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QUALIFICATION, DUTIES AND MODE OF APPOINTING HEAD OF STATE IN ISLAMIC CONSTITUTIONAL LAW; THE VIEWS OF THE FOUNDERS OF THE SOKOTO CALIPHATE

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Perhaps the most important specific contribution of Islam to constitutional theory is the integration and harmonization of the executive and legislative arms of government. A sharp division of powers between the legislature and the executive, under the American Presidential system is considered to be the effective safeguard against possible abuse of power by the executive. The merit of this division, it is argued, is, "by according the legislature the attribute of sovereignty and thus placing it in a position of control over the day to day working of the executive, the latter is undoubtedly held in check and prevented from exercising its power in an irresponsible manner."[1] It is also undoubtedly true that this radical separation of powers between the executive and the legislature greatly hampers the operation of the government in times of national emergency when executive decisions have to be decisive, then by placing the state at obvious disadvantage vis-a-vis states governed autocratically. Islam is as uncompromisingly opposed to autocracy as any of the Western democratic politics could conceivably be.

In this, as in almost all other issues, Islam follows a middle and balanced way, avoiding the disadvantages of either systems and giving the Muslim community the advantages of both. In the Islamic constitutional theory the executive and the legislative phases of government are integrated through the instrumentality the angle of his executive as well as legislative functions. The Caliph who not only functions as the head of the legislative assembly *(majlis ash-shura)* but as the chief executive of the state. By this arrangement the duality of power which in Europe and U.S.A. so often places the executive and the legislature in fierce opposition to one another and which often makes parliamentary government unwieldy and ineffectual, is eliminated. This, however, does not mean that the principle of popular control over the activities of government is relinquished or lost. Infact, all tendencies towards autocracy on the part of the executive is clearly checked by the fundamental stipulation that all governmental activities, executive as well as legislative, must be strictly in accordance with the *Sharia* and must be

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[1] Asad, M. (1980), The Principle of State and Government in Islam, Dar al Andalus, Gibraltar, p.51.

the outcome of consultation (*Mu'shawara*) among the community or their accredited representative.

This article will look at the office of the Caliph both from qualifications of the Caliph, method of election and succession to authority, the extent and limit of his power, accountability and removal from office will also be discussed. We will also look at the relationship between the Caliph and the emirs (governors of provinces).

Concept and Role of the Executive

Leadership, its attributes and code of conduct are central to any system, which embodies or articulates a body of principles that would, among other things, guide the exercise of policy making authority. In fact this is true of thinkers like Abdullahi and the other two leaders Shehu and Bello whose mission was expounding a philosophy of revolution and a vision of an ideal society. There was need also for a specific aim of creating a new political and a constitutional order based on a definite set of norms. These norms are the Islamic values, the realisation of which devolves on all members of the Muslim community. To this end these leaders explicitly recognised that a definite type of leadership is essential in order to create the required conditions and to approximate the ideal society they envisaged.

Qualification of the Caliph

For this reason, Shehu Usman said that it is an obligation incumbent on the whole community to appoint "an overall leadership embracing all religious and temporal affairs".[2] Like the Sunni jurists before him, he argued that the consensus of learned opinion in fact considers the appointment of Imam the most important duty.[3] The Leader is to be selected by the best Muslims from among their scholars and virtuous men. A man they are pleased to have as the Commander of the Faithful by virtue of his being the best of them and the most suitable for the office. Emphasising the central position of leadership, Bello illustrated it by the imagy in a piece of advice to Caliph Harun al-Rashid in which it was stated that people in leadership positions are:

> *"Like a spring of water and all other officials are like water wheels for drawing water out of it. If the spring is pure, the filth of the wheel will not adversely affect it. On*

[2] Shehu Usman, Bayan Wujub al-Hijra, Trans. By el Masri, F.H. (1978) Oxford University Press.
[3] Ibid. p.61.

the other hand, if the spring is polluted the purity of the wheels will be of no value."[4]

