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THE ESTABLISHMENT AND ADMINISTRATION OF MAZĀLIM COURT SYSTEM IN SOKOTO METROPOLIS IN THE 19TH CENTURY

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Abstract

This paper studied the establishment and administration of Mazālim 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 – Mazālim 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 Mazālim 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, Mazālim 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 Fūdi 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 *Qāḍī al-Quḍḍāt*, 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 *Mazālim* 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 *Mazālim* court system in Sokoto. Further in the paper it will be expressed that not only did the institution of *Mazālim* 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 *Mazālim* court by the Sultan (Fuess, 2009).

Conceptual Clarification

The word *Mazālim* 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 *Mazālim* 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 *Mazālim* court, and the powers vested on its adjudicator. This according to Khaldun (1958:392) suggests that ‘it (*Mazālim* court) is an office that combines the high-handed powers of the Sultan with the *nasafa* or justice of the judge’. Specifically, the *Mazālim* 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 *Mazālim* Court in Sokoto Metropolis

Being the capital where the Caliph resided, *Mazālim* 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 *Dhimmi*s 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 *Mazālim* court in Sokoto extended northward and eastward rather than westward. Though scanty, but some records pointed at *Mazālim* 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 *Mazālim* 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-Quḍḍāt* were known to have been exercising *Mazālim* jurisdiction in the Metropolitan area (Silame, 2013; Mafara, 2013; Binji, 2012). But in terms of the performance in the exercise of the *Mazālim* jurisdiction within the Sokoto metropolis, *Qāḍī al-Quḍḍāt* 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-Quḍḍāt* 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 *Qādī al-Quḍḍāt* (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, Dungaladiman *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'ah* 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 *Mazālim* 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 *Mazālim* 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 1/9).

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 1/9.).

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 *Hadd* 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 *Mazālim* 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 Imām*, *Qāḍi* 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 *Mazālim* 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 *Mazālim* 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 *Mazālim* 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-Quddāt* 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 *Mazālim* 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 *Walī* of the Caliph in the administration of *Mazālim* cases. It is from this mandate that he earned the title of *Amir al-Masāliḥ Wal-Nasā'ih*, 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 Gandhi (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-Quḍāt*

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*

(Usman, 1998:51-74; Usman, 2001). 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 *Wazīr*, 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 *Mazālim*, the *Qāḍī al-Quḍḍāt* in Sokoto handled *Mazālim* cases in two main ways: first are those *Mazālim* 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/OLO/AR-1; WJHCB, SOK.G/OL(J)/AR-1; WJHCB, SOK.G/OL(J)/AR-2; WJHCB, SOK.S/OLI/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 *Mazālim* 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 *Mazālim* in Sokoto Metropolis in the 19th Century

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

| S/No | Reign/Caliphate of | <i>Wazīr</i> | <i>Qāḍī al-Quḍḍāt</i> |
|------|--|-------------------------------|---|
| 1 | <i>Shaykh</i> Uthman bn Fūdi (d. 1817) | Abdullahi bn Fūdi (1804-1817) | Mallam Sambo (1804-1805) |
| | | | <i>Qāḍī</i> Aliyu bn Ahmad Bakusani (1805 - 1809) |

| | | | |
|---|--------------------------------------|---|--|
| | | | <i>Qāḍī</i> Mallam Alhaji (1809-1810) |
| | | | <i>Qāḍī</i> Abubakar Ladan Rame (1810-1817) |
| 2 | Caliph Muhammad Bello (1817-1832) | <i>Wazīr</i> Gidado bn Uthman Laima (1817-1832) | <i>Qāḍī</i> Al-Mustapha bn Aliyu (1817-1826) |
| | | | <i>Qāḍī</i> Alhaji bn Aliyu (1826-1837) |
| 3 | Caliph Abubakar Atiku (1837-1842) | <i>Wazīr</i> Gidado bn Uthman Laima (1837-1842) | <i>Qāḍī</i> Alhaji bn Aliyu (1837-1842) |
| 4 | Caliph Aliyu bn Bello I (1842-1859) | <i>Wazīr</i> Abdulqadir bn Gidado (1842-1859) | <i>Qāḍī</i> Alhaji bn Aliyu (1842-1859) |
| 5 | Caliph Ahmad bn Atiku (1859-1866) | <i>Wazīr</i> Khalil bn Abdulqadir (1859-1866) | <i>Qāḍī</i> Alhaji bn Aliyu (1859-1866) |
| 6 | Caliph Aliyu bn Bello II (1866-1867) | <i>Wazīr</i> Khalil bn Abdulqadir (1866-1867) | <i>Qāḍī</i> Alhaji bn Aliyu (1866-1869) |
| 7 | Caliph Ahmad Rufa'i (1867-1873) | <i>Wazīr</i> Khalil bn Abdulqadir (1867-1873) | <i>Qāḍī</i> Bello bn Al-Mustapha (1869-1873) |
| 8 | Caliph Abubakar bn Bello (1873-1877) | <i>Wazīr</i> Khalil bn Abdulqadir | <i>Qāḍī</i> Bello bn Al-Mustapha (1873-1876) |

