

NATIVE RACES AND THEIR RULERS

SKETCHES AND STUDIES OF OFFICIAL LIFE
AND ADMINISTRATIVE PROBLEMS
IN NIGERIA

C. L. TEMPLE

SECOND EDITION



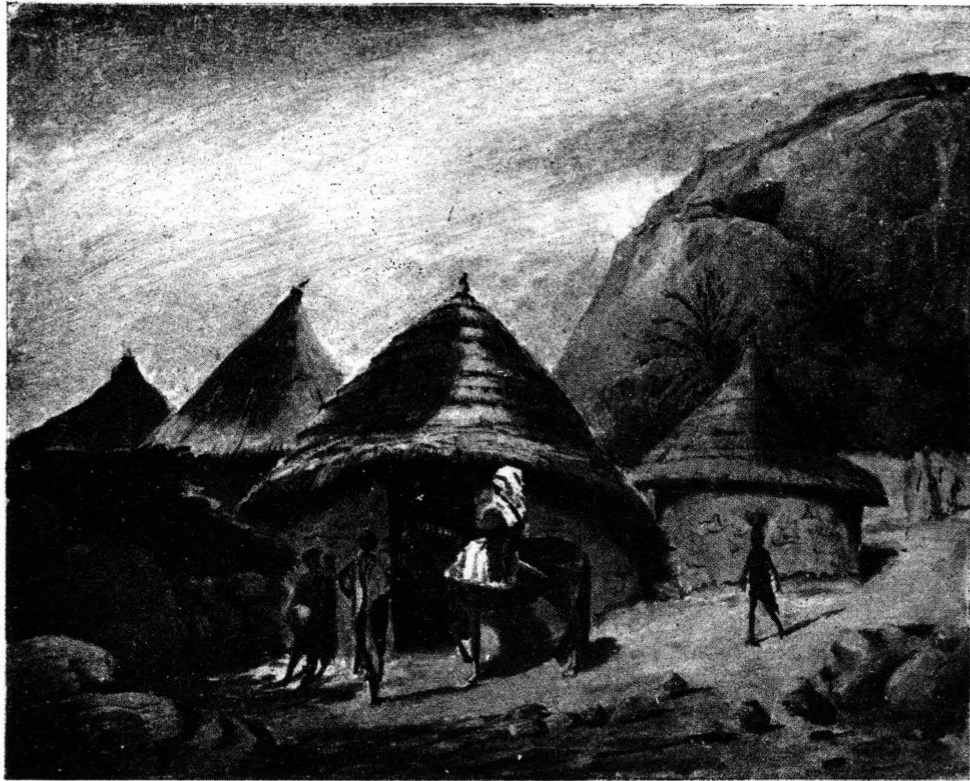
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AN EMIR'S MESSENGER VISITING A PAGAN HAMLET.

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M. HISKETT

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A
CRITICAL INTRODUCTION
BY
M. HISKETT
BEING
THE HISTORICAL BACKGROUND TO LUGARD'S
OCCUPATION OF NORTHERN NIGERIA



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THE
HISTORICAL BACKGROUND
TO LUGARD'S OCCUPATION OF
NORTHERN NIGERIA

An adequate account of Charles Temple's personal background and the details of his career have been given by Dame Margery Perham in *Lugard: the years of authority*¹; by D. J. M. Muffett in *Concerning brave captains*² and by Kirk-Greene in his recently published *The principles of native administration in Nigeria—selected documents 1900–1947*.³ Since these works are likely to be familiar to readers of this Introduction, there seems no point in repeating them here. We are concerned much more with his ideas.

Temple was a highly cultured, and in some ways a liberal man, with a philosophic turn of mind. He was not a scholar. No one will pretend that his book is anything other than a series of "ponderations" as he calls them—reflections, and sometimes simply musings on the problems of administration, made in retrospect, but fortunately not in too distant retrospect. It is in this that their value lies. Temple was with Lugard even before the campaign against Sokoto. He then spent a long career in Northern Nigeria. His final summing-up in this book reflects important changes in attitude, and some shift from his position in the early days, and this is extremely important to our understanding of the events and policies in which he was involved, and of the thinking which lay behind them. He was also among the first to implement what became known as the doctrine of "Indirect Rule", and inevitably he not only applied it, but helped to shape it, a fact which Lugard himself recognized.⁴

Mr. D. J. M. Muffett maintains that Lugard disliked him and was jealous of him.⁵ This may have been so; but Lugard's *opus magnum*, *The dual mandate*, which was first published in 1922, certainly echoes a number of Temple's ideas. In the opinion of the present writer

¹ *Lugard: The years of authority*, London 1960, 388–9.

² *Concerning brave captains*, London 1964, 156–8.

³ 1965.

⁴ *The dual mandate*, fifth edition, London 1965, 222n.

⁵ *Concerning brave captains*, 158.

Lugard may well have been indebted to Temple's initial sign-posting for doctrines which he expounds at greater length. The possibility suggests itself particularly on perusing Lugard's discussion of land tenure and freehold,¹ and the administration of the law.²

Some of Temple's book is unimportant. His notions on the possibilities of racial integration—though understandable in the context of West Africa in his day—now seem unduly rigid. His dogmatic attitudes toward "Drink", though they may have had a purely administrative justification in the days of cheap trade gin, appear impertinent at a time when alcohol is freely available to all who can afford it, and when it is quite evident that Africans are neither more nor less intemperate than anyone else. His pawky humour is often heavy, and sometimes irritating. Nevertheless, the book is an important document. It is the testimony of a man who, whatever his inability to win affection in daily contacts, and despite certain rather obvious prejudices, pursued his purpose along the broad guide-lines of a quite startling liberalism. Like Lugard, he accepts uncritically certain moral presuppositions which are the subject of much of this Introduction. But like Lugard, and more so, he then demonstrates a capacity for radical thinking which is at times rather unexpected in a man of his background. Thus we find him, in 1918, advocating nationalization of the land, and attacking the institution of freehold with the argument that betterment in land values due to the efforts and initiative of the community should accrue to the community, and not find its way into private pockets. Both Temple and Lugard were fully aware of the real dangers inherent in such aspects of colonialism as white settlement and the introduction of European capital, and we find them arguing to obviate these

1 Miss Perham, in writing of the relations between Temple and Lugard, states: "They disagreed about land tenure, Temple being fascinated by the theories of economic rent and nationalization" (*Lugard: The years of authority*, 478). In fact however, Lugard several times agrees that the institution of freehold is not appropriate to an African situation, and that the State should participate in increased land values. To this extent he is in agreement with Temple's basic argument. Where he appears to disagree however, is on the application of the principle of the economic rent to native lease-holders (*Dual mandate*, 290-1), a measure which Temple approves. However, Lugard agrees that an economic rent should be charged to aliens (*ibid.* 298). Another point concerning which he perhaps differs with Temple is over the payment of compensation to expropriated tenants. Temple appears to favour only compensation for unexpired improvements, whereas Lugard would give a disturbance allowance. To this form of compensation Temple (p. 158, 1918 edition) obviously objects. Yet it seems to the present writer that while Lugard tempered Temple's somewhat doctrinaire attitudes in the direction of moderation, he was nevertheless indebted to Temple's thinking on the whole problem of land tenure, and that Temple's book gave Lugard several leads.

