

## **THE INSTITUTION OF HISBAH AND THE EFFECTS OF COLONIAL ADMINISTRATION ON ITS ACTIVITIES IN THE SOKOTO CALIPHATE**

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### **Introduction**

After the successful founding of the Sokoto Caliphate, Shehu UsmanuDanfodiyo as the first Amir al Muminin (the commander of the faithful) thought it was a duty bound on him not only to ensure peace and order by his own self but also to encourage people particularly scholars to assist him towards this direction. It was on this account that he decided to appoint a Muhtasib (inspector or censor of morals) to take care of maintaining laws and orders throughout the caliphate.

In the attempt of the Caliph to restitution the unjust action in the Sokoto Caliphate, he made it a law that the newly appointed Muhtasi'b must declare all his assets before assuming office. The Amir al Muminin according to Gusau (1983) should pay a close supervision of the Muhtasib and the Muhtasib's assets must be checked periodically to protect unethical conduct. But if he was found to have acquired additional wealth more than justified by his current earnings, such wealth shall be confiscated and be deposited in the public treasury. The institution of Hisbah and the office of the Muhtasib continued to exist under the subsequent successors of Shehu UsmanuDanfodiyo, until the arrival of the colonial administrators in the Caliphate. Thus, the aim of this paper is to bring out the position of Hisbah in the SokotoCaliphate and the role played by the Jihad leaders in eliminating socio-cultural as well a religious vices that were prevalent among the people of Hausa land. This effort no doubt results in sanitizing all aspects of people's lives after the establishment and during the consolidation of the Sokoto Caliphate. The discussion will continue to Show the impact of the colonial masters on the institution of Hisbah in the Caliphate. To achieve this objective, the paper will state some of the appointments made by Shehu UsmanuDanfodiyo and his subsequent successors to the office of the Muhtasib and the role, which the appointed Muhtasib played in promoting ethical values in the Caliphate. The paper will then show the effects of colonial administration on the activities of Hisbah in the Caliphate. The paper will thus, be divided into six sections with this introductory section being the first section. The second section will look at the institution of Hisbah at the time of Shehu UsmanuDanfodiyo, and the third section will highlights on the institution of Hisbah at the time of Caliph Muhammadu Bello. The fourth and fifth sections will discuss the institution of Hisbah during the subsequent leadership in the Caliphate and the effect of colonial administration on the institution of Hisbah in the Caliphate respectively. Finally, the sixth and last section will conclude the study.

### **The Institution of Hisbah at the Time of Shehu UsmanuDanfodiyo**

Muhammad Julde was the first Muhtasib appointed by Shehu UsmanuDanfodiyo. He was literate and highly educated. He held a very respectable position alter migration to Gudu and he possessed all the qualities required for a Muhtasib. Shehu

UsmanuDanfodiyo appointed him as a Muhtasib to command what is good and forbid evil. Primarily, Muhtasib was responsible for safeguarding the people's means of subsistence.

However, the functions of Muhtasib Muhammad Julde, as far as Last (1967) is concerned included that of welfare officer, censor of morals and at the same time he had to protect his office against mal-administration and misbehavior.

His other functions were to supervise market and adjust all the weighing apparatus of each district so as to conform to a single standard by ensuring that all scales and measures were homogenous and all weights are identical. According to Gusau (1983) the Muhtasib also had to make sure that a leather mat was spread on a level ground while weighing and the container should be upright not beaten, shaken nor should any trick be performed. People were denied to engage in any type of fraud in all types of transactions. They should therefore, give out correct measurement. They should also avoid cheating and other dishonest acts. They were all warned against adulteration of goods that were sold to the people such as mixing of milk with water, blowing air into beef to increase its volume. The Jihad leaders argued that these vices lead to economic catastrophe, and therefore, urged the manufacturers to put their trademarks or stamps on their products. According to Malami, (1998) 'every piece of bread', and 'all other commodities' must bear the stamp and name of their respective manufacturers so that bad products could easily be traced to their origin. The Caliphate made this requirement mainly for security and consumer protection purposes. Although at times it could be regarded as an advertisement, it was far more than that as it was generally void of deceit, tricks, mockery and immoralities. This production policy and others not mentioned that were implemented in the Caliphate by the Muhtasib can lead one to conclude that there was the absence of fraud in the Caliphate or that it was reduced to the minimum level. Moreover, if anyone obtained his wealth through fraud or cheating, it would be confiscated from him and be considered as *fa' i* revenue to be used for the benefit of the Muslims. With the declaration of asset at the time of the assumption of office by the Muhtasib and other civil servants and the subsequent confiscation of whatever increased higher than what was declared what was obtained through fraudulent act or cheating, and then be put to public treasury, it is difficult to see the existence of fraud whether in the public or private sectors of the ent; Caliphate.