| | | | |
|----|--|--|--|
| | | (1873-1874) | |
| | | <i>Wazīr</i> Abdullahi Bayero (1874-1877) | <i>Qāḍī</i> Umar bn Alhajj (1876-1877) |
| 9 | Caliph Mu'azu bn Bello (1877-1881) | <i>Wazīr</i> Abdullahi Bayero (1877-1881) | <i>Qāḍī</i> Umar bn Alhajj (1877-1881) |
| 10 | Caliph Umar bn Aliyu bn Bello (1881-1891) | <i>Wazīr</i> Abdullahi Bayero (1881-1886) | <i>Qāḍī</i> Umar bn Alhajj (1881-1885) |
| | | <i>Wazīr</i> Muhammad u Buhari (1886-1910) | <i>Qāḍī</i> Mallam Mustapha bn Bello (1885-1891) |
| 11 | Caliph Abdulrahman bn Atiku (1891-1902) | <i>Wazīr</i> Muhammad u Buhari (1891-1902) | <i>Qāḍī</i> Mallam Mustapha bn Bello (1891-1895) |
| | | | <i>Qāḍī</i> Abdallah bn Aliyu (1895-1902) |
| 12 | Caliph Muhammadu Attahiru bn Ahmad (1902-1903) | <i>Wazīr</i> Muhammad u Buhari (1902-1903) | <i>Qāḍī</i> Abdallah bn Aliyu (1902-1903) |

Conclusion

One distinctive feature of the *Mazālim* institution in Sokoto generally lay in the fact that, the *Mazālim* operations was based on the *Wilayat* (representation) enjoined to other administrative

officers of the state, which in essence approves their mandate to administer *Mazālim* 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-Quḍḍāt* 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 *Mazālim* Jurisdiction was assigned to a specific *Qāḍī* only to exercise in the whole Caliphate.

References

- Abdul, M. (1980). *The Classical Caliphate: Islamic Institutions*, Lagos, IBP, 1980
- Abubakar, Sa'ad. (2008). *Lamibe Fombina: A History of Adamawa Emirate, 1809-2008*. Nigeria: Book Wright Publishers
- Abubakar, Sale (1974). "The Emirate-Type of Government in Sokoto Caliphate". *Journal of Historical Society of Nigeria*. Vol. VII: 2
- Abubakar, Sale (2008). *Lamibe Fombina: A History of Adamawa Emirate, 1809-2008*, (revised edition), Ibadan, Book Wright
- Adeleye, A. Roland. (1971). *Power and Diplomacy in Northern Nigeria 1804-1906: The Sokoto Caliphate and its Enemies*. London: Longman
- Backwell, H. F. (1978). *The Occupation of Hausa Land 1900-1904*, Lagos, Government Printers