2 *Dual mandate*, 553 ff.

dangers and control the new institutions. Thus Temple speaks of the Government being under pressure "to compel the natives to work for the European at a wage which will suit the latter",¹ and argues strongly against allowing the African to become converted into a wage-earner. Lugard, in a wider discussion of this and related problems, supports the intelligent use of European capital investment, but is equally conscious of its potential dangers and precise in his advocacy of government's duty to control.² Finally, both Temple and Lugard show themselves fully aware that relations between the white and coloured races cannot remain static, and they see their own work in terms of its potentialities for influencing future race relations.

As with Kipling, so with these two men, when we read them, we are impressed by the extent to which certain aspects of radical thinking had taken hold of minds that were certainly not committed to political radicalism. Lugard was very far from sympathetic to the political left of his day, yet many of his ideas on economic and social problems must have seemed advanced to some of his contemporaries.

Temple was a strange mixture. His was a sophisticated and by no means always conforming mind. In many ways his attitudes were traditional and paternal, even autocratic. In certain instances however, he was more overtly and frankly radical than Lugard and it appears to the present writer that he was often in open sympathy with the Fabian currents of his day. One thing is certain; these were thoughtful and responsible men, sensitive to the cross-currents of political argument, and the active social conscience of their times. Not all aspects of their ideas and policies are now acceptable, and we believe that Lugard, in particular, deserves a more critical assessment than he has hitherto received. Yet if we see them as the stereotyped creatures of an unbending illiberality, mere caricatures such as the more extreme critics of the colonial period are wont to present, we shall fail to understand both the men and the intellectual climate in which their ideas emerged.

It is not the purpose of this Introduction to review Temple's book. But the whole question of Lugard's Administration, and particularly the opening phases of it, have now become a focus of learned discussion. For this most welcome development we have to thank Dame Margery Perham, whose scholarly devotion to Lugard has set this ball rolling;³ and then Mr. Muffett, who has recently mounted a controversial attack on the Lugard mystique.⁴ Mr. Kirk-Greene's

1 1918 edition, 146.

2 See the chapters on land tenure in *The dual mandate*.

3 *op. cit.*

4 *op. cit.*

recent work adds further illuminating documentary evidence.¹ It is our purpose to make this a critical introduction and to enter this discussion. We have three aims. The first is to take up the story a century or so earlier and bring it down to the point at which Temple begins—that is, to examine the society and the institutions upon which Lugard's theory of "Indirect Rule" was imposed, for we believe that this is an aspect of the whole affair that was imperfectly understood by Lugard; by many of his administrators and by public opinion of the day. Secondly, to question certain of the moral and ethical premises upon which the justification for British intervention in Northern Nigeria rested, for we believe that these arose largely out of the same failure in understanding. Finally to examine the origins of the controversy concerning "Direct" and "Indirect Rule".

The Hausa states before the British occupation

One thing is obvious from reading both Temple and Lugard. Although in time the British Administration made considerable efforts to study the pre-existing institutions of Hausaland and to adjust their policies accordingly, at the outset very little was known. Particularly, Lugard's Administration, with the exception of Burdon,² had but slight knowledge of, and often scant sympathy with the Muslim Fulani. No objective study of Islam in Hausaland preceded the occupation. The broad outlines of the Fulani jihād were known, but were seriously misunderstood. The Fulani were seen as alien conquerors, as tyrants and as religious fanatics. The intricate duties and obligations of Muslim feudalism, and the stresses which these imposed on the Sultān³ of Sokoto in his dealings with non-Muslims who made political demands on him were not appreciated by Lugard, who appears merely to have been irritated by delays which he did not understand, and which he interpreted as slights.⁴ Indeed Lugard himself admits to lack of knowledge "of Moslem methods or of native law and custom" at the point when his

1 *op. cit.*

2 See Muffett's account, *ibid.* 38-40 and *passim*.

3 It is a moot point whether the ruler of the Fulani feudal empire ought properly to be referred to as "Sultān" or "Imām". Constitutionally, "Imām" is more correct, and certain of the early Fulani writers even used the term "Khalifa". This however, appears never to have become generally adopted. Clapperton refers constantly to Muḥammad Bello of Sokoto as the "Sultān", and we may therefore assume that this title, and not "Imām" was the one in current use at that time. This is what one would expect, since Mamlūk and Ottoman influences had long been at work in the Hausa kingdoms and the title "Sultān" is likely to have become generally known whatever the precise constitutional implications.

4 See Muffett's Chap. 1-4.

administration undertook responsibility.¹ By 1922 his only written source of information upon the Fulani system of land tenure seems to have been Abdullahi's *Ta'limu Radhi*,² although the matter is fully discussed in the same author's well-known *Ḍiyā' al-hukām*,³ which must have been readily to hand had he made any serious attempt to make the numerous literary sources for Fulani Islam available to his officers. However, despite this lack of preparation the Administration wisely decided to proceed slowly, and to maintain the existing structure largely as they found it. Thus, bit by bit, they came empirically to appreciate something of the background to it. Yet at one point it was still a matter of serious consideration whether or not the Ha'be rulers, displaced a century ago, should be reinstated.⁴ In time, the scholarly labours of men like Burdon,⁵ Palmer⁶ and Arnett⁷ threw light on the true nature of the institutions over which they had assumed control, and it is our final conclusion that this substantially modified the practice of indirect rule. Nevertheless, the initial judgments were made with inadequate knowledge and gave rise to an assessment of history which was seriously distorted. This assessment became widely accepted, and was deposited in its definitive form in *The dual mandate*.

1 *Dual mandate*, 224.

2 *ibid.* 288. I have not been able to trace a work of this title by Abdullahi.

3 At present available in a photographic reproduction of a manuscript text, Zaria, 1956. I have a photostat copy of a rather finer MS, obtained in Keffi some years ago, the original of which is now deposited in the Library of Ibadan University. It is to the pagination of this MS that I refer below. An excellent Hausa translation of this work was commissioned by the late Sir Ahmadu Bello, Sardauna of Sokoto, and was undertaken by the Deputy Grand Alkali, Alhaji Haliru Binji with the help of the Grand Alkali Alhaji Abubakar Mahmud Gummi and other Northern scholars. It was published by Gaskiya Press. The bulk of the first printing was temporarily stored in the Sardauna's house in Kaduna and was almost entirely destroyed by fire on the night that he was murdered. Some copies, however, are still available.

4 *Political memoranda*, No. ix, para. 2; see also *Dual mandate*, 209, from which it is clear that there was a strong feeling of sympathy for the Ha'be. In human terms this was certainly no bad thing, but what is extraordinary is that, politically, anyone should imagine that it was possible to turn the clock back a hundred years. Palmer, at one point, was an advocate of this policy; Temple strongly opposed it.

