

THE WAZIRI AND THE THIEF

HAUSA ISLAMIC LAW IN A YORUBA CITY

A CASE STUDY FROM IBADAN, NIGERIA

Frank A. Salamone

Introduction

Nancy Munn (1973: 579) defines rituals from the 'inside out' as "a symbolic intercom between the level of cultural thought and complex cultural meanings, on the one hand, and that of social action and immediate event, on the other". It is from that perspective that I wish to examine a case study of Hausa law in the Yoruba city of Ibadan, Oyo State, Nigeria. I argue that the Sarkin Sabo and his representatives, including the Waziri, in dispensing justice and governing Sabo provide just such a ritual manifestation of the kind of 'symbolic intercom' to which Munn refers. Following Kiernan (1981: 6), moreover, I hold that a concept is needed to tie the sacred and secular together without slighting either one. In an article that aids in that task, Lubeck reminds us that

[c]olonial rule did not interfere with Islamic practice in the Sokoto Caliphate. In fact, indirect rule created an alliance between a faction of the Muslim aristocracy and the colonial state in which foreign trading firms, acting through layers of agents, linked the pre-existing peasant household and market sectors to the capitalist world economy. (Lubeck 1981: 70)

In his classic study of the Hausa Sabon Gari in Ibadan, Abner Cohen (1969, 1974) describes a logical consequence of the amalgam of sacred and secular in an African society, the Hausa, as well as the manner in which Sabo was linked through the Hausa-British alliance with the capitalist world economy.¹ This study seeks to

¹ *Sabon Gari*, or New Town, is the official name of the Hausa section of Ibadan. These Hausa settlements are found throughout West Africa. In Ghana, they are

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extend Cohen's work to the post-colonial period and to note some ways in which this Hausa alliance to the colonial state served to establish an affiliation with the post-colonial state in Nigeria. It does so through focusing on a court case involving the Waziri of Sabo.² A brief presentation of the history of Sabo further clarifies the case and enables contextual examination of the relevant social and cultural factors involved. Sabo, after all, must be understood as a consequence of the extension of British colonial power in Nigeria. The extension of that power enabled the Hausa to found dispersed trading centers throughout Nigeria and, indeed, British West Africa. Their power, however, rested on their ability to control those in their constituency. Appropriate analysis of the nexus of historical, political, social, and cultural factors in this process will further the understanding of that unifying concept for interpenetration of the sacred and secular which Kiernan seeks.

History of Sabo³

Hausa migration in West Africa is a long term phenomenon (Adamu 1978). The Hausa began to enter the Yoruba areas of what is today Nigeria in the 18th century. Although the *jihads* of the Fulani Islamic leader, Usman dan Fodio, and his supporters were unable to penetrate the Yoruba interior, their adventures did alert the Hausa to the various possibilities of the area, especially trade.

By the early 19th century Hausa merchants and Fulani cattle herders had begun settling in tandem in Yoruba lands, including Ibadan. Ibadan became a kind of camping ground and center of Hausa activities in what is now western Nigeria. Among their joint ventures was the trafficking of slaves in the trans-Atlantic slave trade, mediation in the cattle trade between north and south, and control of the middle portion of the caravan trade between the Hausa States and the Yoruba sections.

In common with other Hausa settlements, that in Ibadan developed into an important trading center with the Hausa controlling and regulating the flow of

generally termed *zongos* (see Pellow 1991). The settlement in Ibadan is referred to simply as Sabo in everyday conversation.

² The Waziri, or Vizier, is the second in command in the Hausa system. He is the right hand man of the Sarki, or Emir.

³ Much of the material in this section is based on interviews conducted by Joseph Nathaniel Miangu in Sabo.

trade. In turn, the Hausa became responsible for maintaining law and order within the settlement and representing the settlement to the ruler of the region. 'The settlement' includes more than just the Hausa area within the city of Ibadan. It encompasses all the Hausa, and, indeed even non-Hausa 'strangers' in the region (Miangu 1990).

Not all the people from the North speak Hausa or Fulani. There are the Nupe from Kwara and Niger, Zuru from Sokoto, Gwari from Kaduna and Niger, and Kambari from Sokoto. Most of the people from the Jos area do not know the Hausa or Fulani language but they are still regarded as Hausa or Fulani. Even the people from Benue State such as the Tiv, Idoma and Igala are addressed as Hausa by the Yoruba, Igbo, and Kalabari.