It is interesting to note that Abdullahi treats the subject of leaders differently. He said, "People should be governed by those who are being put to test through the administration of their affairs" and that,

> *"Whomsoever Allah gives fame and puts to test through entrusting the people and the running of their affairs to his care, it is appropriate for him to accept the decision of Allah and seek deliverance and assistance in the execution of the duty".*[5]

Here, Abdullahi is emphasising the weight of responsibility for those in leadership positions and the importance of working diligently in the performance of leadership functions. To the Shehu the important qualifications for leadership are the capacity to give independent judgement both in the 'roots' and the 'branches' of the Sharia; possession of "sound judgement and diplomacy in handling affairs". Capability of "being strict when necessary and lenient where leniency is required". And ability "to execute his decisions and commands".[6] He further insisted that it is essential to give leadership to men of resolution, capability, sincerity and honesty. Shehu Usman emphasised wisdom as one of the attributes of successful leadership, when he said,

> *"A wise man is guided aright by his wisdom and fortified by his sound judgement, so that what he says is sound and what he does is commendable, while an ignorant man is caused to go astray as a result of his ignorance, so that what he says is unsound and what he does is objectionable. The merit of wisdom is that one can judge what one has not witnessed according to what one has witnessed."*[7]

It is also commendable for the leader to possess clemency; generosity; kindness; righteousness; patience; gratitude; leniency and the quality of keeping secrets. Abdullahi stated that, leader in dealing with the common people;

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[4] Bello, Usul as-Siyasa The Third Principle, trans. By Yamusa S. (1975) in the Political Ieas of the Jihad Leaders, MA (Islamic Studies) Thesis ABC/ABU Kano.

[5] Abdullahi, Diya al-Hukkam, p.5 Trans. By Yamusa S. (1975(in the Political Ideas of the Jihad Leaders, MA. (Islamic Studies) Thesis ABC/ABU Kano.

[6] Shehu Usman, Bayan, op. cit. p.64.

[7] Ibid. p.74

"Should; out of kindness; lower to them the wing of humility without being either soft which may lead to hatred. He should make them suffer for every crime they might have committed; but with mercy and kindness as exemplified by the Prophet ... he poured generosity and used a straight lance. He thus ruled the people leniently and forcefully. And he was an excellent leader. A mere gesture is enough for him whose heart is kindled with divine light."[8]

There is similar concern with kindness and with winning the confidence and approval of the public in Bello's writing. He requires the Imam to be gentle; disposed to forgiveness and to abstain from anger. He should be inclined to generosity and tolerance. He must be patient; courageous and open-handed.[9] Where a ruler is not a man of kind disposition; preferring forgiveness to anger; people might be bored with him and desert his cause; as mentioned by the Most High, "it is by the Mercy of Allah that you deal gently with them, if you were severe and hard-hearted, they would have dispersed away from you..."[10]

According to Bello, an excellent ruler should be as truthful as Caliph Abubakar, capable of differentiating between good and evil as if he were Caliph Umar.[11] Live an exemplary life like Caliph Uthman and thirst for knowledge and justice in much the same way as Caliph Ali b. Abi Talib.[12] In *Shifa al-Asqam* written by Bello sometime during his tenure of office, Bello gives a vivid expression of his thoughts on leadership. He says;

"Allah has tested me with burdensome trust - responsibility for this honourable community and catering to its needs. For guidance in the successful execution of the trust needed to have recourse to the fundamentals of matters and set aside the surface appearances of jurisprudence. This had to be done for the sake of protecting the interests of the community".[13]

The implication of Bello's observation is that "not only should leaders be able to interpret principles and existing legislation in the light of the circumstances of their society but they also have to be prepared to

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[8] Ibid. p.143.
[9] Abdullahi, Diya al-Hukkam, op. cit. p.6.
[10] Bello, Usul as-Siyasa, 2nd Principle. Op. cit.
[11] Qur'an 48:
[12] Bello, Usul as-Siyasa, 3rd Principle op. cit.
[13] Bello, Shifa al-Asqam, Section one as quoted in Tukur's Values and Public Affairs: The Relevance of the Sokoto Caliphate in the Transformation of the Nigerian Polity Unpublished Ph.D Thesis, 1977, A.B.U, Zaria, p.182.