5 For instance, his *Historical notes on certain Emirates and tribes*, London, 1909.

6 *Sudanese Memoirs*, Lagos, 1928 and several learned articles.

7 *The rise of the Sokoto Fulani*, Kano, 1922. Also his contribution to the *Gazetteer of Sokoto Province*. There are also contributions by officers such as Stanley and McAllister in unpublished historical files, etc. Lady Lugard's book *A tropical dependency*, although in many ways unreliable, also contributed to a more sympathetic understanding of Nigerian history.

After his philosophic preamble, Temple considers the structure of government, and deals with certain major institutions, such as taxation; land tenure; the administration of justice; education and slavery. He considers them in the context of indirect rule. We shall endeavour to show how and to what extent they had developed at the point when Lugard arrived on the scene.

(a) *The constitutional basis of the Fulani empire*: It is not sufficient simply to describe the Fulani state as a feudal empire, without enquiring into the nature of the feudalism, and the ideology which lay behind it. It appears from our sources that in Hausaland, as indeed in the Western Sudan generally, indigenous society had been based on the clan or kinship group. The early Hausa lived in small autonomous kinship groups without clearly defined territorial boundaries, and their economy was based on hunting and primitive agriculture. In time city states, of which Kano was typical, developed to absorb the surrounding settlements, and form kingdoms which became increasingly territorial as they began to rub up against one another. The constitutional development of these early Hausa states took shape under political influences from the medieval Islamic empires of the Sahara and of Bornu. These empires, in their turn, had developed out of contacts with the Mamlūk states of Western Islam and it was therefore Mamlūk influences which largely shaped the development of government in the Hausa kingdoms. But although these influences were Islamic, they reached Hausaland in an incomplete and imperfect form. Mamlūk ceremonial, the use of eunuchs in official posts and certain other outward characteristics of Mamlūk rule were adopted. However, the Muslim Shari'a was imperfectly applied, and its adoption appears to have been merely a cover beneath which the Hausa princes continued to pursue their own arbitrary systems of government. Furthermore, there was no political unity in Hausaland. Each of the Hausa kingdoms was independent and there was constant warfare between them.

The Fulani had settled in Hausaland, according to their own genealogical tradition, in the second half of the fifteenth century.¹ They came originally from Mali, and by the time they arrived in Hausaland they were already Muslim and were versed in the literature of Islam. They formed an intellectual élite among the still only superficially Islamized Hausa and became established as teachers, scholars and probably also as advisors at the Ha'be courts. Certainly they maintained their own ethnic identity, but it is extreme to speak of them as "aliens" after nearly three centuries of settlement in Hausaland. In any case such a description arises from an exotic

¹ *Tazyin al-waraqāt* of 'Abdullah ibn Muḥammad, edited Hiskett, Ibadan, 1963, 5.

concept of national frontiers and ignores the cultural unity of the Muslim Sudan. They were largely responsible for the slow and generally peaceful persuasion by which Islam advanced over the course of three centuries. Of what happened between their coming and the outbreak of their jihād we know little, as yet. But it seems that the dispute between Islam and paganism was argued out largely in terms of court intrigue and dynastic rivalries. The rulers paid lip-service to Islam when it suited them to do so, and each was surrounded by malams—that is, Muslim literati—whose function was to give spurious legality to the idiosyncratic administrations of their masters. Islam, both constitutionally and in terms of religious observance became involved in an accommodation with paganism and indigenous custom, and this *modus vivendi* was supported by the self-interest of the Ha'be princes, and their surrounding hierarchies.

Opposition to this situation had certainly been going on for several centuries, for we have records of a considerable literature of protest extending from the fifteenth down to the early nineteenth century.¹ It appears that the situation came to a head about the end of the eighteenth century and gave rise to a good deal of theological argument. We have records of such religious teachers and reformers as Shaihu Jibril, who led a party of reform professing doctrines reminiscent of Wahhābism. In fine, the sources suggest that a Muslim minority, nurtured by a reform tradition extending over some three hundred years, and by now deeply dissatisfied with the constitutional and religious situation of the day, was the focus of a ferment of ideas in the Hausa urban centres.² It was in this situation that the Fulani reformer Usumanu d'an Fodio ('Uthmān b. Fūdī) now intervened. The details of his career as a peripatetic preacher and Muslim revivalist, and the events which led him to "emigrate" beyond the sphere of influence of the Sultān of Gobir, and ultimately to embark on a jihād which overthrew most of the Hausa kingdoms, are widely known and readily available.³ What interests us here is the moral and intellectual background against which all this took place.

The Fulani leaders have left copious records of what they thought, and why they acted. Many of their writings, such as for instance the Shaihu's *Kitāb al-farq*,⁴ are attacks on the tyranny of the Ha'be

1 For an account of the literature see Bivar and Hiskett, "The Arabic literature of Nigeria to 1804", *BSOAS*, XXV, 1, 1962.

2 For a fuller discussion of the reform tradition see Hiskett, "An Islamic tradition of reform in the Western Sudan from the sixteenth to the eighteenth century", *BSOAS*, XXV, 3, 1962.

3 For instance in Arnett, *The rise of the Sokoto Fulani*; Hogben and Kirk-Greene, *The emirates of Northern Nigeria*, London, 1966.

4 Translated in *BSOAS*, XXIII, 3, 1960.

princes; others, like the *Nasā'ih al-ummat al-muhammadiya*,¹ are theological apologia defending the Fulani concept of Islam, and exposing the unsoundness of the Ha'be. Yet others, like Abdullahi's *Diya' al-hukkām*, set out the constitutional and legal theory upon which Fulani government rested.

The precise nature of Fulani motivation is still a proper subject for discussion, and of some disagreement. A reasonable case can be advanced for seeing Shaihu Usumanu as a social reformer, and certainly his *Kitāb al-farq* and *Nur al-albāb*,² among other works, appear to demonstrate a simple indignation at social injustice. However, it is more in keeping with his Islamic background to seek the sources of his indignation not in these simple social terms, but in his concept of the Sharī'a as the divinely revealed will of Allah, in accordance with which Muslims must live. Thus the situation in the Ha'be states was conceived not in social and political terms, but as a denial of the imperatives of divine revelation. Be this as it may, the crucial point is, were these accusations against the Ha'be, for whom Lugard and others seem to have felt some sympathy, justified? Our evidence is scanty, but what exists suggests that they were. The *Kano Chronicle*,³ which has no pro-Fulani bias, tells a sorry tale of the last Ha'be reigns. But more important is the testimony of such works as the *Kitāb al-farq*. These Fulani—the Shaihu, Sultān Bello and Abdullahi—were not writing for posterity, except possibly in their late definitive works. They were writing to win popular support in the religious revival and political revolution which they sought to bring about.⁴ Consequently, a powerful control was what public opinion would accept as true. It is no good, for instance, accusing the tyrant of confiscating the peasant's donkey or demanding *droit de seigneur* from his daughter, unless these are standard grievances which can be relied upon to arouse anger. Thus we are entitled, at the least, to say that most of what Shaihu 'Uthmān wrote represented the felt grievances of the people to whom he addressed himself.