Malami (1998) also maintained that it was also part of the functions of the Muhtasib to make sure that the Caliphate was organized in various economic zones, with each zone having on standard weight and measures, depending on their economic potentialities, which was checked constantly and regularly.

The Muhtasib was also entrusted with the responsibility of ensuring quality control, elimination of usury in all trades, prevention of hoarding and middle man ship and price control. He should also ensure that dishonest businessmen or individuals did not impede the flow of goods and essential commodities to the market. Shehu UsmanuDanfodiyo died in the year 1874 CE. After the death of Shehu UsmanuDanfodiyo, his son Muhammad Bello succeeded him in the leadership of the Caliphate.

### **The Institution of Hisbah at the Time of Caliph Muhammad Bello**

On assuming the office, Sultan Muhammad Bello, followed the footsteps of the central policy under the leadership of his father. Therefore, he allowed Muhtasib Muhammadu Julde to remain in office and maintained his duties. This time around, the Muhtasib appointed some assistants for proper execution of his responsibilities such as the leader of hawkers and the chief of butchers

who were entrusted with such duties in their own places. Ajiya who was responsible for receiving the Zakat during Caliph Bello's administration and the Sn 'l' Maituta was to assure its submission also assisted the Muhtasib. The Sa'i therefore, investigated who had paid Zakat and, with the aid of policemen (Dogarai) he extracted payment from the unwilling. After the Zakat had been collected, it was the Ajiya who used to keep it under his custody and it will later be distributed by the Muhtasib in accordance with the Shari 'ah. The Muhtasib was expected to know where help was needed due to his far ranging power and authority. Muhammad Bello as a Caliph gave part of the works of Muhtasib to Aishah, the daughter of UmmaruAlkammu. As a result of the ravages of war, many men used to be killed at the battle field. This led to the existence of widows and orphans who were in need of special care and which used to be given by Aishah.

The marketing organization was such that each market had a leader of various trades. For example, a leader of hawkers and the leader of butchers were called SarkinDillalai and SarkinFawa respectively. The whole market was however, under the supervision of the Muhlasib who was responsible for the preservation of the Islamic social order through ensuring the economic stability, moral integrity of traders and state as well as promoting social justice in the society.

The office of the Muhtasib under Muhammadu Julde was charged with the responsibility of stopping bribery and corruption in the government activities and removal of immoralities of the government officials and emphasized the need for positive action by government to promote good welfare for the people.

### **The Institution of Hisbah During the Subsequent Caliphs**

After the death of Caliph Muhammad Bello, his brother, Abu Bakr Atiku, succeeded him. He also allowed Muhtasib Muhammadu Julde to continue running the affairs of his office. Thus, he too followed the footsteps of his elder brother, Muhammad Bello. However, during the reign of Ali Ibn Muhammad Bello who was popularly known as Aliyu Babba, Muhrasz'b Muhammadu lde retired from the service and divorced himself from all the material gains and turned in aind ears and eyes on all heresy. Thus, he concentrated in the mystic (su/i) activities throughout his life. However, he died in the regime that he retired, that is during the reign of Ali bn Muhammad Bello, who was widely known as Aliyu Babba. Muhtasib Muhammad Mustapha was appointed to succeed his father Muhammad Julde after his retirement. He was described by Vizier Abdulkadir bn Usman Gidado as a distinguished scholar who mastered different types of Islamic sciences. He was a linguist, Jurist and Muhaddith who shouldered the

responsibility of imparting knowledge after his father. He also served as a Muhtasib during the reign of Amir al-Muminin Ahmad bn Atiku.

With his appointment as Muhtasib the activities of Hisbah that were provided in the previous regimes were not neglected. He was also responsible for safeguarding people's means of subsistence. He supervised markets and ensured quality control and tried to see that Riba (interest) was eliminated in all transactions. He also had to prevent hoarding and middle-manship. He also ensured proper flow of goods and services to the consumers.