In addition, there were differences among the Hausa themselves. Some were freed or escaped slaves who settled on farms. Other Hausa had left home in disputes with their fathers, seeking a new start in life. Some entered the transportation network, carrying goods from north to south in 'burden transport', aiding in the complete Hausa control of the North-South trade network by forming the transportation link in that connection.

In time, the majority of Hausa and Fulani settlers in Ibadan came from the Northwestern and Northeastern regions of Nigeria. The Northwestern section includes Sokoto, Niger, and parts of Kaduna, Kwara, and Katsina States. The Northeastern area includes the rest of Katsina State as well as Kano and Bornu States. The settlers from this region comprise most of the cattle dealers while those from the Northwest supply most of the farm food and fish found in the market.

The original Hausa settlement in Ibadan was at a site named Omiadeyegun, along the Abeokuta Road. Because the Hausa considered this settlement too distant from the town, they moved to a new location named Oja Oba in Yoruba. In Hausa it was called Kasuwar Sarki (Emir's Market). The move was successful in increasing Hausa trade and population. Unfortunately, it also increased Hausa crime, or what the Yoruba perceived as Hausa crime, since they lumped all 'strangers' together as Hausa.

After World War I, in order to control crime, the Yoruba rulers decided to move the Hausa and other strangers to an unoccupied area in the Mokola and Race Course section of Ibadan, near the army barracks. At that time, the area was undeveloped bush and a dumping ground. Nonetheless the Hausa accepted the area and the responsibility to rule it and bring about law and order. As a symbol of their hope and dedication, they named it New Town, Sabon Gari, and every other Hausa settlement in the south, east and west of Nigeria has carried that name. Not only is

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Sabo in Ibadan the oldest Hausa settlement in the southern part of Nigeria, its rulers have been the ultimate chiefs of all the other Hausa settlements.⁴

In order to control crime in Sabo, the Hausa realized that they needed a formally recognized leader. There had been no overall ruler of the Hausa in the Yoruba areas. As Miangu (1990) states:

There had never been a ruler or leader among the Hausa and this was one of the main things that contributed to the different crimes there. When the Hausa settled in their new area, Sabo, they also decided to have a head. Now that they had come to stay together, practise their religion, they also needed a ruler, a ruler who is honest and outspoken, who would represent them and protect their well being, a responsible person with manners.

Since the British colonial government had installed a paramount chief in Ibadan, the Olubadan, the Hausa felt the time was ripe for petitioning the new chief to recognize their own leader. The Olubadan saw the wisdom and advantage of doing so and installed Mallam Audu Maikandiri as the first Sarkin Hausawa in Ibadan. Although there was general agreement among the Hausa that Audu was an intelligent and moral person, he was not a Nigerian citizen. The Hausa in Ibadan, therefore, asked him to resign his position, feeling that their interests would be better served in any disputes by a Nigerian citizen.⁵

After a court case, which Audu lost, the Hausa elected a new Sarkin Hausawa, Alhaju Bature dan Makama. In typical Hausa fashion, a friend of Audu's had been allowed to serve as interim ruler, pending dan Makama's election. Dan Makama chose Alhaji Audu Dunguru as his Waziri. Together they worked to develop Sabo and increase the number of Hausa resident there. They worked to coordinate their efforts with the other stranger groups in Ibadan, ensuring Hausa hegemony over these groups.

⁴ In 1990 there were still people alive who had settled in Sabo at its origin. There were also many children and grandchildren of the original settlers.

⁵ Among the typical comments about the Sarki and the Sabo area are the following, collected by my students in 1989-90 in Sabo: "Sabo - Was a bush until the Hausa settled there. Had permission."; and "History of Sabo - Zungeru people from Niger State came and inhabited Sabo along with the Yorubas. Obas or Sarki of Sabo are always from the Hausa people."

Unfortunately, dan Makama died within a few years of taking office. His son, Alhaji Amadu Bature found the burdens of office to be greater than he could bear and so he went to Oyo, the district capital, and asked the British Divisional Officer (D.O) to accept his resignation. The D.O. did so but could not decide on a successor. Therefore, he sought a qualified Hausa volunteer who would willingly assume the burdens of office.