But there was more to Fulani discontent than this. We have described the arbitrary and particularist nature of Ha'be rule. This was, quite simply, anathema to orthodox Islam, in the same way, perhaps, that totalitarianism is to activists dedicated to the democratic tradition, although in this case the religious imperative is absent.

1 Relevant extracts from the work appear in translation in *An Islamic tradition of reform*, etc.

2 *Revue Africaine*, Algiers, 1897-8.

3 Palmer, *Sudanese memoirs*, Vol. III.

4 This effort continued through propaganda, long after the successful military campaign.

Out of the institution of the early Caliphate Islamic constitutionalists evolved the theory of the "imāmate"—that is, the central authority (both religious and secular, since in Islam there is no valid distinction to be made between the two), which was to administer the divinely ordained order of things in the *jamā'a*—the Islamic political body. In due course, and as a result of the fragmentation of the medieval 'Abbāsid empire, it became necessary for Muslim jurists to reconcile the political reality—that is, numerous powerful and independent principalities—with this theory. This they did by introducing the doctrine of delegation. By delegation of authority the imām restored legality to a situation which had become, in Islamic terms, unacceptable. So powerful a hold did this concept of legality acquire that Turkish and Mongol usurpers maintained a sort of Caliphal *roi fainéant*, through whom they sought to legalize their dynasties.

It is abundantly clear from the writings of the Fulani that they were steeped in this orthodox Islamic doctrine of the imāmate, and that the opposition to the Ha'be arose not only out of direct reaction to tyranny, but was rooted in the belief that constitutionally the Islamic community in the Sudan was acephalous. There is no doubt that by established Muslim tradition and belief this was a reasonable and responsible attitude. The outbreak of war was probably inevitable in circumstances where the dispute could no longer be resolved by argument. But the final resort to force was as much the immediate consequence of deliberately oppressive acts on the part of the Ha'be, as of Fulani aggressiveness.¹

Lugard certainly appreciated the simple issue, that the Fulani claimed to be reformers, and his riposte was the familiar one that in their achievement they fell short of the intentions of the founders. It is doubtful however, whether he understood the deep philosophical and ethical compulsions which lay behind their concept of the imāmate.

The theory of Fulani misrule was assiduously cultivated by Lugard. That the Fulani failed, and then degenerated into an odious tyranny

1 In an outstanding contribution "The Fulani *jihād*: A reassessment" (*JAH*, vi, 3, 1965, pp. 333-355), which was received after these lines had been written, Mrs. Marilyn Robinson Waldman has discussed the circumstances which issued in the Fulani *jihād*, and has summarized her conclusions as follows: "An analysis of the conduct of the *jihād* bears out an emphasis on Usuman's preference for peaceful pressure, on his lack of planning for a war, and on his many-sided relationship with his followers. The necessity of justifying a war he had not sought, together with the largely secular interests of his followers, gave a tone to the *jihād* not totally in keeping with its avowed aims." (p. 355).

We entirely agree with Mrs. Waldman, whose last point is strikingly borne out by Abdullahi in his *D. al-ḥukhām*, where he comments "the tyranny of the commanders of our armies is known at the present time." (f. 41).

became the received doctrine, and is still subscribed to by some present day scholars.¹ Yet it is not a mere playing on words to say that the Fulani did not "fail"; they simply did not completely succeed. Culturally, their success was substantial, in that they spread Islamic literature much more widely throughout the population and, incidentally, created a literature in Hausa. Thus Islam ceased to be a minority culture, and became widely shared among the people. This their critics ignore. Constitutionally, they set up a central imāmate upon which depended a loose, but nevertheless unified feudal structure, and this did represent real change. Of course the structure decayed as the years passed, but the centre was still intact when the British took over. The first Fulani emirs were, by all accounts, dedicated and able men who made a significant impact. There is little doubt that government was less arbitrary and more in accordance with the Shari'a under Sultān Bello of Sokoto than under Bawa of Gobir. Similarly, Dabo of Kano was a marked improvement on the horrid Babba Zaki! Much of the reforming zeal was thwarted both by popular inertia and by the centrifugalism of tribal and clan rivalries, but there remained at the end of it all a real and permanent achievement in that, at the turn of the century, what we now call Northern Nigeria approached more nearly to the orthodox Islamic ideal of the imāmate than it had done a hundred years earlier. And since the Shari'a is an ideal, it is unreasonable to expect that it could be completely realized. It is difficult to see why such incidental matters as the retention of certain Ha'be titles should be adduced as evidence of failure.² It would be as reasonable to assert that William the Conqueror "failed" because Anglo-Saxon terms have survived in local government. The hereditary succession, criticized on the grounds that it betrayed the sacred nature of the jihād,³ was a mere device to avoid wars of succession. In this case it did not entirely succeed, but the situation could have been very much worse without it. It is not in itself evidence for or against the Fulani.

The real proof of the pudding is to be found in the experience of the late European travellers. Barth was by no means universally critical. He criticized in patches, but elsewhere accords the Fulani a due measure of praise—for instance in Kano. Monteil, one of the last Europeans to visit the area before the occupation, describes a loosening grip, and doubts whether the then Sultān of Sokoto was personally capable of restoring the position.⁴ His account of slave-

¹ M. G. Smith, "Historical and Cultural Conditions of Political Corruption among the Hausa", *Comparative studies in society and history*, January, 1964. J. Spencer Trimingham, *A history of Islam in West Africa*, Oxford, 1962.

² Smith, *loc. cit.*, 175; Trimingham, *op. cit.*, 193.

³ Trimingham, *op. cit.*, 193.

⁴ P. L. Monteil, *De Saint-Louis à Tripoli par le lac Tchad*, Paris, 1895, 250.

raiding repeats what was already known from Denham and Barth, but apart from this he does not depict an intolerable tyranny. And what is yet to be thoroughly investigated is the extent to which Rabeh's activities and the already mounting European pressures from the south were the cause of these *fin de siècle* difficulties in which the Fulani found themselves.

Failure in any context is a relative term. It depends on what one proposes as the ideal. And when accusations of failure are levelled by the exponents of one culture at those who live by another, it becomes even more subjective. The same observation is true of success. Yet given this caveat, and judged by whatever framework of common reference may be left to us, this wholesale condemnation of the Fulani as alien and effete tyrants cannot be supported.

Let us now turn to examine specific aspects of Fulani rule.

(b) *Taxation*: Temple confines his discussion of taxation mainly to the pros and cons of direct and indirect taxes, and only once draws passing attention to the abuses inherent in tax-farming.¹ But this and nepotism are the main heads under which Lugard attacks the Fulani, and attempts to justify the occupation. He states his position most explicitly in the following "These were the characteristics of the decadence of Fulani domination in Northern Nigeria, which necessitated its overthrow by the British administration."² But nowhere in the course of an emotionally loaded discussion does he give any figures to support the accusation of fiscal oppression.

