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Since 1999, the reintroduction of Sharia in the twelve states of northern Nigeria has produced a new factor in policing and law enforcement, for which Hisbah was established to enforce a distinctive Islamic government in Kano.

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Hisbah and Sharia Law Enforcement in Metropolitan Kano

Rasheed Oyewole Olaniyi

The reintroduction of Sharia in the twelve states of northern Nigeria between 1999 and 2000 underscores the salience of Islam in the politics and governmentalities of the region. Popular pressure led to the reintroduction of Sharia in Kano, but its trajectory signified usage for administrative convenience and legitimacy prompted by the challenges of democratic change. The reintroduction of Sharia was a convergence of state Islam and popular Islam. Hisbah was established to enforce a distinctive Islamic government. It tackles the problems of community security in a different way, dedicated to the abolition of the business and consumption of beer, the restriction of sex work, the segregation of the sexes in public spaces, and the policing of a moral order based on Sharia.

Introduction

Throughout African history, religion and politics have been closely interwoven. Among the Hausa and Fulani Muslims of northern Nigeria, the convergence between religion and politics has continued to gather momentum. The precolonial Hausa city-states attempted to enforce Sharia Islamic law (Mazrui 1985:819). Islam took root in northern Nigeria during the eleventh century, and by the fifteenth century, Islamic judges (*kadis*) were being appointed for Kano and Katsina in the northwest and Borno in the northeast. The legitimization of political authority in the form of Islamic concepts dates from the time of Muhammadu Rumfa, the first acknowledged Kano Muslim emir (1463–1499). The use of religious concepts of political legitimization became reinforced during the Sokoto Jihad of the early nineteenth century (Callaway 1987:379).

The 1804 Sokoto Jihad, led by Shehu Uthman Dan Fodiyo, contributed to the spread of Islam in Hausaland and beyond. In the emirate system that was established, emirs were made religious and political leaders. Following this jihad, Islamic judicial, legal, administrative, and educational structures were established over a much wider area (Clarke 1988:3). The emirate system was consolidated under British colonial rule to achieve law and order for the purposes of control and exploitation (Elaigwu and Galadima 2003:6).

Nigeria's Muslims easily constitute the largest Muslim community in black Africa (Clarke 1988:2). Nowhere else outside the Middle East was Islamic law more pervasive than in northern Nigeria (Anderson 1957).

This paper demonstrates that the reintroduction of Sharia in the twelve states of northern Nigeria underscores the significance of Islam in the politics and governmentalities of the region. It was a culmination of a long process, spanning several historical stages. Popular agitation for it was a reflection of an awakening and rediscovery of political voice by long-quiet masses, encouraged by the restoration of democracy in 1999. This paper examines the dualism of policing and social controls in the history of northern Nigeria, the roles of Hisbah in the process of Sharia implementation, and political and class-related issues in the enforcement of Sharia. It discusses the symbiosis and consensus between "state Islam" and "popular Islam" to explain the activities of Hisbah in the process of Sharia law enforcement.

The reintroduction of Sharia in northern Nigeria was influenced by the combination of religious, political, and social forces. It was partly a political move, with widespread public support. *Harvard Law Review* (2004:2370) describes the public support for Sharia as not merely religious in nature: it reflected dissatisfaction with deteriorating social conditions. Ellis and ter Haar (1998:176) suggest that in many African countries in which political institutions have largely broken down, religious discourse can be seen as an attempted remedy by means of a reordering of power; there was a renewal of interest in creating a new political order. Ostien (2007:171) documents the opinion put forward by Alhaji Ahmed Bello Mahmud (former Hon. Attorney General and Commissioner for Justice, Zamfara State) that "Post-independence governments in Nigeria continued to maintain the laws and policies which effectively prevented the adoption of full *Sharia*. Constitutional Conferences and debates were frustrating as relates to Sharia, and attempts by some radical Islamic sects to demand for Sharia were violently suppressed."

Islamic concepts have a powerful resonance in the government and party politics of northern Nigeria. In Kano, politics has always been driven by Islamic themes and notions of justice and equality. Last (2002:9) suggests that politics of opposition in northern Nigeria meant not the revolutionary overthrow of the government, but the restoration of basic Islamic practice and values for the benefit of the community. It is often characterized by being both populist and Islamist. Religious movements are concerned with sociocultural and educational reforms. Commerce and manufacturing sectors are controlled by families that are firmly rooted in Islamic tradition; they fund Islamic education and the propagation of Islam. The labor sector, too, is reinforced by Islamic brotherhood, which offers a social network of obligations and support:

[t]he political thought of Aminu Kano [radical politician during the first republic] is firmly rooted in Islamic tradition, but interprets that tradition to repose all trust in the ordinary citizens of the community rather than in the elites

or traditional rulers. The principles of “equality before the law,” “redistribution of wealth,” and “progress and education” are all argued in terms of the moral tradition of the Sokoto Caliphate. (Paden 1981:27)

Kane (2008) shows the similarities between the rhetoric and strategies of twentieth-century Islamist movements and those of the eighteenth and nineteenth centuries. According to him, West African Muslim reformers of the eighteenth and nineteenth centuries and Islamists of the twentieth century operated in the context of social and economic deprivation, which they noted was the responsibility of their rulers. Kane suggests that modern “Islamists” spoke against elite corruption and the failure of rulers to cater to the needs of the masses. They criticized the ineffectiveness of postcolonial development projects and widespread poverty amid abundant resources. Nineteenth-century Islamists in West Africa aimed at replacing the dominant forms of mixed Islam in West Africa with a legal system based on Sharia. In the same way, modern Islamists aimed at dismantling Western legal systems and replacing them with Sharia.

Revisiting the Sharia Debate in Nigeria

The constitutional status of Sharia has been part of most topical debates that preceded the enactment of the 1979 and 1989 constitutions. The enforcement of Sharia was successful, partly because of the ambiguous treatment of religion by the state dating back to the colonial period. From 1933, the British under the indirect-rule system rationalized the Islamic court system in the northern provinces. The colonial state discouraged the implementation of what they regarded inhumane bodily punishments enshrined in Islamic criminal law, such as the amputation of hands for stealing and death by stoning for adultery (Kane 2008:160). The colonial state in Africa permitted Muslims to settle civil matters relating to marriage, inheritance, custody and commercial transactions in accordance to Sharia.

During the First Republic (1960–1966) and Second Republic (1979–1983), predominant and radical political parties in northern Nigeria deployed Islamic ideas and symbols to justify their positions. The nature of competitive politics in Nigeria during the First Republic enabled Sir Ahmadu Bello, Premier of the Northern Region, to promote Islam as a form of state religion and regional identity. Some religious leaders, especially Sheikh Abubakar Gumi, spiritual head of the Izala movement, used government media to mobilize for Sharia at the highest level of the Nigerian judicial system.¹ To achieve the goal of “re-Islamizing” postcolonial Muslim societies, Muslims have adopted diverse strategies, from peaceful proselytization to armed opposition (Kane 2008). Some groups focused on “re-Islamizing” society, on the assumption that the Islamization of the state would follow after the society became “Islamic.” The re-Islamization process in Northern Nigeria has been carried out by the power elite and Muslim clerics.

