of a free born child under pawn in the hands of Kanoma people, out of tyranny and spite’. The case suggested a clear abuse of pawnship by Karfe and after investigation, the Qāḍī ‘ordered the Banaga of Maru to collect money to the tune of 75,100 cowries from Karfe and send to the Qāḍī so that the boy may be seized from the person who has bought him and returned him to his father’ otherwise the Banaga should send his brother (karfe) to face judgement (WJHCB, SOK.S/OL(J)/O/AR-3). Similarly, Qāḍī al-Quḍḍāt Abdullahi wrote to the Emir of Katsina Ibrahim (1871-1883) in respect of a complaint lodged against him in the Caliph’s court. The case was that the Emir bought a horse from the man for four slaves that was paid to the complainant by the Sarkin ‘Yan maitumaki, Dangi. But the source of the complaint was that among the four slaves, somebody genuinely claimed one to be his and after the investigation Qāḍī al-Quḍḍāt ordered for payment or
replacement of the slave from the Emir to replace the claimed one (WJHCB, SOK.S/OL(J)O/AR-4).

In a nutshell, the Qāḍī al-Quḍḍāt’s court in Sokoto throughout the Caliphate period operated a threefold jurisdiction; as a court of first instance, where fresh complaints were registered straight away by individual litigants; as the chief Alkali’s court, where appeals were registered by both individual complainants and official ones; and as a Maẓālim court where its judge, the Qāḍī al-Quḍḍāt or his representative derived his powers from the authority of the Caliph. As a result of which, the Qāḍī al-Quḍḍāt reserves the right to exercise authority over all officers of the state including the Caliph himself, though not even at once experienced in Sokoto metropolis. But history reflected this as it was experienced by the Mamluks Sultan Baybars I (1260-1277) while he was on the throne as the Sultan (Fuess, 2009:123).

The *Wullāt* of *Maẓālim* in Sokoto Metropolis in the 19th Century

**Table I** Showing the *Wullāt* of *Mazalim* Court in Sokoto in the 19th century

<table>
<thead>
<tr>
<th>S/No</th>
<th>Reign/Caliphate of Wazīr</th>
<th>Qāḍī al-Quḍḍāt</th>
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<td>1</td>
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<td>Abdullahi bn Fūdi (1804-1817)</td>
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<td><em>Qāḍī</em> Aliyu bn Ahmad Bakusani (1805 - 1809)</td>
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<td>No.</td>
<td>Caliph</td>
<td>Wazīr</td>
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<td>Wazīr Gidado bn Uthman Laima (1817-1832)</td>
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<td>Wazīr Gidado bn Uthman Laima (1837-1842)</td>
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<td>Wazīr Abdulqadir bn Gidado (1842-1859)</td>
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<td>Wazīr Khalil bn Abdulqadir (1866-1867)</td>
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<td>Qāḍī Bello bn Al-Mustapha (1867-1873)</td>
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<td>9</td>
<td>Caliph Mu’azu bn Bello (1877-1881)</td>
<td>Wazīr Abdullahi Bayero (1877-1881)</td>
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<td>Wazīr Muhammad u Buhari (1891-1902)</td>
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<td>12</td>
<td>Caliph Muhammadu Attahiru bn Ahmad (1902-1903)</td>
<td>Wazīr Muhammad u Buhari (1902-1903)</td>
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</table>

**Conclusion**

One distinctive feature of the *Maẓālim* institution in Sokoto generally lay in the fact that, the *Maẓālim* operations was based on the *Wilayat* (representation) enjoined to other administrative
officers of the state, which in essence approves their mandate to administer *Maẓālim* cases in Sokoto. These officers of the state includes; the individual Emirs in their respective emirates, the *Wazīr* of Sokoto in respect of the eastern emirates under his supervision and within his fief, and the *Qāḍī al-Quḍāt* of Sokoto in his court as well as when assigned by the Caliph. This is in addition to the Caliph who in both theory and practice is the chief administrative officer of the state. However, the operation of this institution in Sokoto is quite distinct from other Caliphates like the Mamluks, where the *Maẓālim* Jurisdiction was assigned to a specific *Qāḍī* only to exercise in the whole Caliphate.

**References**


Dokaji, A. Abubakar (1958). Kano Ta Dabo Cigari. Zaria: NNPC


Sphere, 7th -19th Centuries, Edinburgh: Edinburgh University Press Ltd.