What was the Fulani tax system and what did it demand of the subjects? Unquestionably taxes were collected by *jakadu* (sing. *jakada*), the agents of absentee landlords. No doubt a proportion of what was collected went into their own pockets, and it would be unrealistic to pretend that no abuses took place. But tax-farming is not of itself reprehensible. It is simply one method of collecting taxes. What matters is the proportion of the tax-payer's income taken from him, and its relation to his cost of living. This is what makes a tax acceptable or punitive. If the proportion is not excessive, then there is no more reason to object to tax-farming than to a system which employs paid tax-collectors. It happens that we do have precise figures for certain imposts and, what is equally important, a standard by which to measure their severity. Clapperton and Barth give the following details of taxation in the Fulani emirates: A *kurd'in k'asa*, obviously the Islamic *kharāj*, at the rate of 2,500 cowries, levied on the head of every family in Katsina emirate.³ The tax was levied in

1 1918 edition, 208.

2 *Dual mandate*, 232 n.

3 Barth, II, 83.

Kano at the same rate.¹ In Zaria on the other hand, the tax was 200 cowries levied on every hoe—that is, according to the area of ground under cultivation.² Both Clapperton and Barth give 500 cowries as the tax on a bullock or ass load of merchandise.³ This is the higher limit which seems to have been fairly standard; elsewhere, lower figures of 250 and 300 are mentioned.⁴ In general, neither Clapperton nor Barth protest that these imposts were oppressive. What did they represent in terms of the living costs of the day? We have as evidence, a late nineteenth century schedule of an inheritance from Kano, which lists a selection of foodstuffs and commodities with their values in cowries.⁵ This schedule can be compared with prices for similar articles quoted by Clapperton and by Barth, and there is no significant difference between them. Thus it is reasonable to conclude that the cost of living was the same in Barth's day, and indeed in Clapperton's, as it was when the schedule was compiled. We find, for instance, that 2,500 cowries is precisely the price of one goat.⁶ Since these animals breed almost like vermin in Northern Nigeria, this was clearly not an excessive tax to impose on the head of a compound. Two hundred cowries, the *kurd'in k'asa* in Zaria, levied on approximately each acre of cultivated ground, is the price of two ounces of honey,⁷ a foodstuff produced copiously by Hausa farmers. Five hundred cowries, the tax on an ox load of goods, is the price of one quarter of a stone jar of Asben salt;⁸ or five ounces of honey; or just over four skeins of *war-war* silk thread.⁹ Thus, measured in terms of the values of local produce and manufactures there is no evidence that the Fulani fiscal system was oppressive.

Lugard argued that they imposed "irregular" taxes, which he abolished.¹⁰ This is of course true, if by "irregular" we understand "contrary to the Shari'a". Usumanu d'an Fodio quotes a number of taxes (among them, incidently, the *jangali*, which the Administration retained) which he regards as unauthorized in Muslim Law.¹¹ Barth and Clapperton make it clear that these same taxes continued

1 *ibid.* 144.

2 *ibid.* 144.

3 Clapperton, *Journal of a second expedition*, London, 1829, 147.

4 *ibid.* 147.

5 Hiskett, "Materials relating to the cowry currency of the Western Sudan"—I, *BSOAS*, XXIX, 1, 1966.

6 *ibid.* 134.

7 *ibid.* 139.

8 *ibid.* 138.

9 *ibid.* 138.

10 *op. cit.*, 232 n. The Sultān's professed "repentance" is hardly to be taken seriously. He could not have said otherwise in the circumstances in which he found himself.

11 *Kitāb al-farq*, *passim*.

into the Fulani period, and no doubt they were still flourishing at the end of the century. But was this so intolerable? In the first place, it was wholly specious for Lugard to argue from the position of Islamic orthodoxy in special cases when it suited him to do so.¹ But apart from this, there is much evidence that similar customary dues were common all over the Islamic world, despite the fact that they were contrary to the Shari'a, and they were nothing more than a form of indirect taxation levied on commerce. Before condemning the Fulani we should bear in mind that Temple devotes a large part of his chapter on taxation to discussing the advantages and disadvantages of direct and indirect taxation, without any evident qualms that the latter is either tyrannical, or contrary to the Shari'a! Moreover, although the British Administration suppressed these customary dues, they very quickly introduced their own indirect taxation. In what way is a tax on bicycles, motor vehicles and petrol either "regular" or ethically acceptable, while a tax on ox and donkey caravans is not? Why should a tax on the indigo dye pits at Kano—the centre of what was undoubtedly the major luxury industry of the Sudan—be heinous? And is a tax on vegetables and meat sold in the market essentially different from a fee levied on a licensed stall-holder? There is no doubt that there was considerable humbug, not to say sophistry in Lugard's attitude towards the whole question of taxation, both historically, and as regards his Administration's practice.

It is relevant to enquire whether the British *did* in fact succeed in collecting taxes more equitably than the *jakadu* of the Fulani. Temple stresses the importance of experience and local knowledge in the District Officer charged with administering the tax system. Since experience has to be gained, not all District Officers were experienced. Moreover, Temple makes no secret of the problems posed by mendacious and evasive village heads. These circumstances, combined with the fact that Administrative Officers were always thin on the ground, make one wonder whether British supervision did eliminate the graft engrained in the system, though we may concede that it controlled the grosser forms of corruption and speculation. But since a system such as that which the Fulani operated, inevitably contains certain self-regulating features of its own,² and since the

1 This speciousness is typical of Lugard, who is to be found at one moment condemning the Fulani as effete, and at the next moment adducing their capacity to govern as a justification for indirect rule.

2 For instance M. G. Smith in his recent essay "Hausa inheritance and succession", in *Studies in the laws of succession in Nigeria*, Oxford, 1965, p. 241, draws attention to the periodic withdrawal of a whole *gandu* from an area in which the local chief practises petty oppression. This finding of Smith's is substantiated in Hausa sources. A typical reference is that in *Masu hikima*

peasantry in Barth's day were obviously not groaning under intolerable fiscal tyranny, we suspect that the impact of the British Administration was only marginal.

(c) *Land tenure*: This is particularly interesting in view of Temple's lengthy and informed discussion of the merits and demerits of freehold.¹ It appears also to have been one aspect to which the British Administration paid particular attention, since a committee was appointed in 1908 to investigate land tenure in Northern Nigeria. Temple states: "In the course of this enquiry it was found that it was an invariable rule that the tribe or community regarded the area which it considered to be its own to belong to its members generally."²

He goes on to say: "In no case had the land acquired a transfer value as between individuals . . . and no title at all resembling our 'freehold' was found to be known to the natives. . . ."³ This last statement is certainly untrue. The position in Muslim Law concerning freehold is uncertain, as can be seen from an article on the subject by a recent authority.⁴ Ibn Taymiya discusses the whole question of *iqta'* (lands held in fee), and seems finally to give judgment against freehold.⁵ But as for Northern Nigeria, the position is made entirely clear by Abdullahi in his *Diyā' al-hukkām*. He says: "He to whom the imām gives a grant of land in fief, he becomes the owner of it and it became his property, to sell or give as a gift, and to pass on as an inheritance, both desert and cultivated land."⁶

There is therefore, no doubt that freehold in its most complete form was known in Northern Nigeria. That the degree of freehold varied from place to place, and that non-Muslim customary land tenure existed alongside it is not in question—a fact which, incidentally, should justly be credited to the flexibility of the Fulani system. Nor is it our business to discuss whether Temple's views on freehold in general are valid. Our point is, that the findings of the committee, together with Temple's categorical statements, support the view that

sun ce (approximately "Sayings of the wise men", Alhaji Baba Ahmad, Zaria, 1955), p. 13: *In zalunci ya yi ciki har ya haihu bai mutu ba, zai haifi watsewa*. "If tyranny becomes pregnant to the point that it is delivered and does not die, it will give birth to dispersal." There are many other references to *watsewa*—"dispersal" being the response to tyranny, and as Smith points out, this could be damaging to the chief concerned.