Between 1967 and 1976, there was a lull in the Sharia because of the Nigerian civil war and military rule. By about 1977, the status of the Sharia Court of Appeal became controversial during the constitutional debates. It was posited that the foreign notion of secularism and Judeo-Christian calendar forced on Muslims does not exist in Islam. In 1978, the overriding issue in the debate was the recommendation for a federal Sharia appellate court, with jurisdiction over Muslim personal law. By 1988, the debate involved whether or not to allow the rechanneling of appeals in cases of Islamic law (other than cases of personal status) to Sharia courts of appeal, rather than, as the case had been, to the High Court (Ladan 2004:94–95). The 1979 Constitution, produced under the military government of Olusegun Obasanjo, approved that, rather than establishing a federal Sharia appellate court, the Federal Court of Appeal would consist of a panel of three judges well “versed in Islamic law” to decide cases from a state Sharia Court of Appeal.

By 1986, politicization of religion under the military became useful as a tool for creating a political constituency. During the 1988 debate, Awalu Yadudu submits that Muslims

- i. question the legitimacy of and justification for the continued supremacy of an alien and demonstrably unsuitable and unjust legal system, i.e. the English common law.
- ii. demand and work towards the removal of all restrictions on the application of Islamic law.
- iii. demand for and concerted work towards the unhindered and unqualified application of the *Sharia* to Muslims in its entirety. (Oba 2004:896)

Following these agitations, John Hunwick, a leading scholar on Islam in Africa, demonstrates that

it would be no surprise if some states with Muslim majorities eventually seek to arrogate to themselves the right to impose *Sharia* as the only form of law within their territories. The imposition of *Sharia* has been at the cutting edge of all recent debates about Islamic state. (Hunwick 1992:149)

Since the Sharia debates during the drafting of the Nigerian constitution in the late 1970s, Sharia has become a metaphor for political interests and the identity of the subcultures (Stewart 1985:365). Unlike the politicians of the second republic (1979–1983), who distanced themselves from the Sharia controversy to avoid religious crises, most politicians in the Fourth Republic (1999–2011) championed the reintroduction of Sharia for the purpose of political legitimacy and administrative convenience. With the restoration of democracy in 1999, Nigeria has witnessed the revival of religion in the occupation of political space. The reintroduction of Sharia produced a new factor in the politics of federalism in Nigeria, most especially issues on constitution and policing. Before 1999, state governments had operated Sharia as

provided for in the 1979 and 1989 constitutions. It was merely applicable to civil proceedings concerning Islamic personal law. By 1999, it was expanded to include criminal matters as practised in Iran, Saudi Arabia, and Afghanistan under the Taliban. Between 2000 and 2003, Sharia penal and criminal procedure codes were introduced in Zamfara, Kano, Sokoto, Jigawa, Kebbi, and Kaduna states of northern Nigeria.

Sharia therefore became a factor of political change. New-breed politicians tapped into history and Islamic political culture of their states as political strategies and for security of tenure. In search of political base and legitimacy, Islamic political culture and traditions served as a precondition for the enthronement of Sharia. The reintroduction of Sharia reaffirms the history and symbiosis between Islamic religion and political power in northern Nigeria. The new-breed politicians revamped Sharia for reasons of administrative convenience that could guarantee the establishment of order and security, as well as security of tenure sanctioned by religious doctrines. The new governors used religious fervor that the demand for Sharia created to expand their political power. Many notable religious and political leaders were not part of the new Sharia project. Sheikh Ibrahim Zakzaky, a prominent Shiite Muslim preacher and leader of the Islamic Movement in Nigeria, observed that the enthronement of the Islamic state requires total sociopolitical reconstruction.² It could also be argued that the crisis of governance in the postcolonial state was another major propeller for the reintroduction of Sharia.

The new Sharia differs remarkably from the one that had existed from the colonial period. It covers jurisdiction over civil and criminal matters:

Full *Sharia*, or *Sharia* criminal law, consists of *Qur'anic* offenses with fixed punishments (*Hudud*). These include offenses such as (1) unlawful sexual intercourse between persons who are not married (*zina*), for which the punishment is stoning to death; (2) theft (*sariqa*), punishable by amputation; (3) robbery (*hiraba*), punishable by death or amputation; (4) drinking alcohol (*shrub al-khamr*); and (5) false accusation of unlawful sexual intercourse (*qadhf*), punishable with lashing (Peters 2003:1–2)

These fixed punishments (*hudud*) have continued to attract local and global hostilities against Sharia. Many commentators highlight the incompatibility between the Sharia punishments and international human-rights laws endorsed by Nigeria. Despite this, the administrative structure of Sharia developed according to the governance-crisis logic. Sharia states in northern Nigeria developed and strengthened judicial, administrative, and policing apparatus, including *Hisbah*, which was established to enforce a distinctively Islamic government. Following the reluctance of the police to enforce the Sharia legal regime, *Hisbah-muhtasif*, a system of religious vigilantes (derived from the *Qur'an* and *Hadith*, which encourage Muslims

to “enjoin what is right and forbid what is wrong”), was set up for the proper implementation of Sharia (Baker 2004:175).

Hisbah is integral to the Islamic socioeconomic scheme and policing. Its functions consist in maintaining public law and order and supervising the behavior of the buyers and sellers in the market, with a view to ensuring the right conduct of people and their protection from dishonesty and malpractices. The purpose was to regulate public life in such a way that a high degree of public morality is attained, and the society is protected from bad workmanship, fraud, extortion, exploitation, and charlatanism (Ahmad 1983:7). Hisbah tackles the problems of community security in a different way, dedicated to the abolition of the making and consumption of beer, the restriction of sex work, and the policing of a moral order based on Sharia.

Following the Zamfara State example, agitation for Sharia in Kano acquired a new popularity, with the expectation that it could offer a panacea to the increasing wave of crime, corruption, and armed banditry. Comparatively, the Islamic judicial system was rated more efficient and effective than the secular legal system, often characterized by bureaucracy, corruption, and elitism. A new political culture and consciousness developed, with the launching of Sharia in several parts of northern Nigeria. State Sharia courts were established to apply the full range of Islamic law, civil and criminal, to Muslims; appeals from the Sharia courts in all matters were directed to the state Sharia appellate courts; Islamic criminal law was reinstated, in the form of new Sharia criminal and penal codes, applicable in the Sharia courts to Muslims; and new laws prohibited social vices and “un-Islamic practices” (Ostien 2007).