Dan Bature's Waziri, Alhaji Audu Dunguru, stepped forward and was acceptable to all concerned. During Dunguru's reign relations with the Yoruba rulers of Ibadan as well with those other ethnic groups resident in Sabo were solidified on cordial terms. It was Dunguru who worked out the broad outlines of Hausa-Yoruba political cooperation in Ibadan, in which the Sarki would guarantee peace in the area and be allowed to settle Sabo's problems unmolested by the Yoruba. In turn, he supported the Olubadan's political interests and represented those interests to the Hausa in the North when need be. Over the years, the Hausa have even tactfully differed with their Fulani allies when they were forced to take sides in matters the Yoruba rulers of Ibadan deemed essential to their interests, such as the *jangali* (cattle tax).

Cohen (1965) made clear the value of the Hausa-Fulani alliance to the very existence of Hausa rule in Sabo. The prevalence of the tse-tse fly in the Ibadan area makes it imperative to import cattle from the North in large quantities. Since all sales are on credit, it is essential that there is exquisite coordination between all elements of the Hausa community involved. Ethnicity becomes a ritual symbol in the transaction. It is vital that Hausa stand out clearly from Yoruba in Ibadan and that the Sarkin Sabo and Waziri demonstrate their ability to rule the area clearly.

Cohen is correct in asserting that this highly developed sense of ethnicity is not found in the Northern Hausa homeland. In enclaves, however, such as Sabo, differences among individual Hausa which are freely expressed in the Hausa homeland, would tend to fragment a community which demands a high degree of unity to survive. Therefore, Hausa practices found in Northern Nigeria are given additional importance in Ibadan. Cohen, for example, eloquently develops this argument in reference to the Hausa practice of clientage in Ibadan.

The landlord is a pivotal figure in the life of the Hausa settlement of Sabo. He must know intimately the dealers who trade there. Additionally, he controls lodgings in Sabo. In 1990 there were still only thirty landlords in Sabo, the same number that Cohen noted in 1965. Meanwhile, the population of Sabo had grown from Cohen's estimated 5400 to about 10,000. Sabo's remarkable unity is to a very large degree the result of the united front these landlords present in the face of Yoruba buyers.

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They have employed the traditional clientage relationship to bind other Hausa to themselves. As Cohen (1965: 15) notes:

The Hausa throughout the region, indeed throughout northern Nigeria, monopolize the sale of cattle and control all cattle markets... [They form] a widespread network of highly interrelated communities.

In order to maintain this network it was sometimes necessary to ally themselves with local authorities against even their Hausa or Fulani allies from other areas. Thus, siding with the Yoruba against the Fulani in the matter of the *jangali* (cattle tax) was not an isolated instance of Sabo's Hausa going against their allies. Cohen (1965: 16) discusses the reasons for the Hausa of Sabo joining the Yoruba dominated Action Group after independence rather than the Hausa Northern Peoples Party. By joining the Action Party, the Sabo Hausa ensured a pressure group within the party to protect Sabo's interests. It also showed an allegiance to the implicit deal with the Yoruba that ensured Hausa rule in Sabo in return for loyalty to local Yoruba rulers of Ibadan.

The current composition of Sabo offers some insight into the complexity of ruling Sabo. While Sabo is reputedly a Hausa area, it is actually composed of people from a number of different ethnic groups, religions, and occupations, each of whom look to the Hausa to maintain law and order and settle disputes.

In a sample of residents of Sabo conducted in 1990, 51 respondents gave a Hausa place of origin, 57 a Yoruba, and nine gave 'others'. While all who identified themselves as Hausa also stated they were Muslims, the Yoruba were split exactly evenly between Christians and Muslims. There were no Hausa 'traditionalists' but there was one Yoruba traditionalist who was a herbalist. The overwhelming majority of Hausa were traders with a scattering of mechanics, herbalists, students, tailors, and professional people.

The Yoruba were more diversified, including traders, farmers, mechanics, and various professional men and women. The Hausa population came from all the various areas of Hausaland, with the largest number coming from Zaria. Moreover, it was obvious that many had stayed in Sabo for most of their lives, with some being there almost from its founding days after World War I. Some Yoruba, as well, had stayed in Sabo for over 40 years.