1 Chap. VIII.

2 1918 edition, 139.

3 *ibid.*, 139.

4 Ali Abd al-Kader, *The Islamic Quarterly*, Vol. V.

5 *al-hisba fi'l-islam*, 21-22. Ibn Taymiya was a highly orthodox and conservative theologian and jurist who flourished at the end of the seventh/thirteenth century.

6 f. 30 of my MS.

the Muslim institutions of Northern Nigeria were imperfectly understood during the early years of the Administration. Furthermore, in so far as legislation prevented or destroyed freehold in the Muslim North, it ran counter to Lugard's dictum that the control of the land "should be exercised in accordance with native law and custom."¹

(d) *The administration of justice*: It is necessary to make clear that Temple's discussion of the problem of separating the executive from the judiciary applied only to the non-Muslim population of Northern Nigeria. As for Muslims, the Shari'a continued to apply to them; it was administered by Muslim *alk'alai*, and British officials had only a watching brief (except of course that the Administration disallowed punishments contrary to "natural justice, equity and good conscience", and reviewed certain major sentences). But because the problem is a crucial one in any advanced legal system, it is interesting to examine how the Fulani dealt with it, as part of our enquiry into the viability of their institutions.

Once again, the position in Islamic Law is imprecise. Ibn Taymiya gives the opinion that such a separation is in accordance with the original Sunna, although he makes clear that while this separation was implemented in his day in the Maghrib, it was not implemented elsewhere in the Muslim world.² Ibn Rushd also strictly limits the Qadi's executive functions.³

For Northern Nigeria our source is again the *Diyā' al-hukkām*. The author proceeds by the usual method of quoting the opinions of received authorities, in the light of which he offers his own interpretations. The section is long and complex. Let us take first the position of the emir: "The second section is about the emirs who rule over their provinces, and they are of four categories. The first is he who has general authority in his province, judicial authority being delegated to him with his authority, as is the case with kings and caliphs, as part of their authority over certain provinces, and this authority certainly includes the competence to judge, if he chances to have the necessary knowledge."³ Then he goes on to discuss the second category: "The second category is the emir who is appointed to govern a province, but judicial authority is not delegated to him as part of the emiral office. Is it legal for him to judge or to appoint judges, or is it not legal, so that his judgments are held to be invalid

1 *op. cit.*, 300.

2 *al-hisba*, 8-9.

3 *bidāyat al-mujtahid*, vol. II, 1960, 461. Ibn Rushd was a famous Qadi and Imām of the Great Mosque of Qurtuba and was the grandfather of the philosopher known in the West as Averroes. He flourished during the second half of the fifth/eleventh century.

4 f. 17.

until such time as the authority to judge is delegated to him as part of the emiral office? There are two views on this. . . ."¹ He goes on to quote a number of authorities at too great length to reproduce here. But the conclusion is, that the judgements of such an official are valid only when no properly appointed judge is available.

As for the powers of the judge to carry out punishments, he quotes Al-Qarāfi:² "The office of judge extends to the giving of judgment only—that is, to promulgating it. As for carrying it out, this is something additional which may be delegated to him, but is not to be implied in his appointment. . . ."³

He turns then to consider the *wazīr*: "Know that *wazīrs* are of three kinds: The first is the *wazīr* to whom full authority is delegated, and he is the one to whom the imām entrusts all affairs. . . . And there is no doubt concerning the inclusion of judgment within his authority, if the necessary competence is present, namely knowledge. . . . The second is the executive *wazīr*, and he is the chief of police who is never separated from the imām, and if the imām gives a judgment in anything, he carries it out. The third is the advisory *wazīr*, and neither of these two are qualified to judge."⁴

It is clear that the problem of separating the judiciary from the executive troubled the legal conscience of the founder of the Fulani judicial system, as it did that of Lugard and of Temple. It is argued out in orderly fashion, through authority and precedent; the conclusion is reasonable and responsible—that executive officers do not automatically enjoy the right to judge. This must be delegated to them by the recognized imām of the community, excepting only in special cases of emergency. Such delegation depends in turn on the officer having sufficient knowledge to discharge his duties. These conditions apply equally to emirs, in our case the flag-holders appointed by the Shaihu, and their successors; and to *wazīrs*, an office regularized in the Fulani empire by Bello's appointment of Gidado d'an Laima.⁵ As for *alk'alai*, their office is solely judicial, unless executive authority be specifically delegated to them.

It is not our intention to argue that this theoretical exposition of the Law was invariably translated into practice. But two facts are important. Firstly, there was an articulate and informed public opinion which exercised some control over the administration of the Law. It was expressed through the poetry in Arabic and Hausa of

1 f. 17.

2 A noted Egyptian jurist who died in 867/1463.

3 f. 21.

4 f. 16.

5 The Shaihu Usumanu had appointed Abdullahi as his *wazīr*, but at this time the Fulani empire had not yet been established.

the malams. In that category of poetry which we term *wa'azi* (admonition) there are constant references to unjust judges and particularly to the taking of bribes. The eternal punishments of Islamic belief are threatened against the corrupt and the corrupters and the effectiveness of this on a religious and superstitious people should not be underrated. The poetry demonstrates that the Law was not perfect; equally, it demonstrates that Hausa society had its own sanctions against the imperfections.¹ As Temple recognized, one effect of the British Administration was to weaken these traditional checks.²

Secondly, whether or not the administration of Muslim Law in Northern Nigeria at the turn of the century was in this or that particular in accordance with the founder's intentions, the fact is that in their legal thinking, as in their constitutional thinking, the Fulani had demonstrated their capacity to understand their own traditions and to order their society by them. The least acceptable aspect of Lugard's assumptions is that they imply a denial of this.

(e) *Education*: Religious education is basic to any Muslim society, and Islam carries with it a traditional system. This will vary in detail from place to place, but there is a broad pattern of unity throughout the Islamic world. The system which developed in Hausaland before the Fulani jihād was typical.