sacrifice orthodoxy for the sake of the larger and longer term interest whenever the situation so demands". [14]

Election and Succession

Conceptually, three types of succession to leadership are identifiable: hereditary, appointive and elective. As a general rule, the first type is associated with monarchical-type of government where a family or dynastic group is recognised by the society as having exclusive rights to succeed to the throne. The second type, that is, appointment, is normally identified with bureaucratic organisations operating in complex settings. While the third, elective, is illustrated by a process of election in which both legislators, and executives are chosen through a form of electoral arrangement.

It is submitted that since the above three types are pure types "they naturally overlap", as a result of which many grey areas exist. Tukur, is of the view that

> *"In practice even hereditary systems do admit of an elective element here and there. Elective systems also embody substantial hereditary and appointive ingredients. For instance, the party nominations, which precede actual elections, are in essence bureaucratic appointments, while choice of leadership from famous 'political' families suggests the intuition of the hereditary phenomenon into the elective arena.*[15]

At any rate, the distinction between appointment and election is not as radical as might at first appear. The position of the Shehu on succession was succinctly put in chapter eight of the *Bayan Wujub al-Hijra* where he made a number of points.

First that "the emirate" i.e. Leadership or charge of this affairs of ours" is not given to one who aspires to it. " The selection of the leader (Imam) is to be done by "the best Muslims from among their scholars and virtuous men," and that they should select a man they are pleased to have as the commander of the faithful by virtue of his being the best of them and the most suitable for the office."[16]

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[14] Tukur, op. cit. pp.182-3.
[15] Ibid. pp.241-2.
[16] Shehu Usman, Bayan Wujub al-Hijra, op. cit. p.65.

After spelling out the principle the Shehu went on to adduce historical Evidence to support his position as regards the mode of succession. He Said, after the Prophet the companions chose Abubakar and after him Umar and likewise the other two (rightly guided) caliphs", which clearly indicated that, "had succession to the Imamate been hereditary, they would not have succeeded one another in that manner".[17]

As for Abdullahi, his first substantive discussion of the idea of succession occurs in the context of a distinction he wanted to make between monarchy and Caliphate. His general conviction was that a Muslim assumes leadership of the *Umma* "so that he would be the Prophet's deputy to the Muslims... not because he is inheriting the office".[18] This is because after Abubakar's death, the office did not pass to his offspring. On the contrary,

> *"The companions gathered and chose Umar to give leadership to the community and look after its interest. By this action they lifted it out of sphere of kingship, which is inherited from the father by a son. They placed it squarely in the realm of deputation (Khilafah) to which people looked for and appointed persons to cater for 'the welfare of Muslims. Umar left it to Counsellors (ahl al-Shura) who were the first to believe. They agreed on Uthman. Umar's taking it away from his son to the council is proof that it is not a monarchy".*[19]

The Shehu, at about the same time Abdullahi wrote the above, also listed as one of the unislamic and therefore unacceptable characteristics of the syncretic erstwhile governments of Hausaland, the belief, "in succession to the emirate by hereditary right and by force to the exclusion of consultation".[20]

However, in the years that followed to the Shehu's death and Bello's succession, considerable modification appeared to have occurred in the Sheikh's thinking. At that stage, he clearly stated that there might be occasions when hereditary succession without the consultation of the *Ahl al Ikhtiyar* be lawful since "the Ulama have differed on this".[21]

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[17] Ibid. p.65.
[18] Abdullahi, Diya Uli al-Amr Wa'i-Mujahidin, Introduction. Mn. NHRS/ABU Zaria.
[19] Ibid. Introduction.
[20] Shehu, Kitab al-Farq, p.567. (M. Hiskett's Translation) in Hiskett, M. (1973) The Sword of Truth, Oxford University Press, New York.
[21] Shehu, Najm al-Ikhwan chapter 4. Mn. NHRS/ABU Zaria.