It is essential to note that in addition to Sabo there are other Hausa settlements in Ibadan. These were not developed at the time of Cohen's study, while those that were just coming into existence at the time of his study were, understandably,

overlooked. The Sarkin Sabo's rule, however, does extend beyond just Sabo as both he and the Waziri made clear to me. Others in Ibadan agreed with their assertions.

Quite simply, space in Sabo is at a premium and controlled by the powerful landlords and their descendants who established themselves during the original settlement of the area. The system the Dunguru dynasty developed for ruling Sabo, however, has adapted itself to these new settlements. Primary among these more recent settlements is Bodija. On July 4, 1976, a group of Hausa established an animal park market, in Hausa *kara*. It soon became, with the help of the Fulani, the largest animal market in Ibadan.

In February 1990, the Sarkin Sabo dedicated a wrestling and boxing field in the market at Bodija. This arena allows the Hausa to continue their traditional activities and to distinguish themselves from others in the area. Bodija is also the center of prostitution, gambling, and traditional medicine.

Shasha, founded in 1979, is another prominent Hausa area. It is noted for trade in food spices, tomatoes, onions, sweet and hot peppers, chickens, and other agricultural products. It is close to a Hausa motor park from which long-distance trucks continue trade with the northern Hausa regions of Nigeria.

It was Dunguru who began the landlord system which Cohen (1969) described and analyzed so well. Wealthy Hausa built homes in Sabo and rented space to others, standing surety for their conduct while residing in Sabo. By having a corps of affluent Hausa merchants with vital interests in Sabo, Dunguru both reassured the Yoruba, and had allies in maintaining order and advancing Hausa interests in Ibadan. Moreover, the presence of these wealthy Hausa led to the building of a school, shops, and a mosque. Dunguru's achievements seem even more remarkable when one notes that he began his career as a handicapped street beggar.

His son, Alhaji Mamman Audu Dunguru succeeded him in office and built on his foundation. Later on, Dunguru's grandson, Alhaji Shuaibu Mamman Audu, in turn succeeded his father, and began to expand the Sarki's power through initiating a system employing *Shugabas*, or heads, over other Hausa settlements in the Ibadan region. These Shugabas served to settle disputes between Hausa and other ethnic groups in the region:

The Shugabas or leaders are responsible for hearing matters and discharging matters. The Shugaba must be a learned person, who can act as judge whenever [necessary]. Cases among the Hausa should not be taken to Court. First they should see the Shugaba

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or Wakili [the Islamic judge, also in Sabo the Waziri]. If the Shugaba is not able to settle the matter, then the case is forwarded to the Wakili, from the Wakili then to Sarki. If the Sarki cannot settle the matter then it is taken to the Court (Miangu 1990).

It should be added that the Waziri travels among these Shugabas, representing the Sarki's interests, and taking a significant part in cases. The Sarki, understandably, seeks to keep cases from reaching courts outside his control. His ability to control the area requires him to be able to settle disputes in a manner seen to be just. His reputation is the best guarantee that he can do so. Accordingly, he and his Waziri must be approachable and be involved in day-to-day affairs of the area. They cannot simply descend upon them on judgement day and render decisions. Therefore, they must cultivate the virtue the Hausa term *kirki*, a virtue marked by courtesy and composure at all times (Salamone and Salamone 1993; V. Salamone 1991).⁶

Kirki defies literal translation into English. Jerome Barkow (1974) identifies 'gentleness' as a likely synonym. *Kirki* provides the Hausa with an essential element to their social mask. It is essential to their economic activity which benefits from the ability to move among and identify with a vast number of potential customers. *Kirki* woven into the individual's social mask does not have one ideal manifestation, but rather presents itself in a range of acceptable forms. Ultimately, the purpose is to smooth the way for friction-free, open-door relations.

Kirki provides a theme around which the Hausa organize their lives, establishing a guide for appropriate behavior. Specifically, the Hausa inquire whether a person's behavior is worthy of a person displaying *kirki*. Hausa take into account situational variables such as age, gender, socioeconomic status, family position, time, place, the sociocultural factors of others engaged in the behavior, and audience. Clearly, *kirki* is a relational value, depending on a number of factors.