As we have seen, Islam came to the area from the surrounding Muslim lands of North Africa and Egypt. In particular, the Saharan city of Timbuctu, an important medieval centre of Muslim learning, spread its influence southward into the grasslands of the Sudan. Here, in the Hausa kingdoms, scholarship became the concern of the malams, and they became the practitioners of learning. Many were peripatetic, and their activities centred round the institution of pilgrimage—that is, they travelled to and from pilgrimage accompanied by their students, who usually left them at one of the staging points for the caravans plying the routes into Hausaland. In addition, there were schools up and down the country where famous scholars, usually Alhajis, received students and instructed them in the great Classical works of law and theology. A feature of the system was the degree to which scholars specialized in certain texts, so that a student would travel to study the traditions of Al-Bukhārī under one malam, and then might go to the other end of the country to read the *Mukhtasar* under another. The methods of teaching and learning

1 Most of these poems are unpublished. *Tabbat hakikan*, a poem in quintains by Isa d'an Usumanu, based on an original by the Shaihu, is however typical. See *Wak'ok'in Hausa*, Zaria, 1957, 26 ff.

2 1918 edition, 66–7.

were those employed throughout the medieval world. They involved the reading aloud of the Classical texts, and the delivery of a standard commentary. Students were required to learn both the original text and the commentary, and in certain cases the chain of authorities from the first narrator down to the student's own teacher. Study and learning were not confined to particular periods of life, but were a continuous process pursued not primarily for material ends, but to acquire sanctity.

Beneath this structure, which we may term "higher" education, there existed a much wider spread of "elementary" education, and the vehicle for this was the Koran school. This term covers varying types of schools. Some were quite extensive, and taught not only Koran, but law and other religious sciences. But the Koran school at its simplest consisted of a teacher equipped with a wooden writing board, the Hausa *allo*, on which his texts were inscribed, and surrounded by children, also with boards, who memorized the Koran from the teacher's recitation. The teacher was often a peasant farmer or cattle trader whose own knowledge was limited. The children did not pay fees, but worked on the teacher's land in return for what learning he was able to pass on to them. They might spend a whole childhood in this manner, and in the end they acquired the ability to recite the Koran, and possibly also the ability to write crudely in Arabic. They seldom acquired any depth of literacy in Arabic.

We do not know to what extent, if at all, the system of the Koran schools existed before the Fulani conquest. But one result of the conquest was to introduce a literature in Hausa, and greatly to extend the availability of basic Islamic learning among the Hausa speaking population. It seems probable that, in consequence, Koran schools multiplied considerably after the jihād, and that this was characteristic of the Fulani period. When Lugard took over, he reported that there were 25,000 such schools in existence.

The system differs from western forms of education in numerous obvious respects. It is virtually timeless, and while it is broadly divisible into elementary and higher, it lacks the tight chronological gradings of western systems. Unlike modern western systems, it is entirely concerned with religion. Before the British occupation the concept of secular knowledge was foreign to the people of Hausaland.

However inadequate such a system may appear to western observers, and however imperfectly it may have measured up to Lugard's urge to set other peoples' worlds to rights, it was wholeheartedly endorsed by the Muslim parent. The child acquired Islam; he was thus spiritually provided for, and was able to enter fully into the social and cultural life of his people. He also had a training in

subsistence farming which enabled him to earn his living in the community to which he belonged.

No one will deny the relevance of western education in the modern world into which Northern Nigeria was bound eventually to be pitchforked. One of the most benign results of indirect rule is that it ultimately brought the people of the North, of their own accord and almost impatiently, to demand this education. This, as the 1953 *Report on African Education*¹ makes clear, was a gradual process which came from within. It culminated in the magnificent challenge of the *Ashby Report* and the enthusiastic response of public opinion in Northern Nigeria. This urgent demand to be given now what the "Direct Rulers" would have forced down throats fifty years ago is, in our opinion, among the outstanding vindications of indirect rule, for a free public opinion is likely to achieve in five years what it could not be coerced into in fifty. But this is to anticipate our final argument. It does not alter the fact that the traditional Muslim system of education embodied the intellectual and spiritual values by which men of a different culture and tradition to our own had learned to live. We are thus bound to reject Lugard's assumption that their institutions were the proper objects of his reforms.

(f) *Slavery*: This is certainly an issue which is at the centre of any discussion of the moral basis of the British occupation. There are two extremes. The one is a kind of sentimental "Uncle Tomism" which sees only happy domestic slaves refusing liberation unless their masters are generously compensated. The other is that attitude of febrile indignation which judges events and institutions by exotic moral values, rather than by the standards generally accepted by the people involved. A most thought-provoking comment on the slave trade in Hausaland is provided in the late Alhaji Sir Abubakar Tafawa 'Balewa's Hausa novel *Shaihu Umar*,² in which he portrayed Makau, Gumuzu and Abdulkarim not as monsters, but as ordinary human beings, capable of both callousness and charity, but all equally involved in an institution which was a part of the society in which they lived.

The position of the Koran on slavery is well-known. It permits it, but with obvious reluctance. It enjoins manumission as religiously praiseworthy. It appears only to permit the enslaving of prisoners of war. However, discussion of either the attitude of the Koran, or of the Christian scriptures towards slavery is pointless. The empirical fact is that both societies, Islamic and Christian, practised enslave-

¹ Produced on behalf of the Nuffield Foundation and the Colonial Office, Oxford, 1953.

² Zaria, 1955.

ment with scant regard for theoretical limitations. But it is fair to comment that Muslim Law legislates with care for the protection of the slave and, once the trauma of capture and transportation was over, the slave in Islam was probably better off than under a Christian master. Indeed, there is a very extensive literature in Islam on the proper treatment of slaves, and the famous Timbuctu historian, Ahmad Baba, wrote a treatise on the subject in which he pleads for the humane treatment of slaves taken from the Sudan.¹ Thus, although Muslims were never able to question the legality of the institution, there was a very real social conscience among their intellectuals concerning it.

The slave trade in the Western Sudan was an ancient institution. It seems certain that the Romans traded in slaves from the countries south of the Sahara. It is probable that the Carthaginians did as well. The Arabs and the Saharans simply took over a trade which already existed. By the fifteenth century Kano had become an important centre of the slave trade, and we are told that: "All this time the Galadima Dauda was in the south making war on the pagans every day, conquering them and taking them as slaves. Every month he sent a thousand slaves to Sarkin Kano. . . . He stayed seven years in the south. Slaves became very numerous in Kano."² Some of these slaves must have been exported, but not all, for the chronicler goes on: "When he was returning he stopped every three miles and built a town. He left at each a thousand slaves, five hundred males and five hundred females. He thus founded twenty-one towns before he came to Kano."³ Clearly what the chronicler is describing is some form of early feudalism based on slavery.

The slave trade from the Sudan focused on the urban centres along the southern edge of the Sahara, and it had a southern and a northern area of activity. The slaves were harvested by Hausa, Fulani and other native Sudanese, from the Plateau hinterland, and from the forest and riverain areas, and Arabs did not penetrate so far into the interior, at least until relatively recent times. This southern area was the area of slave-raiding. The slaves were brought to Kano and other Saharan "ports", and from the markets there they were passed into the northern area, the slave transit area, where Saharan middlemen and Arabs took over. Via the Niger Bend on the western side and the Fezzan on the east they passed up the caravan routes to North Africa and Egypt. Here they again entered the markets and were dispersed all over the Middle East and the Levant.