The reintroduction of Sharia in the northern states occurred in different contexts. Unlike in Zamfara State, popular pressure led to the introduction of Sharia in Kano. Between 1999 and 2000, Governor Rabiu Musa Kwankwaso was pressured by the masses to follow the Zamfara example, but the implementation of Sharia in Kano between 2000 and 2003 indicated usage for administrative convenience. Of the twelve Sharia states, and indeed, all the northern states, Kano has the largest population and is the wealthiest. Kano was the most influential emirate of the Sokoto caliphate. Islamic political culture has been evident in Kano since the 1950s. Kano enjoyed a high reputation as seat of learning, politics, manufacturing, and commerce. The Kano Law School trained generations of judges (*kadis*) in Islamic law throughout northern Nigeria and beyond. Also, Kano’s history of British colonialism shaped the renewed interest in the reintroduction of Sharia. It symbolizes entrenchment of democracy and popular participation. British rule introduced Judeo-Christian values and culture that penetrated everyday life, legal procedures, and state structures (Last 2002:1).

Muslims perceived Sharia as Allah’s constitution for ensuring order and justice. Agitation for it generated an incipient social movement against the former governors of Kano and Katsina: Rabiu Musa Kwankwaso and Umaru Musa Yar’adua, respectively. Kwankwaso was mobbed and even stoned. In Katsina, part of the pressure for Sharia was a rally organized by the

Association for the Application of Sharia in Katsina State, to show dissatisfaction with the reluctance of the Katsina government in launching Sharia. At some point, the state government instructed the state radio not to give the association airtime. The association made attempts to form the Islamic Peoples Party to ensure the enthronement of Sharia in northern Nigeria. By October 1999, the Kano state government had adopted Sharia after receiving a powerful delegation led by Sheikh Umar Kano, the Chairman of Council of Ulama. Government officials declared that since democracy is government “of the people, by the people, and for the people,” there was no option but to support the wishes of the people. The teaching of Islamic studies became mandatory in all schools, both public and private, and Sharia courts were established pursuant to section 275 (1) of the Nigerian constitution. According to the Council of Ulama of Nigeria:

[W]hen Muslims insist on conducting their lives totally in accordance with Sharia without any regimentation, they are not pretending or trying to hurt of [*sic*] inconvenience anybody. They are simply trying to live up to the tenets of Islam. What is now taking place in Zamfara [state] is to give correct interpretation of constitutional provisions as they relate to Islamic belief. No Muslim will accept the interpretation of Islamic faith by Olu, Chike or Sawa, etc. The Council of Ulama calls on every state having the predominance of Muslims in the North, including such states, like Lagos, Oyo, Ogun, Osun etc in the south to partake of the unfolding blessing. (Council of Ulama of Nigeria 1999)

The popular perception was that only through Sharia can the problems of corruption, robbery, prostitution, and drunkenness be confronted. This scenario has been described as Islamism, “an effort [by Muslims] to draw meaning out of Islam applicable to problems of contemporary governance, society, and politics” (Fuller 1999). Islamism in Nigeria, according to Mahmud (2004:85), is largely determined by local conditions—most significantly, public or political Islam and the nature of the Nigerian politics. The popular perception was that under Sharia, the poor have rights over certain forms of welfare and the compliance of the rich to redistribution procedures (Paden 1981:28). Achile Mbembe suggests, “the current explosion of religious revivalism in Africa is another ruse by the common man to create a counter-ideology and alternative political space in response to the totalitarian ambitions of African dictators” (Haynes 1995:101–102). In most parts of northern Nigeria, Islamic civil associations and masses in the informal sector of the economy have been in the vanguard for the reclamation and reassertion of people’s power (Gwarzo 2003:289–318).

Since 1999, the political value of Sharia has redefined politics and political participation. In terms of party politics, if the poor implementation of Sharia law created a Waterloo for the People’s Democratic Party government

in Kano state, it offered unprecedented support for the All Nigerian People's Party (ANPP), which has ruled Kano state for two terms, 2003–2011. ANPP's governorship flagbearer, Mallam Ibrahim Shekarau, rode on the back of Sharia to clinch power. In some ways, Sharia has helped rekindle and sustain allegiance in opposition to other ideologies or political groups. Malam Shekarau enjoys tremendous support from Islamic groups: "the radical Islamic groups demonstrated their newfound engagement in political activities by arguing that governance of the society should not be left to be destroyed by irreligious and morally bankrupt politicians and bad governance" (Gwarzo 2003:303). During the 2003 general elections, a dominant campaign issue in Kano State was Sharia. Most candidates lost at the polls because the electorates perceived them to be lukewarm or unenthusiastic on the implementation of it. To implement it, Shekarau set up structures such as the Sharia Commission, the Zakkat and Hubsu Commission, and the Hisbah Board. Kano State embarked on societal-reorientation (*a daidaita sahu*) program. In 2004 alone, Shekarau spent more than N400 million on Sharia implementation; his predecessor, Kwankwaso, had spent only N28.3million on Sharia between 1999 and 2002. By 2010, Kano State had 10,000 Hisbah corps and a budget of N2 billion for its activities.

In Kano, the zeal to maintain Sharia to its full extent was equally driven by aggressive Christian evangelization, proliferation of churches, and the violent aftermath since the 1990s. It marked a way to resist Western modernity and the soaring number of sex workers, whose lifestyles were incompatible with attributes of Islamic religion and Hausa cultural ethos. Also, popular support for Sharia was motivated by general disenchantment with deteriorating social conditions and ineffective policing. The Nigerian police remain alien to the people in terms of protection of lives and property: the police are equally militarized, and security operatives with criminal backgrounds forced their way into the police.

The discussions above show that Sharia was both a political move and an explicit popular response to a perceived state of lawlessness and crime. The consolidation of state power in the postmilitary rule of northern Nigeria relied on religion, and the reform of the judiciary was part of this trend. The new breed politicians adopted Sharia as an ideology of their own legitimacy. Its enforcement can be seen as the key for the accomplishment of a hegemonic strategy: "the goal of those involved in the hegemonial [*sic*] quest is to create what Williams calls a 'unified moral order,' in which 'a certain way of life and thought is dominant, in which one concept of reality is diffused throughout society'" (Haynes 1995: 97). Individual politicians tend to use the "moral order" to advance their personal political interests by ruling through consent, rather than coercion. Here, the notion of hegemony has functioned in two theoretical ways: a rapacious structure of interlinked interests (involving the creation and perpetuation of clientelistic relationships, where public institutions are colonized or emasculated, and a hegemonic process, whereby political figures engage in pursuit of power (Haynes 1995:97). The emerging "theocratic class" tends to advance their own

interests. This view became more elaborate with the nature of the running battle that some “Sharia governors” had with the anticorruption agencies. The Gramscian idea of hegemony “makes it easier to locate the state-civil society relationship, the elite-counterelite dichotomy” (Haynes 1995:96). It is interesting to see how some religious leaders transformed themselves into politicians in many parts of Nigeria: since the military era, the patron–client relations transformed many of them into *malaman gwamnati* ‘government spokesmen’ (Gwarzo 2003). Members of the theocratic class act like politicians, but they use moral order for personal gain. In contrast, many radical religious leaders have emerged to oppose corrupt practices and inequality in governance.