- Bako, Ahmed. (2011). "Islamic Political Institutions". National Open University of Nigeria (NOUN).
- Bello, Muhammad *Usul Al-Siyasat*, Edited and Translated by Shehu, Yamusa. (2004). *Principle of Justice*, Kaduna – Nigeria: Baraka Publishers.
- Bello, Muhammad. (Nd.). *Sard al-Kalam fi ma Jarra Bainana Wa Baina Abdulsalami*. Arabic Manuscript.
- Boyd, Jean and Mark, Beverley. (1999). *The Collected Works of Nana Asma'u: Daughter of Usman Danfodiyo (1793-1864)*. Ibadan: Sam bookman
- Dokaji, A. Abubakar (1958). *Kano Ta Dabo Cigari*. Zaria: NNPC
- Fika, M. Adamu (1978). *The Kano Civil War and British Overrule 1892-1894*. London: Oxford University Press
- Fodiyo, Abdullahi bn. (1956). *Tazyin al-Warqat*, edited and translated with an Introduction by Hiskett, Marvin. Nigeria: Ibadan University Press.
- Fodiyo, Shehu U. *Kitab al Farq*. Translated M. Hiskett, Marvin. (1960). Bulletin School of Oriental and African Studies. Vol. xxiii, No 3.
- Fuess, Albert (2009). "Zulm by Mazalim? The Political Implication of the Use of Mazalim Jurisdiction by the Mamluk Sultan". *Mamluk Studies Review*. Vol. 13, No. 1.
- Hamidu Alkali, Hamidu (2002). *The Chief Arbiter: Waziri Junaidu and His Intellectual Contribution*. Sokoto: Centre for Islamic Studies, Usmanu Danfodiyo University.
- Ibrahim, Y. Yahaya. (2000). "The Concept and Application of Radd Al- Mazalim in Historical Perspectives: A Case Study of Sokoto Caliphate". PhD Thesis, Usmanu Danfodiyo University Sokoto-Nigeria.

- Ismail, O. S. Abdul. and Aliyu, A. Yaya (1975). “Bello and the Tradition of Manuals of Islamic Governments and Advice to Rulers”. *Nigerian Administration Research Project: Second Interim Report*. ABU Zaria, Institute of Administration. ABU – Zaria.
- Khaldun, Ibn. (1958). *Al-Muqaddima: An Introduction to History*. Trans. Franz Rosenthal. Princeton: Princeton University Press. 1958.
- Last, Murray. (1977). *The Sokoto Caliphate*. London: Longman
- M. Njuema, Martin (1978). *The Fulani Hegemony in Yola (Old Adamawa) 1809-1902*. Yaoundé
- Madabo, S. Kabiru. (1991). “The Administration of Shariah in Kano – City During the Colonial Era”. B. A. Project. Department of Islamic Studies. University of Jos – Nigeria.
- Muhammad Bello, (nd.). *Alkashfu wal-Bayan*, Arabic Manuscript.
- Naniya, M. Tijjani. (2000). “The Transformation of the Administration of Justice in Kano Emirate, 1903-1966”. PhD Thesis. Nigeria: Bayero University Kano.
- Nielson, Jorgan. (2012). *Mazalim*. In Bearman, Pierre. et al. *The Encyclopaedia of Islam*. 2nd ed., Netherland: Brill.
- Paden, N. John (1973). *Religion and Political Culture in Kano*. London: University of California.
- Smith, G. Michael. (1960). *Government in Zazzau: A Study of Government in the Hausa Chiefdom of Zaria in Northern Nigeria*. London: Oxford University Press.
- Tastan, Osman. (2003). “Mazalim”, In R. C. Martin, *Encyclopedia of Islam and the Muslim World*. Vol. 2, M-Z, Index, USA: Macmillan.
- Tillier, Michael. (2009). “Qadis and the Political Use of the *Mazalim* under the Abbasids”. In Lange, M. and Fierro, M. (eds.), *Public Violence in Islamic Societies: Power, Discipline and the Construction of Public*

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

Uba, N. Chinedu. (1979). "The Emirates and the Central Government: The Case of Kano-Sokoto Relations". In Usman, Y. Bala (ed.). *Studies in the History of the Sokoto Caliphate*. Nigeria: Department of History, ABU, Zaria and Sokoto State History and Culture Bureau.

Usman, M. Tukur (1988). "The Intellectual Tradition in Sokoto Caliphate", PhD Thesis, UDU Sokoto

Ya'u, U. Isah (2013). "Royal Intrigues and Crisis of Succession in Gombe Emirate in the Nineteenth Century". *Sokoto Journal of History*. Vol. 2