The current Waziri, Alhaji A. Dahiru Dunguru, personifies the virtue of *kirki*. He is reputed to be a person who is approachable and generous, quick to aid and to settle disputes.⁷ Since the Waziri plays a prominent role in the case that I will

⁶ Kirk-Greene (1966) has provided some proverbial illustrations of this concept.

⁷ I spent a rather memorable day in his company and was impressed with his demeanor. He anticipated my needs, making sure I was comfortable and supplied

present and analyze, I will provide some background information on the position of Waziri, the current Waziri, and his family.

The position of Waziri is an important one at Sabo. The Waziri acts for the Sarki. It is his responsibility to find accommodation for strangers. In turn, he can refuse admittance to undesirable strangers, Hausa or otherwise, whom he deems potential problems. In addition, the Waziri collects taxes and pays Sabo's taxes to various governments, traditional Yoruba governments, the municipal government, and the federal government.

The present Waziri, Alhaji A. Duhione Dunguri, lives in the house his grandfather bought from the original Sarkin Hausawa, Mallam Audu Maikandiri. In common with many of Sabo's elite, however, he was educated in the northern part of Nigeria at Kaduna. He was also educated in Chicago and speaks fluent English as well as Hausa and Yoruba. Although he was educated in Kaduna, his family traces itself to Malumfashi in Katsina State. The current Waziri is the younger brother of the Sarkin Sabo.⁸

Their grandfather left Malumfashi for Zungeru when he lost his bid for the chieftaincy of Galadima. Since he was of the royal family, he felt he had lost face when the king makers passed over him for the position. In time, he established himself in trade in Zungeru and finally made his way to Ibadan, where his family predominates in Sabo.

with soft drinks on our trip. He knew my fear of fish bones and instructed our waiter to be sure no bones be found in my meal. None were. I was provided complete access to his new development area outside Ibadan and even allowed to help mine for gold in his gold mine. Alas, I did not get to keep any gold but I had the feeling that if I had asked for a souvenir he would have given me a small nugget.

⁸ Some comments about the Sarkin and Waziri, or Wakili, gathered by my students in 1989-90 are typical of public opinion about them: "The Wakili or Sarkin Sabo knows better. Sarkin Sabo - To keep good relationship with other ethnic groups, this Wakili is in charge of everything in the area. Wakili is second [in command]"; and "Sarkin Sabo - helps financially and helps get accommodation". One resident noted that the Sarkin solves problems and helped him in a dispute with a Ghanaian. Another noted that the Sarki collects bad debts quickly.

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The Thief, The Yoruba Market Woman, and the Constable

On March 21, 1990, at the Waziri's invitation, I accompanied him on his rounds. We began at Sabo about 9:30 am. The Waziri was somewhat embarrassed because he had lent his car to one of his brothers and had to hire a smaller car to take me around. Our first stop was at Shasha where the Waziri had some business, including a trial involving a young Hausa accused of stealing from a Yoruba market woman and assaulting a Yoruba constable.

The trial, which began about 10:15 a.m., took place in a large open courtyard outside the Shugaba's house. It was conducted mainly in Hausa, with translations into Yoruba and English for the benefit of the constable. The market woman, a Yoruba, spoke Hausa. English summaries were provided for those whose Hausa or Yoruba might not be sufficient. There were about twenty elders gathered in judgment. They were arranged in a horseshoe shaped semi-circle, under a large shade tree. Some were seated on chairs while others arranged themselves with their backs to a wall, under the shade of the wall's overhang. There were elaborate rugs placed on the ground for the use of participants. Completing the circle were the complainants, the defendant and some spectators.

Each of the elders felt free to interrupt and question the participants, seeking more information or commenting on that given. Eyes turned to the Waziri for guidance. With his big robes, large golden ring on his middle finger, and stately presence, he was clearly the most important person present. Generally, he was content to let matters proceed without interfering. Occasionally, he would interject a comment or two to frame the case in a larger context or to focus attention on what he deemed most relevant.

The constable was dressed in his blue Nigerian police uniform, complete with tidy beret. He sat calmly on a chair at the head of the circle, facing into the horseshoe. When his turn came to give testimony, he did so in English since he spoke neither Yoruba nor Hausa well, coming from another area of Nigeria. The market woman and the youth gave their testimony while kneeling. The youth, however, demonstrated a clear breach of decorum through appearing shirtless at a solemn gathering. From the beginning, he demonstrated his disrespect through his tone of voice, posture, and dress. Even while kneeling, for example, he did so in a manner that demonstrated his contempt, failing to remain straight and managing to present himself in a lazy contemptuous fashion.