Summarising the views and arguments derived from the works of the Sheikh, Abdullahi and Bello, on the question of mode of succession to leaders Tukur has this to day,

> *"Prior to 1812 the Shehu and Abdullahi held substantially similar views as regards the principles which should govern succession to authority. For the Shehu these are: active search for leadership positions is not allowed; succession goes to the best of Muslims; succession should be decided by those persons who are the best representatives of the Ulama; and hereditary succession without consultation is inimical to Islamic principles of good government. At that time Abdullahi's opinions seem to merge into two basic axioms. The first can be represented by the followings syllogism: monarchical system of government is un-Islamic, hereditary succession is a characteristic of monarchies, therefore hereditary succession is foreign to Islamic leadership and exercise of authority. The second one is that the people entitled to choose should select the successor to a deceased Imam; therefore the incumbent cannot choose his successor".*[22]

While Tukur sow the basic philosophies represented by the above two sets of principles as hardly differing except perhaps in emphasis, *Fath ai-Masri* has noted that even at that stage, "it can be inferred that" chapter twenty five of the Shehu's *Bayan* on the law concerning the giving of the standard to the commander-in-chief in a jihad; was meant to support the Shehu's tendency towards making his son Bello, his deputy as the Prophet made Ali, his nearest of kin, his commander in-chief for the battle of Khaibar.[23]

This tendency noted by el-Masri, became a trend by 1812 when the Shehu wrote *Najim al-Ikhwan*. In it, the Shehu admitted that there is a difference of opinion among the Ulama as to whether hereditary succession is permissible in an Islamic polity. While one group forbade it on the ground that blood relationship does not make for impartial choice, another group allowed it on the ground that since the incumbent is entrusted with the affairs of the community, his decisions even in installing his son, are binding. The various views of the Ulama are,

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[22] Tukur, op. cit. p.245.

[23] el-Masri's footnote on p.95 of his translation of the Shehu's Bayan, 1978, Oxford.

1. If the incumbent Caliph identifies the most suitable person who is not his son, he can make the appointment even without consulting those with authority to select a successor.
2. The incumbent can appoint his son to succeed him either with the consent of the electoral counsellor in his own right because he is in charge of affairs.
3. The incumbent can appoint a relative who is not his son to succeed him on the ground that a kinsman is like a distant person.

Even though these possible alternative succession rules are derived from opinion other than the Shehu's, the fact that he presents them as alternative answers to the question of succession, gave them some sort of legitimacy in the eyes of a community which was used to having its standards set by him.[24]

Whether these opinions have influenced the succession process in either the caliphal state or in the various emirates of the caliphate is a difficult thing to say. The practice has however remained that succession has since the death of the Shehu been hereditary not only in the caliphal state at Sokoto but also throughout the emirates under the caliphate.

As for the caliphate, and in terms of historical evidence, a number of sources claimed that the Shehu had left a letter nominating Bello to succeed him as the *amir al-Muminin*.[25] However, the report on the conduct and action of the group of ulama who gathered in Malam Ashafa's house to select a successor to the Shehu did not suggest that they were aware of, or expected the existence of a letter from the Shehu on the matter. According to M. G. Smith in his book Government in Sokoto, it was the intervention of one Doshiro that saved the situation, in Malam Ashafa's house, for Bello. He related that,

> *"Doshiro who had been present when Ashafa drafted and despatched the letter to Abdullahi 'summoning him' to receive homage as the next caliph, returned to Ashafa and 'asked whether any of the Muslim jama'a had ever taken away the property of a dead Muslim from his son to give it to his brother, this being forbidden under the Maliki inheritance Law... Are you going to take away from Bello*

[24] Tukur, op. cit. p.247.
[25] Last, M. The Sokoto Caliphate, 1967, Longmans, London, p.64.

that which Shehu gave him? Are you going to give it to Abdullahi and leave Bello with nothing? Is that right?"[26]

It was supposedly this argument of Doshiro that caused the Ulama to revise their original choice of Abdullahi and subsequently rendered *Bay'a* to Muhammad Bello.