Debates on Sharia have attracted diverse scholarly perspectives, which include the themes of religion, identity, decolonization, constitutionality, human rights, and gender. Shortly after the 1999 constitution came into force, various state governments in northern Nigeria embarked on a process of reforms designed to restore Sharia to the position of preeminence it had enjoyed within their territories in precolonial times (Iwobi 2004:111). The debate goes beyond constitutional matters to include such political questions as expression of marginalization. Many Muslims felt aggrieved that Sharia had been unduly marginalized within the Nigerian legal order. Anyanwu (2005–2006:317) argues from a functionalist perspective that Sharia was essentially a product of an historic desire by Muslims to rescue their society from sliding into moral decay and losing its identity. In the age of globalization, it became expedient to recreate the moral basis of the society for the sustenance of democracy and cultural traditions. Sharia typified the Islamization of social movements against the erosion of identity spurred by globalization. Similarly, Clarke (1982) perceives Sharia as a reassertion of Islamic identity, which the British undermined during the colonial period. Lubeck (1987) argues that Sharia embraces a system of meaning that links Muslims to their rural, precapitalist, and precolonial origins. It has been described as an aspect of decolonization and nationalism (Balewa 2002). According to Paden (1981), it can be seen as a way to achieve social justice.

In contrast, many human-rights organizations have stressed Sharia’s arbitrariness, excessiveness, and disproportionate effect on the poor, women, and disadvantaged; less attention is paid to equality before the law, redistribution of wealth, progress, and education. According to Mayer (1993:39–40), the reemergence of *hudud* crimes and extreme penalties in modern Islamic societies is a “break with modern phenomenological [*sic*] principles and human rights norms.” Kukah (1993) argues that within the context of cultural and religious revival, Sharia challenges Nigeria’s search for nationhood. Nmeihelle (2004:749) suggests that the adoption of an Islamic criminal-justice system in northern Nigeria implicates several human-rights concerns and encroaches on fundamental human rights guaranteed in the Nigerian constitution and in international treaties and conventions endorsed by Nigeria. Elaigwu and Galadima (2003) stressed the argument further—that even though *zakkat*, a tax that must be collected from the wealthy for the care

of the poor, is one of the five pillars of Islam and every Muslim who has the means is enjoined to give out *zakkat*, with the exception of a few states (including Kano) that established a *zakkat* commission, most of the states operating the Sharia legal code have failed to enforce laws on *zakkat*. Zamfara and Kano states have established a Public Complaints Commission and an Anti-Corruption Commission, in accordance with Sharia. The implementation of Sharia, according to Elaigwu and Habu, appears to be skewed in favor of punitive measures directed at the poor, while neglecting the aspects of social wellbeing commanded by Islamic law. Elaigwu and Habu conclude that no state has been able to tackle the problem of the Almajiri system, especially as Sharia frowns at beggars.

The reintroduction of the Sharia penal code was partly due to the perceived exclusion of the northern elite under Olusegun Obasanjo's presidency. There were assumptions that northern Muslims had lost out in his political reforms, especially as seen in the retirements in the military. Through state Islam, politicians make political capital out of displays of religious allegiance, idioms, and patron-client relations; politicians utilize religion to enlarge their political constituency and popular support.

Popular Islam has had tremendous impact on the public realm in northern Nigeria, with the decline of the formal apparatuses of state and government, as well as poor governance. Religious movements are rarely devoid of political implication, and when the state is unable to fulfil its expected functions, especially law enforcement, policing, and public order, religion can take on a specific importance (Ellis and ter Haar 1998:193). In essence, popular Islam and the reintroduction of Sharia could be explained in relation to the dysfunction of the state and policing, and the erosion of secular state apparatuses. The interrelationship of "state Islam" and "popular Islam" has symbolic relationships: while popular Islam denotes class consciousness articulated in an Islamic idiom, state Islam implies the efforts by the state to coopt or appropriate Islamic reform movements. "Popular Islam" can be considered a political expression of an oppressed group articulated in an Islamic mode (Stewart 1985:365). The reintroduction of Sharia in Kano demonstrates the symbiosis that appears to exist between state and "popular Islam." Sharia provides a ready example of state manipulation of social identities and how states use religious strategies to control populations within their domain. In Kano city, Hisbah represents political and cultural expressions of Islam, with far-reaching implications for social control, policing, and maintenance of law and order.

Hisbah and the History of Policing in Kano

The establishment of Hisbah followed the colonial pattern of dualism of policing and administration of justice. To uphold the authority of the colonial administration, laws and order, as well as judicial processes, were maintained through chiefly hierarchies of traditional elite (Killingray 1986:411).

The British colonial administration was characterized by rule through native chiefs on native lines. C. L. Temple, a British officer in northern Nigeria, was of the opinion that sound administration ensures that the obligation of the individual citizen toward the state is enforced by an authority in daily contact with the people and which has influence on local public opinion. The British, following its policy of indirect rule, approved traditional policing mechanisms to be taken over and accommodated within the developing system of native administration, as long as these conformed to British standards for order, decency, and good conscience. The 1916 Native Authority Ordinance empowered native authorities to hire persons to assist in enforcing police duties (Marenin 1985:73–93). The orders of the emir, based on the advice of his European advisers, the residents, could be rapidly conveyed to the masses in the emirate. The policing of the emirate through the Native Authority police (*dogarai*) was considered imperative for the collection and payment of taxes, the arrest of criminals, and upholding native courts. The rents and taxes meant for the upkeep of the native administration were remitted to the emir's treasuries, known as the Beit-el-Mal. From this account, the Emir of Kano was paid £400 per month; his *waziri*, £100 per month; the *alkali* (native judge) £50 per month; and the *dogarai* £1 per month (Temple 1912:157–158). The native police maintained the authority and laws of the traditional colonial chiefs. Lugard's indirect rule system delegated policing powers to the traditional authorities of the emirs. The policing policy was largely aimed at cutting down the cost of policing and securing the loyalty of the emirs.

Policing in northern Nigeria was a major preoccupation of the Native Authorities. The British in northern Nigeria adapted the preexisting *dogarai* system of policing; government police were marginalized in the north, while the indigenous native police, the *dogarai*, gained recognition as a unit of administration (Rotimi 2001:11). For these reasons, by 1907, government police were withdrawn from Kano and official recognition granted to the *dogarai*: "In many areas there [were] no government police, apart from a British Police Officer, who [supervised] or [trained] the Native Authority Police, for which [the] term is Yandoka" (Killingray 1986:427). They were too small for efficient policing: in 1929, Ilorin Emirate had only 93 policemen.

Between 1924 and 1926, a major reform was carried out by H. R. Palmer for the *dogarai* institution. It led to the formation of Yan Gadi (Kano City Police Force), which initially had 151 men with a Sarikin Yan Gadi, a second in command, five noncommissioned officers, and 144 rank and file (Rotimi 2001:23). The reorganization was meant to build the efficiency of the *dogarai* force, which consisted of one hundred men at the period. The general duties of the Native Authority Police included two specified thus:

- 1) The force shall be employed for the prevention and detection of crime, the apprehension of offenders, and the preservation of law and order, the protection of property and the due enforcement of laws, orders and regulations, with which it is charged; and

- 2) The force shall operate in collaboration with the Nigeria Police Force (Native Authority Police Force Rules 1954).