The basic facts of the case seemed fairly simple and straight forward. The young man, about eighteen years old, had come to Ibadan a few months before. He had been a source of concern to the Hausa community, being rather rebellious and not

appropriately respectful of authority. His open show of temper especially concerned the Hausa who dislike and fear open displays of unseemly emotion.

He had worked for the Yoruba market woman for one day, lifting and moving her fabric goods and pottery as well as running errands. When his daily work was completed he came to collect his pay. He claimed that he did not receive the amount agreed upon. The market woman argued that he had broken some of her pottery through sheer carelessness and that she deducted the replacement costs from his pay. The young man countered that he did not break the goods through carelessness and that he had only learned of the woman's intent to deduct the costs when he received his pay.

To recoup his losses, he argued, he took money equal to what his employer owed him. In a rather typical fashion, chaos ensued. The market woman chased him across the market aided by fellow-workers and patrons. Since Nigerians who catch thieves in the act routinely beat and even kill them, the young man was fortunate that a Nigerian constable halted his progress.⁹

Unfortunately for his cause, he did not deem it so, for he chose to attack the constable before being subdued. This attack, of course, further compounded the youth's troubles. Again, he was laying himself open to serious personal injury and, yet once more, was fortunate in having the constable bring him before a Hausa court rather than before the municipal court. Even worse, he could have been 'lost' within the system and learned how seriously the police deem an attack on a police constable.

The high reputation of the Sarki and Waziri entered strongly in the constable's decision to advise the Yoruba market woman to use a Hausa court. They believed justice would prevail, to their profit. Moreover, the Waziri would stand surety for the young man, guaranteeing his good conduct and punishing severely any further recurrence.

In fact, the Waziri did advise the youth that he had brought shame on the Hausa community through his actions. He instructed him as to what his seemly course of action should have been; namely, to come immediately to the Waziri or Shugaba to complain of being cheated in his wages. The Waziri or Shugaba would have investigated the charges quietly and fairly to everyone's benefit. By his actions, the young man had limited the Waziri's options.

⁹ Indeed, I was involved in a case in which a thief was killed at a compound in which I resided in 1977. See Salamone (1983) for a discussion of the practice.

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Moreover, through attacking a constable he had brought further unnecessary trouble on himself. The Waziri reminded the youth that the constable did not have to bring him to the Hausa court. That he did so should remind him that he was fortunate to belong to a people who care for their members and try to take care of them.

The implicit warning inherent in this speech was made explicit when the youth continued his defiance. Unable or unwilling to pick up the cultural cues the Waziri patiently fed him, the youth continued to protest that he did not need the Hausa to take care of him. He was perfectly capable of caring for his own interests. After pointing out that recent events demonstrated that he was not capable of caring for himself, the Waziri warned him that his continued defiance jeopardized not only himself but the Hausa. He was willing to take some risk to aid a fellow Hausa but not when that rascal was ungrateful and continued heedlessly to imperil the interests of other Hausa in Ibadan. The Waziri warned the youth that if he continued in this manner, the Waziri and the elders would send him in custody back to his hometown in the North and have him placed in confinement there, never to return to Ibadan. Additionally, the youth's relatives in Sabo had agreed to this course of action and were shamed by the youth's defiance of his elders.

Having said that, the Waziri allowed the trial to continue. The three major figures had their say. The elders and the Waziri had theirs. No other witnesses were called. The constable presented a summary of witness reports and these reports were allowed uncontested by all save the youth.

After an hour or so, the court decided that the youth had acted rashly in taking money from the market woman. If he had a dispute, he should have brought it to the appropriate authorities who would have known how to settle it. Moreover, he was given no leeway in the matter of assaulting a constable and resisting arrest. The court commended the constable on his restraint and his goodness in bringing the matter to them rather than to a municipal court. They censored the youth for his actions in resisting arrest and assaulting a constable who had saved him from the fury of the market crowd.