Be that as it may, Abdullahi and Bello continued the debate on succession from where the Shehu left it. Abdullahi's writing immediately after Bello's appointment emphasised the following ideas. First it is both shameful and un-Islamic to appoint one's son to succeed him or to arrange for him to obtain the succession. Second, giving preference to sons and relatives in matters connected with public affairs brings catastrophe to both the polity and the leader. Third, opportunist deputies can subvert a healthy succession system to protect their interest especially when confronted with a public spirited incumbent.[27]

Abdullah's ideas opposed Bello's, which appeared to be based on the assumption that an incumbent leader can nominate a successor for the *Ahl al-Ikhtiyar* to ratify. After all, Caliph Abubakar's purported appointment of Umar as his successor might have prompted Bello to suggest that it is legitimate for an incumbent to nominate or even appoint his successor.[28]

It is clear that Abdullahi remained faithfully wedded to the tenets he and the Shehu developed and taught initially. However, Bello seemed to have developed the accommodating ideas, which his father introduced in 1812. Even though he did not openly defend his succession, he has clearly implied that even if the Shehu had nominated him, he (the Shehu) would have only been following in the footsteps of Abubakar. Thus, while Abdullahi insisted on freedom of action for the *ahl al Ikhtiyar*, Bello allowed the incumbent leader to nominate. In effect Bello only spelt out the implication of the alternatives advanced by the Shehu in *Najm al Ikhwam*. Bello refused to utter a word on hereditary succession. His silence can hardly be construed as accidental.

This is probably because his appointment, coming as it did, indicated that he found it impossible to avoid being accused of supporting hereditary

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[26] Tukur, op. cit. p.248, Footnote No. 67. where he quoted M.G. Smith, Government in Sokoto, pp.393-4.

[27] Abdullahi, Sabil al-Salama fil Imamah, Ss.9 and 11. Mn. NHRS/ABU Zaria.

[28] Bello, al-Insaf fi Dhikr Masa'il al-Khilafa min Wifaq wa Khilaf (A fair judgement of Conflicting Views on Questions concerning the Caliphate). 1st, 3rd, 6th and 7th topics. Mn. NHRS A.B.U., Zaria

succession.[29] Tukur is of the view that under the circumstances obtaining at Bello's succession, a complete break-away from the hereditary succession, tradition of the pre-jihad administration would have adversely affected the loyalty of key groups and the stability of the administration.[30]

Looking at these ideas on succession and election as advanced by the three leaders, one can say that those ideas emerged intact through the crucibles of history. Election by a discreet body of selectors who are themselves representatives of the general community seemed to have been retained. However, the emphasis given to it varies. The Shehu gave it a place in the alternatives he suggested. Bello, recognised its efficacy as legitimising mechanism though he is willing to have a few or only one of the electors perform the act of election or *bay'a*. Abdullahi has tenaciously held to its requirement as a necessary condition for proper succession.

The principle that a successor must possess certain qualities and fulfil certain conditions also survived. The symbolic oath of allegiance (*bay'a*) also retained its important place. It served as a confirmation that an election has really taken place, and that a contract has been entered into between the new caliph or *amir* and the Umma through the agency of those people with the power to bind and loose. Oath of allegiance is a renewal of and confirmation to the homage the Prophet made to Allah. The *bay'a* ceremony has a very deep meaning and impact on both the leader and the followers. For, those who "plight their fealty to thee do no less than plight their fealty to God: The Hand of God is over their hands."[31] According to Muhammad Bello, the conditions which *bay'a* must fulfil are words, action and conviction. Explaining further, he said,

Regarding the words, it is the utterance of *bay'a* before clasping the hand. The voicing of this by one of the gathering will suffice. One utterance at the beginning of the act of allegiance is enough so long it is done as an immediate continuous and unified action. As for the action, it is the clasping of the hand (of the one to whom homage is done) and saying in the same way that Umar did to Abubakar .. when he said, 'stretch your