According to Killingray, "in all colonies a dual system of laws was established, an alien law based on the system . . . in England, and 'customary law'" (1986:413). The duality of law was essentially to underpin the colonial presence and much needed "peace." British law did not translate into rule of law. The British system of indirect rule was not directed at maintaining the rule of law, but at supporting the colonial administrative structure:

Colonial rule created new "crimes," many of which were offences against the imposed structure of colonial management. Certainly colonial government did seek to curb and punish wrongful acts by one person against another but an essential feature of colonial law and policing was enforcing colonial rules and punishing those who breached them. (Killingray 1986: 413)

In this way, the maintenance of law and order implies firm control against threats against the colonial administration. The maintenance of law and order was to ensure that basic tasks of colonial administration were accomplished. Security of the colonial order and its agents was paramount. It sometimes was considered the responsibility of Africans to police themselves. In this sense, crime and violence not directed against colonial establishment were unchecked. Crime control was dealt with by the Native Authority system, which enabled native rulers to exercise considerable political powers, which allowed traditional rulers to use forced labor, impose arbitrary fines, and exercise oppressive rule. Colonial Africa had rudimentary policing. Except for the heavily policed settler colonies, Africans were left to their devices and local customs under their own traditional chiefs. This policy was extended to security. Law and order and the exercise of social control were basically through communal initiatives. This process led to the emergence of protection rackets, political militants, and mafia-like policing.

Policemen were both local people and "native strangers" from other areas. At the early stage, many policemen lacked professional training and local knowledge. The colonial judicial institutions constituted instruments of coercive authority based on European models. The first cadre of colonial police—recruited from ex-slaves and brigands—was poorly trained. Many were aliens in the areas they served, and therefore felt less obliged to protect the local community. Since colonial police often exploited the natives, they were perceived with suspicion, hatred, and contempt. In 1937, the Igbo were estimated to have constituted more than 42 percent of the Nigerian government police, while Hausa dominated the military. Killingray shows that "Africa was only thinly policed by the colonial government. Colonial government had an interest in protecting European lives and property in

towns and commercial centers and providing a measure of control over the key parts of the economic infrastructure" (Killingray 1986:414).

During the interwar years, the indirect-rule policy underscored the maintenance of law and order as the duty of the traditional authorities. The policy allowed traditional authorities to exercise considerable political and economic powers. Colonial chiefs exploited those under their jurisdiction. Their control over local police, courts, and prisons ensured arbitrary rule, forced labor, and imposition of fines. Despite these abuses of powers and institutional violence, the British officials regarded northern Nigeria as "stable and secure."

The institution of the *dogarai* system and Native Authority police was abrogated following a military putsch in January 1966, but vigilante groups or community policing continued to be active in many parts of Nigeria. After the civil war, the prevalence of criminality and inefficiency of the Nigerian Police led communities to reestablish community policing. After the restoration of democracy in 1999, it dawned on the new political elite that law and order, as well as security, could no longer be guaranteed through the police. The challenges of policing in a fledgling democracy led to the emergence of a myriad of vigilante groups. These, in any of various forms, offered a modicum of refuge to Nigerians who sought security in the increasingly unstable society. The popular logic of vigilantism was characterized by the historical complexities of violence and justice and depressing social conditions. The perception of police as alien, corrupt, or occupying has not changed: "the public avoids contact with the police to the point of not reporting crimes or accidents" Marenin (1985:78), as it is widely believed that "to be a police witness is almost as bad as being the criminal offender" (Odekunle 1979:71). The official endorsement of vigilantism contravenes section 214 of the Nigerian 1999 constitution, which outlaws state and local police forces, since it was envisaged that politicians could fund their own militias as rebel forces or suppress political opposition.

In 2000, to combat the rising menace of crime and extortion, Governor Mbadinuju of Anambra State organized the Bakassi Boys, following pressure from market women and other citizens of Onitsha after a popular market woman had been murdered for N200,000 by armed bandits. Under the Environmental Sanitation Law of November 2000, which came into effect in March 2001, the Lagos State government set up a special force, Kick Against Indiscipline, to enforce discipline and environmental sanitation laws. Nevertheless, in several parts of Nigeria, vigilante groups, such as the Bakassi Boys in eastern Nigeria, Ajaina Mopol in Igalamela Odolu area of Kogi State, and OPC in the southwest, used violence to assert their control and thereby posed a threat to public order.

Hisbah and Crime Control: Commanding Good and Forbidden Evils

The reintroduction of Sharia and the establishment of the Hisbah for its enforcement represented an example of official vigilantism. According to the Supreme Council for Sharia in Nigeria,

The Hisbah groups are an indispensable vehicle for the proper implementation of Sharia as its indomitable vanguard. The Hisbah groups already established are meant to complement the police in their statutory duties and are not its rivals. But this can only be achieved if the mentality and orientation of the police force is refocused to one of service away from extortion and tyranny. . . . We are fully aware of our fundamental constitutional rights in a free democratic society to pursue our activities as Muslims in the attainment of our rights as free citizens of this country. (Baker 2004:175)

Hisbah became imperative as the Nigerian police lacked the prerequisite training, identity, and mandate (Peters and Barends 2001). Moreover, the Hisbah criminal code contrasts sharply with the conventional legal system in Nigeria: even though the police are a tool for class rule, they are actors in their own rights and interests (Marenin 1985:76).

Hisbah vigilantism differs markedly from those carried out by neighborhoods. Unlike crime-control vigilantism, this form of vigilante justice appears rooted less in government ineffectiveness per se than in the irrelevance of formal avenues of redress (Rosenbaum and Sederberg 1974:551). Indeed, religious groups often expect the government to protect their interests through formal procedures: "social group performing control vigilantism may also be employed when religious values are threatened by the spread of secularism, heresy, or competition with other faith"; these forces contributed to the establishment of vigilantism in Egypt in the 1930s, such as the Society of the Muslim Brothers, who fought moral decay in the name of Islam and morality (Rosenbaum and Sederberg 1974: 553).

Hisbah had its origin in the initiative of Islamic groups with the aim of supporting Sharia implementation. Following the reintroduction of Sharia, there was a spontaneous proliferation of Hisbah groups by Islamic civil society. Governor Rabi'u Musa Kwankwaso formally launched Hisbah in 2000 as a form of institutional support to control crime and maintain social order enjoined by Islam. The establishment of Hisbah religious vigilantism was part of the Kano State government's effort to implement Sharia and a response to curb the pervasive insecurity and rapidly growing social anomie among youths. In a broader political vision, the enforcement of Sharia was perceived as a return to Islamic values—divinely ordained laws—to foster societal reorientation and redress moral decadence. In Kano, the reintroduction of Sharia poses a paradox. Proponents of it argued that the inauguration

of Hisbah denotes democracy at work, which would drive social transformation and economic ethics and reduce crime. It has raised the fundamental concern about the intricacies of security and redefines crime and criminality in metropolitan Kano. There were apprehensions that it might worsen the security situation and the tenuous peace in a cosmopolitan city such as Kano.³ It raised the question of who protects what and what constitutes crime.