They further fined the youth a large sum of money, my understanding was several thousand naira, and lent him the money to pay his fine to the market woman and constable. The fine was paid immediately to the complainants. The elders made it clear to the youth that the money was a bond for his good behavior. As the Waziri had warned him, any further trouble would lead to his exile and confinement in the North. Or, in a matter of great seriousness, abandonment by the community in which case he would face the wrath of his accusers unprotected in a court they controlled.

Analysis

Raybeck (1988, 1991) argues cogently that small-scale communities differ in their assessment and treatment of deviance and the deviant. In small-scale groups, including, I contend, enclaves, primary relationships prevail. The group coheres in the face of opposition, and its leaders primarily serve to present and protect the community's interests in an often dangerous and always intricate environment.

The 'deviant' or miscreant in small communities generally has multiple ties to the community through family, friendship, and commercial networks. He is not simply a 'thief', or 'hothead', or worse 'someone who disregards appropriate authority'. He is potentially a contributing member of Hausa society. It is in the community's interests to teach him how to behave. The trial, among other things, serves to educate him and to show him that without his community he is at the mercy of unpredictable and hostile elements.

The very fact that outsiders demonstrate respect and trust to the Sarki, Waziri, Shugaba, and the Hausa community is meant to instill in the youth a sense of ethnic pride and security. The array of elders along three sides of the circle demonstrates community solidarity in the face of the youth and his Yoruba accuser. He is, in a sense, outside the center of the circle, figuratively and literally.

Interestingly, the Waziri sits slightly behind the tip of the horseshoe, close to the accusers and accused. He sums up the arguments, asks leading questions, and comments on the proceedings, clearly setting forth dominant Hausa virtues: respect for elders, community solidarity, the need to avoid shaming the community, seemingly demeanor - in sum, all that the concept of *kirki* subsumes. His remarks, moreover, seek to persuade the youth to follow the true Hausa path and reject his individual road, a road that can only lead to his ultimate destruction. There is a clear connection between right behavior, legality, and morality. A person who has *kirki* will be a law-abiding, just, upright person - one whose every action accords with the good of the community. As Raybeck (1991) notes, in small-scale communities the good of the citizenry requires that it be slow to label the rule-breaker as deviant and, thus, beyond the pale.

Moreover, the power of Sabo's leaders centers on their ability to control the Hausa population while representing and protecting their interests. That, in turn, requires them to persuade the residents of Sabo that they are legitimate leaders who understand the interests of its residents and how best to protect them. They must earn the consent of the governed, and not force it. The recalcitrance of the youth is a direct challenge to the Waziri's authority and he deals with it patiently and even

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gently. He simply and incessantly lays out the consequences of the youth's behavior, using its occasion to strengthen community norms but also to help the youth conform to them.¹⁰

The decision itself was a foregone conclusion at the start of the trial. The youth had acted in a very un-Hausa manner. He continued to do so during the course of the trial, violating every tenet of *kirki*. Remember that it is in Hausa interests to keep cases from reaching courts outside their control. Moreover, the Sarki and Waziri control the area through settling disputes in a manner seen to be just. Their reputation is the best guarantee that they will be able to do so. Accordingly, they must be approachable by members of all ethnic groups in Ibadan. Above all, as we have seen, they must cultivate the virtue of *kirki*.

The Yoruba market woman and the federal constable knew that the Hausa elders would work to mend the potential breach in relations with two powerful segments of outside society: the market and the police. Women have great power in the market and the Hausa require access to markets to sustain their community. Moreover, Hausa control of their own community is strongly dependent on the willingness of police to bring cases to them before they enter the municipal courts.

The fact that the elders did, in fact, substantially reward the constable and market woman through considerable financial remuneration simply showed their good judgment in using a Hausa court. The Hausa were not disconcerted by the necessity to 'spray' some money to ensure continued good relations. The capability of keeping control of Sabo's affairs is worth a few naira to them. After all, the ability and willingness to compromise is an integral part of being a man of *kirki*.

Conclusion

British colonial power enabled the Hausa to spread from their more traditional locations. Their migration, it is true, preceded British presence and control of Nigeria. However, British control under the *Pax Britannica* ensured that peaceful migration and trade would come under their protection. With the migration, however, came the need for the working out of accommodations for the newly settled Hausa.

¹⁰ Certainly, the Waziri's actions have a Durkheimian ring to them but they go beyond the mere clarification of norms such a reference implies. See Durkheim 1964, 1953, 1951, 1938.