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[29] M.G. Smith, Government in Sokoto (1960) Oxford Univ. Press, Chapter 6, pages 430 onwards, as quoted by Tukur op. cit. p.250 footnote No.70. He gave examples of Muhammadu Jiddo, Modegel's brother, succeeding to the title of Magajin Rafi in 1819 and the appointment of Muhammadu, the son of Abubakar dan Jada as Magajin Gari on the latter's death.... Thereby confirming the general pattern of hereditary recruitment.

[30] Tukur, op. cit. p.250.

[31] Qur'an 48:10.

hands we are paying homage to you'. Then Abubakar stretched his hand and Umar made the *bay'a*. Umar's action sufficed for those who were immediately present in the hall. His clasping of Abubakar's hand once also sufficed for all those present at the gathering."[32].

The practical effects of *bay'a* include the complete dismissal of charges of nepotism, the verification of the links between powerful groups and the caliph and the assurance it gives to the new ruler of the political and military support that is at his disposal.

The *bay'a* also confers legitimacy on the successor to the caliphate. It further demonstrates the mutual dependence between the caliph and the influential men who represent the community. Finally, besides suggesting his role as trustee and his obligation to protect the community and nurture its values, it also symbolises the need for him (the Caliph) to be acceptable to the generality of the community.

The Office of the Caliph

Like all the Sunni Jurist before them, the Sokoto Jihad Leaders also agreed that the appointment of the caliph or Imam is obligatory by the precepts of the Sharia and the Consensus (*ijma*) of the scholars. This, according to the, Shehu, when performed by the influential men (*ahl al-hall wa'aqd*), it suffices for all, "no matter whether it be in times of "civil strife or otherwise".[33] In the same manner, Abdullahi presented the same argument in chapter two of his *Diya ul-Hukkam*. He proceeded to divide the caliphate into four types; Imamate by revelation which is the Prophetic Imamate; Imamate by legacy which is the scholastic Imamate; Imamate of worship which is the Imamate in prayer;' and finally, Imamate for public welfare which is the supreme caliphate "created to maintain the welfare of the whole community". According to Abdullahi, whenever the term Imamate is used, it refers to the last type, which is the supreme leadership in matters concerning religious and temporal affairs on behalf of the Prophet (Peace be Upon Him). It is this deputising on behalf of the Prophet (Peace be Upon Him) that necessitates calling those who occupy the office of the Imam as Caliphs.[34]

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[32] Bello, Gaith al Wabl part one, p.232. Omar Bello's Translation in Bello, O. (1983) The Political Thought of Muhammad Bello (178 – 1837) as Revealed in his Arabic Writings, more especially al-Ghayth al wabl fi sirat al-Imam al-Adl (Unpublished Ph.D Thesis) London.

[33] Shehu Usman, Bayan, op. cit. p.61.

[34] Abdullahi, Diya ul-Hukkam, op. cit. pp.183-4.

To Abdullahi, all those rulers who departed from the ways of the Prophet (peace he Upon Him) can only be called kings and not caliphs. While distinguishing between caliphate and kingship he said,

> *"The character of the Caliphate is one of standing in place of a departed (dead) ruler with the consent of the ruled. Whereas the character of kingship is one of taking over the place of another (dead or alive) whether by consent or compulsion and with oppressing and terrorising the ruled. It is for this reason that kingship is described (in the hadith as bitter (wicked)."*[35]

Earlier, the Shehu in his *Kitab al Farq* said that the intention of the unbelievers in their government is only the fulfilment of their lusts. One trend in the unbeliever's government is "succession.:. by hereditary right and by force to the exclusion of consultation".[36] Muhammad Bello emphasised the importance of appointing a Caliph and rendering allegiance (*bay'a*) to him, by quoting the *hadith* which says" he who dies without allegiance to an Imam. . .. verily his death is a death as in the time of ignorance (*Jahiliyya*)".[37]

The Rights of the Caliph

Obedience to the caliph is recognised by the triumvirate as the most important right of the Caliph. Abdullahi hastened to add that this obedience is obligatory so long as the Caliph did not order one to commit a sin as shown by the *hadith* that "no obedience is to be accorded to a creature in disobedience to the Creator". The three jihad leaders, like the Sunni Jurists before them all agreed that it is not lawful to depose a Caliph for any reason short of unbelief.