A major contribution in the business activities in the then period according to Malami (1998) was the establishment and existence of lodging places and houses, Masaukai for the agents, buyers and sellers. This was in all respects similar to our modern hotels and hotel services for the businessmen with the exemption of immoral acts that are prevalent in the modern hotels.

He was in the office during the reigns of Ali bn Bello, Ahmad Rufa'i and Mu'azu. This shows that he remained in the office up to 1881 CE. when he died.

Muhtasib Abdullahi (I) succeeded his brother, Muhtasib Mustapha, who became Muhtasib during the reign of Umar bn Ali. He was charged with the duties of his predecessors, which he continued with according to DangkaladimanWazirin Sokoto, Alhaji Bello Gidadawa (2007) up to the time of Muhammadu Maiturare.

Muhtasib Abdullahi (I) was a saint who observed the activities of Hisbah not only on human beings but also on the Jinns (demons). It was reported by DangkaladimanWazirin Sokoto, Alhaji Bello Gidadawa (2007) that Muhtasib Abdullahi (I) once heard about a brutal demon that appeared in form of human being begging cloths from the people, whoever issued him the requested cloths would definitely die on the spot.

Fortunately, that demon happened to visit Muhtasib Abdullahi's (I) house and begged for a cloth, the Muhtasib asked him to come for what he requested and, immediately started beating him severely until they reached the Eia' praying ground (fakon Idi). Muhtasib Abdullahi (I) then spoke to the leader of demons to either send him out of Sokoto or else he would be burned to ashes. The demon was sent out of Sokoto and since then there was no information about him. What authenticates this information was the demon's refusal to return to either the Muhtasib Abdullahi (I) or any other person in Sokoto looking for a gift of cloth.

In another development, during the reign of Umar bn Ali, according to DangkaladimanWazirin Sokoto, Alhaji Bello Gidadawa (2007) some properties were stolen and Muhtasib Abdullahi (I) was able to identify where it could be found.

Muhtasib Abdullahi (I) had also shouldered the responsibilities of his predecessors. For instance, he made sure that all the adulterated, ill-prepared or substandard commodities were not allowed in the market. To achieve this objective, SarkinKasuwa or Lumu, which literally means the head of the market, was imedLumu in turn, appointed his assistants, such as the head of the

hawkers and the head / chief of the butchers who were entrusted with these and other similar responsibilities. The SarkinKasuwa or Lumu was appointed to head each and every market in every town, or small markets in very large cities like Sokoto.

All the activities of Hisbah up to this time was in full operation and the colonial imperialist according to DangaladimanWazirin Sokoto, Alhaji Bello Gidadawa (2007) made a trickiest promise that they will not temper with the religion of the people. However, this promise was not fulfilled and, as a result of that the institution of Hisbah was seriously tempered with and was consequently eliminated from the system.

Since the death of Muhtasib Abdullahi (I) during the reign of Muhammadu Maiturare, there was no appointment to the office of the Muhtasib in the Sokoto Caliphate up to 1928 CE. This according to DangaladimanWazirin Sokoto, Alhaji Bello Gidadawa (2007) might be due to the civil unrest as a result of colonial intervention. However, in 1928 CE. Sultan Hassan DanMu'azu appointed Ahmad as the Muhtasib so as to shoulder the administration of Hisbah.

The new Muhtasib was in addition to the normal responsibilities of the Hisbah was assigned new responsibilities and duties to perform as Muhtasib. For instance, he was charged with the responsibility of inspecting schools, rental houses, farms, etc. He remained as Muhtasib after the death of Hassan Dan-Mu'azu and continued up to the reign of Sultan Abubakar (III) bn Hassan bn Mu'azu, and in the year 1947 CE. Muhtasib Ahmad died.

After the death of Muhtasib Ahmad the position of Muhtasib was totally neglected. The appointment was not made until at the time of Late Sultan Muhammad Maccido. A former Grand Khadi of Sokoto state, Abdullahi Maccido was then appointed as Muhtasib to succeed his father on 220lh August, 2004. However, according to the Muhtasib Abdullahi (II) (2007) he was assigned no responsibility but to maintain and preserve the history of his forefathers.