The system that evolved at Sabo became a model for other similar systems. Basically, an emir and vizier along with a commercial elite undertook the responsibility for maintaining law and order in return for basic commercial privileges. The system, fairly well in place by the end of World War I, has served the needs of Hausa and other settlers while providing the Yoruba rulers of Ibadan with their own benefits. They are able to govern a large foreign group within their midst in much the same manner that the British employed in their system of indirect rule. Moreover, in crucial issues the Hausa will attempt to present the Yoruba view to their northern kinsmen. Although they do not relish doing so, they will openly side with the Yoruba on matters of vital interest to them if they see no other option open to them.

In turn, the Hausa must demonstrate their ability to control their constituency, including newly arrived settlers. Therefore, the case study is significant in illustrating a typical manner in which the Hausa solidify their ties to the outside community while reinforcing core values, encapsulated in the virtue of *kirki*. They pacify the constable and the market woman while seeking to reincorporate their errant youth. Their lecture to him is also meant for a wider audience. The elders clearly state their position and warn the youth that while patient, they are not infinitely so.

Kiernan's (1981: 6) argument, therefore, that a concept is needed to tie the sacred and secular together without slighting either is a sound one. The Hausa concept of *kirki* certainly does so in an effective manner. The demeanor of the Waziri, quiet and calm, is the mark of a man of *kirki*. His certainty in the face of confusion calms the people and reassures them of the sanctity and surety of the law. The law is not a thing, moreover, it is a process that seeks to protect the community in the face of outside dangers. That lesson is driven home to the recalcitrant young man in numerous ways. The circle, for example, symbolizes the force of the Hausa community that will protect him and teach him, always being ready, furthermore, to embrace him once again.

The tree itself is a sacred symbol, being old and enduring and providing welcome cool shade on a hot day. Indeed, the value of coolness in Hausa society is well-known (e.g. V. Salamone 1991). The Hausa value people who can listen calmly in the face of adversity and who can seek to reconcile seemingly irreconcilable differences. Again, there is a series of symbols, ritually encapsulated in the trial, that reinforce this value. For example, each person gets an opportunity to present the case calmly. Respect is accorded to each presentation. People in the circle are free to ask questions and the Waziri generally waits until all others have spoken, not wishing to inhibit their advice and opinions.

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The entire trial is presented in a ritualistic order. The young man must kneel. The constable sits on a comfortable chair, underscoring both his dignity and his outsider status. Three languages are used - Hausa, Yoruba, and English - but deliberation is done in Hausa, a kind of canonical language. Translations are made in summary fashion as a courtesy to outsiders. Indeed, courtesy itself is the order of the day as befits a Hausa ritual.

The healing aspects of the trial, internally and externally, are significant. The trial sought, as good rituals do, to bring the group together and to reinforce its values. At the same time, in conformity with the Hausa's special position in Ibadan, the Waziri was careful to heal the breach with those whom a fellow-Hausa had offended; namely, the constable and the market woman.

Ethnic groups, including the Hausa, have frequently used religion to safeguard those values most tied up in preserving ethnic identity in complex interactions. Those values tend to assume sacred characteristics and, therefore, to be protected through sacred sanctions. Symbols closely associated with a group's identity tend to be sacralised. After all, as Durkheim taught us, religion is only society writ large. Using sacred symbols as identity markers assures that insiders and outsiders will take them seriously and structure ethnic transactions accordingly. Religion in Nigeria is a master status, requiring that each of a group's other statuses are grammatical with them. I suggest that social groups will always employ religion, or its symbolic equivalents, to sanctify key identity symbols they use to distinguish themselves and define themselves and other social groups who are in constant social encounters with each other.

The sociodrama enacted on March 21, 1990, illustrated a number of points about ritual, key symbols, and the manner in which key symbols are used in rituals to reinforce core values in Hausa society. Cohen's earlier work on the Sabo Hausa noted that the survival and continuation of their community depended on their ability to maintain their economic position in the savanna-to-forest trade. To do so they had to preserve their unique Hausa ethnic identity in the face of Yoruba challenges. Preserving control over their Sabo community, including dispute settlement involving community members and outsiders, was an integral part of their task. Moreover, from Munn's perspective, they demonstrate the manner in which ritual leads to action and the relationship between tropes, identities, and social organization.

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