The growing specter of uncertainty became imminent in Sabongari, where trade in alcohol and prostitution thrives. There are incipient agitations that the reintroduction of Hisbah to enforce Sharia would reduce tolerance for trading activities, contradicting the tenets of Islam. Since the 1930s, Sabongari has been regarded as an enclave of unrestricted freedom, social decadence, prostitution, homosexuality, and variegated social vices. Hamza Caji, a popular Kano musician in the 1940s, encapsulates the perception of Sabongari in his music:

*Sabon gari za mu koma,
Inda yaro za ya zagi babba.*

Meaning:

We are going to settle at Sabongari,
where disrespect and indecency is the order of the day. (Mission and Achievement of Mallam Ibrahim Shekarau 2004: 68)

In this way, collective security remains elusive in the Kano metropolis (Olaniyi 2005). In its contemporary history, Kano has witnessed both intra-religious and interreligious violence, as exemplified by the Maitatsine riots of 1980s and the Reinhard Bonke riot of 1991. It has been alleged that Hisbah could stoke religious fervor and intolerance. This has implications for policing that can ensure the processes of crime control without sliding into sectarian intolerance and violence. The rejuvenation of Sharia significantly redefines the boundaries of culture and limits of social integration.

The Structure of Hisbah

Between 2000 and 2003, under Governor Rabi'u Musa Kwankwaso, Hisbah hardly provided any security services. During this period, inconsistencies and policy discrepancies affected the operations of Hisbah—which led to the emergence of two factions (Olaniyi 2005). The state government used one faction for political purposes, while the Independent Hisbah Committee, led by the *ulama*, controlled the other. The Independent Hisbah Committee accused the government of using Hisbah to gain popularity by prohibiting alcohol, gambling, and prostitution while they treated lightly alms begging, hoarding, and black-marketing, which are also proscribed in Islam. Indeed,

in April 2001, a state delegation, under the commandment of former Deputy Governor Abdullahi Umar Ganduje, led the government faction of the Hisbah corps and policemen to invade and shut down hotels, where they destroyed stocks of alcoholic drinks (Olaniyi 2005).

Under Governor Ibrahim Shekarau, Hisbah witnessed its institution-alized phase. In 2003, Governor Shekarau reconciled the Hisbah factions and legalized their activities. According to him, section 38, subsection 1, of the 1999 federal constitution empowers Kano State to promulgate a law establishing the Hisbah Board, responsible for general policymaking and coordinating activities between state, zonal, and local government Hisbah committees. This board has been given power to establish Kano State Hisbah corps. Members are eligible for appointment as justices of peace under the commander. The state governor appoints the general commander of the corps. The Hisbah Law of 2003 established the Kano State Hisbah Board. Each of the forty-four local governments in the state was recommended to establish an advisory and management Hisbah committee, to consist of fifteen members, with the district head as chairman, while members include an imam, Islamic scholars, representatives of the security service, the police, and four people of proven integrity. The local government Hisbah management committee included the commander, who is also in charge of security, the head of Daawa, and head of administration and finance. All villages in the local government areas also require the establishment of a Hisbah committee.

The board is responsible for enlightening and guiding the general public on the correct understanding of Sharia. Hisbah personnel do not have the power to arrest or prosecute culprits; rather, they are expected to hand over people found to have violated the Sharia law to the police. The functions of the Hisbah Board include:

- i. Assisting police and other security agencies in the areas of prevention and reporting of offences
- ii. Encouraging charitable deeds (for example, payment of *zakkat*)
- iii. Advising against acquiring interest, usury, hoarding, and speculation
- iv. Ensuring orderliness at religious gatherings (for example in mosques during *Salat*, distribution of *iftar* meals provided by the state government during Ramadan, hajj operations, and public functions)
- v. Encouraging general cleanliness and environmental sanitation
- vi. Reconciling civil disputes between people and organizations, where parties are willing
- vii. Assisting in traffic control
- viii. Providing emergency relief operations and assistance in any other situation that requires the involvement of Hisbah, be it preventive or detective, and handling nonfirearms for self-defense, like batons and other nonlethal civil-defense instruments

Under the Kano State Hisbah Board Law 2003 No. 4 and Kano State Hisbah (Amendment) Law 2003 No. 6 of 2005, the Kano State Hisbah Board was established. It is broad based, incorporating in its strands all the major formal and informal, modern, and traditional security outfits and legal order. Its structure promotes grassroots consultations on security, peace, law, and other matters. About fifteen officials appointed by the governor for proper coordination serve under a full-time chairman or commander general, a devout Muslim of unquestionable moral character, versed in Islamic jurisprudence. The governor appoints a director general for the board, who is expected to be a person of unquestionable integrity, and a deputy commander in charge of operations, and a deputy commander, special services, who is not a member of the board.

Functions of the Hisbah Board

The functions of the Hisbah Board include the following:

- i. The board is responsible for general policymaking and coordination of activities among state, zone, and local government Hisbah committees, and for disciplinary matters.
- ii. The board, with the approval of the governor, establishes such departments as may be desired for smooth running of the activities.
- iii. The board establishes the state Hisbah corps, whose members may be eligible for appointment as justices of the peace.

Village Sharia committees were established in each senatorial zone. These zones have Hisbah committees for the purpose of coordinating the local government Hisbah committees in their respective zones for a term of three years. Each local government area has Hisbah committees composed of advisory and management committees. By law, the Hisbah Board derives its funds from grants from state and local government councils, donations from individuals and organizations, subscription fees, and sale of publications and other activities.

From early 2004 to April 2006, Hisbah received N584, 039,024.00 from the government, as follows:

i. Hisbah Corps monthly salary	N124,800,000.00
ii. Overhead Cost	27,800,000.00
iii. Training of Hisbah Corps	61,564,895.00
iv. Provision of Hisbah Corps Uniform	93,966,900.00
v. Releases for Special Circumstances	25,707,229.00
Total	N584,039,024.00

Source: *Report of Kano State Hisbah Board*, 7 November 2003 to 30 November 2006.

The Kano State government provided thirteen vehicles for the Hisbah corps and constructed the headquarters of the board that served as office accommodation. The Wudil local government donated N200,000 to the Hisbah and Sharia committees (Olaniyi 2005). As a result of massive recruitment, Hisbah was estimated to cost the state government N54 million per month. According to Sharia, any person convicted of prostitution is liable to a term of imprisonment for one year, or a fine of N10,000 or both. The Hisbah Board is empowered to discourage or report anybody found manufacturing, distilling, distributing, disposing, consuming, and possessing any brand of intoxicating substances prohibited in Kano State. Prostitution and homosexual acts are punishable with one-year imprisonment, or a fine of N10,000 or both.