1 His *al-kashf wa'l-bayān*, at present unpublished.

2 Palmer, *op. cit.*, III, 110.

3 *ibid.* 110.

The conditions in which the Saharan passage was carried on were described by such witnesses as Denham and Clapperton,¹ and by the Saharan vice-consuls Warrington, Gagliuffi and Dickson. A poignant description, based no doubt on recent memory, of a caravan of slaves wearily dragging themselves through the hot sand occurs in Sir Abubakar Tafawa 'Balewa's novel.² Reports such as these were decisive in persuading Palmerston to bring pressure to bear on the Turkish Government to ban the slave trade in its territories.

On the other hand, we must bear in mind that the trans-Saharan crossing was hazardous not only for the slaves, but for the slave traders, and as *Shaihu Umar* so vividly recounts,³ many caravans perished in sand storms which were no respecters of free or servile status. The probability is, that there was no more deliberate cruelty involved than in most other human activities where circumstances and environment appear to make suffering inevitable.

As for domestic slavery, Barth made the following observation: "The quiet course of domestic slavery has very little to offend the mind of the traveller. . . .",⁴ and to judge from the comments of Temple and even Lugard, this seems to have been true.

The Hausa extended family is known as the *gandu*, a largely self-supporting group based on agriculture. In former times it depended on slave labour, and these slaves and their descendants were assimilated in some degree as kinsfolk of the *gandu*-head. According to the account of Baba of Karo,⁵ the slaves sometimes lived in the same compound as the free members of the *gandu*; and in large compounds, where there were many slaves, they lived in a *rinji*—a slave hamlet. Baba recalls that these *rinji* slaves called their master "father", and that the children of the *rinji* were at birth accepted into the kinship and made free. They shared in all the kinship ceremonies and junketings, and gave and received the customary presents.

The slaves had their own farm plots, and what they grew was their own, to sell in the market if they pleased. The master did not levy any dues on their produce, and their only obligation towards him was to work on his farm. After work many of the *gandu* slaves practised their crafts. All slave children were brought up in Islam and were sent to Koran schools, and there was no difference in this respect between slaves bought in the market and those born in the *rinji*. The children born in the *rinji* grew up speaking Hausa, and were often given the tribal markings of the *gandu*.

1 For example Chap. III of Vol. I of their *Travels*.

2 *op. cit.*, 34.

3 *ibid.*, 47.

4 Vol. II, 151.

5 Mary Smith, *Baba of Karo*, second impression, London, 1964, 119.

Outside the *gandu* the picture was less homely. Members of the *gandu*, particularly women and children, were in constant danger of kidnap, and the figure for ransom was much higher than that which obtained in the open market—usually 400,000¹ cowries as against 160,000, which was the probable top price for a female slave exposed for sale.² There was of course no guarantee that the captor would agree to ransom.

Two aspects of slavery usually elicit particular moral revulsion; mutilation and concubinage. The first was unrelievedly horrible. The second should be recognized as something concerning which judgments are coloured by regional moral attitudes. The fact is that in societies that are in any case polygamous, and where women tend to be more concerned with the hope of childbearing than with the physical personality of the father, a young woman would not necessarily be distressed by being sold into the household of an elderly man, provided that he was reasonably prosperous and kindly. Certainly my own conversations with Nigerians on this topic lead me to believe that this is true. On the other hand many Muslims have argued with complete sincerity that birth control is a much more vicious and unnatural institution than concubinage ever was.

There is no doubt that slavery, for all its incidental evils, has been a unifying force in Hausa society. The *gandu* system enabled the slave population to become almost entirely absorbed into that society, and certainly none of the gross social traumas were left behind which bedevil the aftermath of slavery elsewhere. The *gandu*, with its attached slave-hamlets was, over the centuries, a meeting place where exotic influences and techniques carried in from the Sahara met and mingled with the indigenous techniques, not only of Hausa, but of Gwari, Plateau peoples, Nupe, Yoruba and so on—a melting pot slowly producing an ultimate homogeneity. The Islamic way of life, and the loyalties and social relationships born out of clientage became the closest bonds of Hausa society. This aspect of slavery was clearly appreciated by Temple and indeed by Lugard, and the Administration showed great wisdom in its policy of gradualism, by which the institution of domestic slavery was allowed slowly to disintegrate in such a way that the society avoided undue economic and psychological shock.

As for the trans-Saharan slave traffic, the kidnapping and the organized slave-raiding, there is no doubt whatsoever that Lugard's occupation brought them to an abrupt and surgical close.

¹ Mary Smith, *op. cit.*, 69. Also Hiskett, *Materials relating to the cowry currency*, etc., *BSOAS*, XXIX, 2, 1966, n. 149.

² *ibid.* *BSOAS*, XXIX, 1, 1966, 55.

The Occupation

Dame Margery Perham confronts the critics of indirect rule with this challenge: "But the critics of indirect rule during this period should support their case by explaining how a constructive contact *should* have been made."¹ Subsequently she goes on: "It is when we confront our third question as to the capacity of indirect rule to meet the changing needs of Africa that we may begin to question the fundamental validity of Lugard's ideas."² Given the fact of Lugard's occupation, Perham is right to require a constructive alternative to the methods which he, Temple and others evolved. But it is not in relation to their capacity to meet the changing needs of Africa that we may begin to question the fundamental validity of Lugard's ideas. It is at a much deeper level. The question is: are Lugard's ideas acceptable, which gave rise to the situation in which his Administration in Northern Nigeria came about at all?

We have already uttered a caveat concerning the dangers of exotic moral judgments unrelated to the historical environment. It is therefore necessary to examine the moral climate in which the Occupation came about.

It was not Lugard who declared a Protectorate over Nigeria. This was the act of the British Government in 1893-4, and it had been extended to include Northern Nigeria by 1900. But it seems clear that the British Government acted with real reluctance; that it was, in effect, simply defining a sphere of interest as a riposte to French expansionism and that only a gradual extension of British influence was envisaged. Certainly British humanitarian concern about slavery in West Africa was of long standing and represented a powerful source from which pressure was brought to bear on the British Government. There was a section of this opinion which would have been happy to turn diplomatic persuasion into more positive forms of action. There was also a strong current of opinion that extended beyond the limits of opposition to the slave-trade into a belief that it was morally defensible to seek to impose Christian institutions on non-Christian societies, and was ready to exploit the conditions created by military conquest to bring this about. But such views were not universal. Perham, in her *The years of authority* makes abundantly clear the cautious Civil Service reluctance to be jockeyed along by Lugard's impatient urgency. Winston Churchill was clearly uneasy, and unwilling to accept his presuppositions and those of Lady Lugard. Indeed Churchill had expressed

1 Introduction to the fifth edition of *The dual mandate*, London, 1965, XLIV.

2 *ibid.* XLVI.