### **Effects of Colonial Administration on the Activities of Hisbah**

The colonial administration was introduced by the European colonial masters through what was considered to be 'Indirect Rule'. The new administrative system paralyzed the activities of Hisbah that was introduced right from the establishment of the Sokoto Caliphate. This was because the aim of the colonial masters was to have control over the entire Caliphate, which according to Ibrahim (1991) was built and governed under Shari 'ah.

Under the colonial rule, Emirs and Qadis were not allowed to apply Shari 'ah in its totality. This is because wherever they awarded punishment, which to colonialists was repugnant to their so-called concept of 'Natural Justice and Humanity', it will not be executed. This means that the punishments of Zina, Sariqah, Hirabah, etc were not to be executed. Through modifications and various manipulations here and there, the power and jurisdiction of Shari 'ah were made to erode in a very systematic way until it was stripped of all its crime punishments such as the aforementioned crimes and so on. (Ibid)

While all hadd aspects of Shari 'ah were being systematically eliminated and non-hadd aspects marginalized, Muslims stood akimbo looking at the colonialists and their spotters without making any good move to stop them.

The passive attitude of the Muslims towards Shari 'ah in the then period might not be unconnected with the defeat of Satiru revolt that reacted against feudalism and

imperialism. No individuals or group of Muslims had a say on how they were governed, let alone protesting against un-Islamic rulings. At the same time they might have had no opportunity at all to come together and protest from the outside.

In fact, even the British appointed Sultan was placed on the fourth position in the administrative hierarchy and his role was (as it is still) to implement government decisions and maintain laws and orders, but he was never part of the decision making body. The Sultan Attahiru II did his work to the utmost satisfaction of the British colonialists in Nigeria that he was conferred with Honourary Companion of the Most Distinguished Order of St. Michael and St. George. (Ibid) The fact that the colonialists promised not to temper with Islam notwithstanding, they steadily did away with its Shari 'ah each time they found one opportunity or another, which they themselves usually create, capitalizing on people's religious emotions and sentiments coupled with their ignorance of the major motives of the Euro-Christian colonialism in the Sultanate as well as the people's fear of violent oppression, repression and suppression by the colonialists and their feudal-cum-aristocratic loyalists.

There was no serious call for the return of Shari 'ah from any quarter in the then period. And, if there was any, it was not more than the efforts made by some Muslim leaders to convert the animists or to enlighten the Muslims on how to conduct their ritual activities such as Wudu (ablution), prayer and their likes. In fact, their political and religious leaders misused one of the rare opportunities opened to the Muslims in the then period for the return of Shari 'ah, when all hands were on deck working for the achievement of independence. While the political leaders among the Muslims saw themselves as nationalist only, the religious leaders on the other hand, saw themselves as spiritualists only and had little or nothing to do at all with this World. Thus, both of them failed to address the issue of the missing Shari 'ah. (Ibid)

These two powers should have combined all their resources to see that Caliphal rule returned and replaced Sultanate rule even if that was to delay the achievement of independence. But unfortunately, the Muslim leaders from both north and south seemed not to have considered themselves fighting for all round, political, economic, educational, social and most importantly, religious independence of all other things minus religion, which they know cannot be separated from politics in Islam.

From the above discussions, one can easily discern that the institution of Hisbah in the Sokoto Caliphate was not directly attacked by the colonial administrators, but rather it was the entire Shari 'ah system that was uprooted strategically. Consequently, with the uprooting of the entire system, the sub-systems were automatically grounded and totally eliminated. Perhaps, that was why one finds many periods when there was no Muhtasib as the role he was expected to play was no longer important and had no place in the new style of administration.

In addition, it can be understood that with the power and jurisdiction of Shari 'ah being made to erode in a very systematic way until it was stripped of all its crime punishments shows that all hadd aspects of Shari 'ah were systematically eliminated and non-hadd aspects such as the activities of the Hisbah could easily be marginalized, and totally

removed from the new social order. Thus, the system of 'Indirect Rule' had achieved the objective of 'Indirect' removal of the institution of Hisbah in the then Sokoto Caliphate.

### **Conclusion**

The Institution of Hisbah, was established with the entrenchment of the Sokoto Caliphate. The institution was charged with the responsibilities for establishing proper social order in the society. The head of this institution was called Muhtasib -Inspector or Censor of morals, who was to be appointed by the Caliph or Amir al-Muminin. He has the powers to appoint sub-heads or leaders, like the leader of hawkers and chief of butchers, so as to assist him in executing hi' responsibilities properly.