Population was a major determinant in the recruitment of the Hisbah corps in accordance with universally accepted norms. Between 1999 and 2003, there were 250 Hisbah corps. In 2003, the board was given power to recruit one thousand corps members, out of whom seven hundreds (six hundred males, one hundred females) were recruited at the state level, while three hundred were recruited from local government levels. About 251 Hisbah corps members received intensive training to enable them to work effectively, according to the law establishing the board (Olaniyi 2005). On 3 July 2005, the Hisbah operation was strengthened with the recruitment of nine thousand trained guards, of whom nine hundred were women. As part of the capacity building for Hisbah corps, a one-week induction course, titled "Towards Enhancing a More Enlightened Hisbah (women) Command," was conducted in December 2005. Earlier, on 17 December 2004, a capacity-building workshop was organized for thirty-two local-government female corps members. An inductive course for 170 corps members was conducted in October 2005. In December 2005, 448 corps members were trained at Kaduna on moral, spiritual, and ethnomethodological approaches to the study and understanding of Nigerian culture. Each of Kano's 484 wards has twenty corps members.

Hisbah converted 565 persons to Islam throughout Kano State between 2004 and 2006. During the same period, a total of 23,167 cases were resolved involving matrimonial, land, pastoralist, business transactions, and neighborhood disputes. The settlements of disputes were carried out by Zaurukan Sulhu, Community Reconciliation Councils established in the forty-four local government areas, with a total membership of 7,260. About 1,774 cases of crime prevention were carried out by Hisbah, and 585 missing persons and children were returned to their families. Hisbah assisted 520 persons for medical support. Also, 275 persons benefitted from Islamic Adult Education established by Hisbah. A total of 39,132 cartons of beer were confiscated and culprits handed over to the police. A total of 6,329 commercial motorcycles (*achaba*) were confiscated for violating the State Government Road Traffic Law. Out of this number, 889 cyclists were prosecuted and fined; 554 were released for want of evidence. Hisbah functionaries provided security services at government offices and ministries and control traffic to reduce

congestion in the metropolis. They rendered assistance to old people and children along congested roads and provided security at hospitals and welfare homes, markets, Eid prayers, Sallah celebrations, Islamic gatherings/preaching, Quranic graduations, Jumaat (Friday) prayers, and pilgrim camp during hajj operations (Report of Kano State Hisbah Board 2006).

Politics and Class Issues in Sharia Implementation

The Hisbah Board complemented law enforcement agents in the crackdown on criminal gangs engaging in burglary, sexual assaults, and the sale and consumption of hard drugs. In August 2003, the Kano State Sharia court convicted Hamisu Sule of rape; he was sentenced to eighteen months' imprisonment, or payment of N15,000 fines, since his crime was a breach of section 260 of the Sharia Act (Olaniyi 2005). In October 2003, a Sharia court in Kano sentenced a prostitute who had dumped her infant baby into a well to 720 days imprisonment. In November 2004, the Kano State Sharia Court convicted Ghali Sadiq Yakasai of burglary; he was sentenced to having his right hand amputated, since his crime was a violation of section 134 of the Kano State 2000 Islamic Penal Code. By April 2005, sixteen cases of prostitution had been prosecuted before a Kano law court.

Hisbah made efforts toward curbing anti-Islamic behaviors, such as alcoholic consumption, pornography, unedifying media, drug abuse, gambling, and prostitution, which aided the upsurge of crime in Kano metropolis. To forestall crime and ensure compliance with the Sharia legal code and Social Re-Orientation Programme, forty-eight viewing centers were closed down by the Hisbah Committee of Dala Local Government Area, in connection with criminal activities and pornography in November 2004. In one of the viewing centers in Kano, both males and females were arrested and arraigned before the court, which sent them to the Kurnawa Central Prison in Kano. A beauty contest was aborted at the Bayero University Kano because of its un-Islamic nature and to avoid the violence caused by a similar event in Kaduna in 2002 and at the University of Maiduguri in 2003.

In April 2007, Hisbah publicly denounced the case of a same-sex marriage allegedly involving five women in the Kano entertainment industry. Maryam Mohammed, a.k.a. Aunty Maiduguri, had allegedly married four other women: Aisha Yola (age 26), Hadiza "Single Baby" Yola (22), Maryam Soba (25), and Hadiza Maiduguri (22), all of whom were dancers and actresses in the Hausa film genre. The alleged same-sex marriage led to the demolition of three theaters where the event was claimed to have been held. To implement the prohibition of alcohol in Kano State, truckloads of liquor were intercepted along Kano-Zaria highway and impounded. Hisbah offers counselling to women on marriage issues and to youths on the dangers of drug abuse and gambling, HIV/AIDS, premarital sex, and so on.

The state government reviewed the laws affecting the operation of Sharia and revoked and proscribed the delivery of certificates of occupancy

to any plot owner who plans to build houses for prostitution. All liquor licenses in the state were revoked. The Hisbah Board confiscated thirty-one trucks loaded with alcoholic drinks, which were handed over to the police for prosecution. Eight beer parlors were converted to schools or classrooms at Kumbotso, Makoda, Dala, and Dawakin Kudu local government areas of Kano State. Out of 452 beer parlors identified by the board, thirteen were permanently closed. The board handed over 574 persons confirmed to be drunkards to the police. To control prostitution, the board conducted 1,324 lectures and gave psychological counseling to prostitutes. It eradicated the tradition of allowing girls to stay in the marketplace until dusk during village market days, and handed over twenty-six cases of rape to the police. Out of the 405 brothels identified by the board, 186 were closed. The rest were located in Sabongari, where Hisbah activities have remained ineffective.

In many instances, citizens prefer to take their cases to Hisbah because they appear more transparent in their operation than the police. The pragmatic approach of Hisbah in monitoring the activities of the youth helped curb juvenile delinquency and subculture. Between 2003 and 2006, Hisbah arrested 133 delinquent children as pickpockets and thieves, who subsequently were reformed and returned to their parents in the northern states of Nigeria.

The Hisbah corps was initially widely accepted by the people and reluctantly by the police; however, this changed with the passing of the law by the State House of Assembly prohibiting the ferrying of women on *achaba*. The enforcement of Traffic Amendment Law 2004 by Hisbah drew resentment from many youths, especially the *achaba* operators, whose livelihoods were threatened by the legislation. As part of Sharia implementation, the law banned women from riding on taxi mopeds in May 2004. This was partly to outlaw the unabated increase in prostitution in Kano State.⁴ The Hisbah Board organized 4,675 counseling sessions or lectures for commercial motorcyclists on the prohibition of ferrying women on *achaba*. The law provides for six months' imprisonment for defaulting motorcyclists who carry women that are not their close relatives with a fine of N5,000 (\$36). Defaulters risk forfeiting their drivers' license for six months, or having their *achaba* impounded, in case of nonpayment. About 6,374 *achaba* operators were arrested for traffic offenses in contravention of Sharia law. Out of the number, 899 were prosecuted and fined. In the aftermath, the activities of Hisbah engendered skirmishes and breaches of social order, especially Sections 1 (3) and 4 (5) of the Nigerian Constitution, which protect the fundamental rights of citizens, including issues of transportation. In many instances, hoodlums took the law into their own hands by harassing women on *achaba*.

Since the collapse of public transport systems and the deterioration of road networks, mopeds became the commonest and most accessible form of transportation for the urban poor, including women. With equal importance, the moped transport business provided job opportunities for the teeming disenchanting and unemployed youths, reducing the crime rate. *Achaba*

became the last resort to most women, as there was insufficient *a daidata sahu*, government owned tricycles (female only), to cater to the high number of women in urban Kano under the Sharia.

In December 2005, clashes occurred between Hisbah and the *achaba* operators. Hisbah enforcers took strategic positions in urban Kano, forcing women passengers to get off *achaba*. In many instances, defaulters lost their money and were referred to court for prosecution. This provoked the resentment of *achaba* operators, who mobilized and launched attacks on the Hisbah enforcers. In the process, twenty-four government-owned tricycles were vandalized, seven members of Hisbah wounded, and eleven civilians injured. According to *achaba* operators,

The government ought to ban more grievous offences than carrying women on motorbikes. There are beer parlours, night clubs and brothels close to the governor's residence and nobody is saying anything about them. The government is just playing politics with the *Sharia*. (African Freedom Press 2005)

The sporadic clashes further paralyzed the transport sector in urban Kano. *Achaba* operators, under the platform of their union, organized street protests around the emir's palace, chanting slogans against Ibrahim Shekarau, the governor. The *achaba* union posited that as Muslims, they were not against the Sharia that banned women from riding *achaba*, but they were against the fact that the law was passed in an autocratic and military fashion, which did not give the public enough time to become sensitive to it and against the fact that the announcement of the law threatened their mode of survival and livelihood. One of the *achaba* operators argued:

[T]here is hypocrisy in the implementation of this law. They stop us in the morning and afternoon from carrying women who are going to do legitimate business like shopping at the market, going to hospital or to school, but they allow us to carry their girl friends to their guest houses at night. Why are they not coming out at night and stop the prostitutes from going to Sabongari on *Achaba*? Look at so many women stranded at the bus stops, and where are the *A Daidaita Sahu* motorcycles to carry them?

It was argued that such a law, which affects the livelihood of many people, should have considered the social, economic, and political implications before being enforced. Hisbah sanctions or the "legal exercise of physical coercion" against the defaulters of Islamic values provoked resistance among the youth whose livelihood was threatened.

Although armed policemen took strategic positions in the metropolis, they merely watched the clashes between Hisbah and *achaba* operators. This was due to the fact that the command of the Kano State police was

not involved in enforcing Sharia. Police apathy to the Sharia aftermath compounded the security issue as far as the Hisbah were concerned, as *achaba* operators seized the opportunity to challenge their authority. The actual encounter and the police apathy marked the increasing erosion of the state legitimacy in providing security. The Kano *ulamas* supported the clampdown on women riding *achaba*, based on the premise that the Kano people demanded Sharia and therefore had to obey it. Thus, despite the sporadic clashes and threatened livelihoods, the Kano government insisted that the law banning women from riding *achaba* would not be overturned, but the government promised to provide vehicles designated for women on the streets.

Equally important is the fact that the federal government viewed Hisbah as a parallel institution performing the statutory functions of the police, including arrest, interrogation, and detention of suspects. This was because the Hisbah structure was organized according to the conventional police model, including intelligence, investigation, and operation units. The federal government was suspicious of the rapidly growing strength of Hisbah, especially when secessionist bids, ethnic and religious bigotry, and global terrorism had reached alarming proportions. The relevance and powers of the police were gradually threatened by Hisbah operations, and it assumed a status of "parallel police."

In general, vigilantism in many parts of Nigeria has been linked to the breakdown of law and order and partisan politics. Since Hisbah was linked with partisan party politics in its early phase, there were accusations both within and outside Kano that Hisbah was primarily used by the governor as a political machine, rather than for the enforcement of Sharia. Opponents of Hisbah described it as a terrorist organization used by the state government to terrorize others to ensure security of tenure and checkmate political opponents; however, Hisbah supported the democratization process by providing security during elections to prevent hijacking of ballot boxes, intimidation of voters, rigging, and violence.

The Kano State government faulted the federal government's ban on Sharia enforcement. It was argued that proper constitutional procedures were followed before Hisbah was established and that the law, which provided the right to form Hisbah, was still in existence and that, therefore, Hisbah would continue to operate in Kano state. It was insisted that the legitimacy of Hisbah was derived from constitutional and legal sources. The establishment of Hisbah, it was argued, forms part of the religious freedom and cultural identity guaranteed by the Nigerian constitution and international conventions endorsed by Nigeria. The training of Hisbah corps was carried out in Nigeria with the collaboration of the State Security Service, police officers, and immigration officers, either in service or retired. The board of Hisbah included a retired deputy inspector general of police and a prominent traditional titleholder in Kano, while the consultancy for the training of the guards was handled by Al-Bashir, a retired assistant inspector general of police (Orimolade 2006).⁵

Conclusion

The foregoing discussion shows how Sharia and Hisbah have been used for administrative convenience and the maintenance of law and order in Kano State. Between 1999 and 2002, Sharia was enforced to ensure the legitimization of political authority; but from 2003, it became a resource for administrative convenience. Hisbah preoccupies itself with crime and social control among the masses; however, major issues, such as hoarding, gambling, and corruption, are not fully addressed. Certain areas of Kano remained unpatrolled and unpatrollable by Hisbah. Even though the enforcement of Sharia was demanded by the people of Kano, the arbitrariness of Hisbah corps was rejected by some, especially motorcycle operators. Hisbah corps requires sufficient knowledge in Islamic law and jurisprudence to avoid arbitrariness. This deficiency was realized early enough, when the Hisbah Board instituted training programs for the corps.

It is yet to be seen how Sharia and Hisbah enforce accountability in government business. Awards of government contracts and expenditure should duly follow the ethics of Sharia to guarantee “redistribution of wealth” and alleviation of regionally endemic poverty. The activities of Hisbah could further promote government agencies established to control systemic corruption, especially EFCC and ICPC. Redistribution of wealth could make the Millennium Development Goals achievable. If Hisbah ensures that the obligation of the individual citizen toward the state should be enforced, the same institution should ensure equality, equity, and justice.

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NOTES

1. The Izala movement, known as Jama't Izalat al Bid'a Wa Iqamat as Sunna (Society of Removal of Innovation and Reestablishment of the Sunna) was founded in 1978 in Jos, Nigeria. The movement is an anti-Sufi movement, formed to fight what is considered an innovation among Sufi brotherhoods, especially Tijaniyyat and Quadiriyya.
2. Shiites are followers of Caliph Ali, Prophet Muhammad's cousin and son-in law.

3. Since the early twentieth century, the increasing presence of Christian migrants in Kano has transformed its social structure into a heterogeneous and cosmopolitan city.
4. Popular perception in Kano suggests commercial linkages between *achaba* operators and prostitution; many *achaba* operators serve as pimps and clients while sex workers invest in *achaba*.

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