Abdullahi is of the view that the Caliph can only be deposed when he apostates, becomes mad or when he is taken captive by enemies from where his escape is beyond hope or when he becomes seriously ill that he cannot function effectively. He added that the *bay'a* can be annulled, "on account of blindness, deafness, dumbness or for his inability to maintain the welfare of the Muslims".[38]

This inability to maintain the welfare of the Muslims was reason why six leading *ulama* who had fought for the Shehu during the jihad, publicly

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[35] Ibid. p.185.
[36] Shehu, Kitab al-Farq, op. cit. pp.183-4.
[37] Bello, Gaith al-Wabl, p.229.
[38] Abdullahi, Diya ul-Hukkam, p.188.

announced, that they had withdrawn their allegiance from Aliyu[39] and that it was *halal* (permissible) for others to do likewise. Five of the six *ulama* ,were identified as Malam Bakiri, Malam Ashafa, Adamu, the *Waliyyi* (Saint), Malam Badaru and the Imam of the Shehu's mosque at Sokoto.

They further declared that people could render *bay'a* either to Ahmadu Rufa'i or to Ahmadu Zuruku, the two senior candidates for succession.

This action of the *Ulama* made Sultan Aliyu Babba to hasten to answer them. On his query as to why they withdrew their allegiance and proposed his removal, they justified their position by invoking the *Sharia* and pointed out to Aliyu his specific shortcomings.

1. Firstly, he hoarded all the revenue instead of using them for distribution to the Muslims as Bello had done and the Sharia ordained;
2. Secondly... he had allowed the walls of Sokoto and the Shehu's mosque to fall into disrepair;
3. Thirdly... he had never gone on any jihad, and had recently not even gone on campaigns.[40]

Aliyu was said to have responded to the above allegation by declaring within a week and pointed out to his critics that he had, in fact for the past several years employed the State revenues to equip a suitable force for this objective. Thus, satisfied, with the explanations, the *Ulamas* agreed that the caliph had acquitted himself of their charges and renewed their allegiance.

The Duties of the Caliph

Abdullahi started his discussion on this area with the caution that the Caliph should realise that leadership is vice-regency from Allah and a deputisation on behalf of the Prophet (Peace be Upon Him). It is a great virtue and at the same time a great burden. If the leader is just, "the fear of Allah will kill in him every unjustified whim, but if he is unjust his whims will kill in him the fear of Allah. He is not made ruler over them

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[39] Sultan Aliyu Babba (1842 – 1859) was the son of Sultan Muhammad Bello, and the grandson of Shehu Usman dan Fodio. He was elected Caliph in the Mosque of Shehu Usman and was therefore bound by the Bay'a to submit to the authority of the Sharia, defend the domain of Islam and safeguard the interests of the community.

[40] Tijjani, K. (1975). The Force of Religion in the Conduct of Political Affairs and Interpersonal Relations in Borno and Sokoto. In: Usman Y.B. (ed). Studies in the History of the Sokoto Caliphate, Third Press International, 1979, Lagos, Nigeria, pp.261-277 at p.271.

(the people) to become their master but to serve their religious and temporal interests".[41]

On the leader's outlook and appearance, Abdullahi added that, "he should beautify his appearance with dignity (*haiba*) and honour (*waqqar*)and love for goodness and good people and abhorrence for evil and evil doers."[42]

The overall organisation of the State rests on the Caliph, which makes him clearly an executive head of State. All organs of the State derive their legitimacy from him. The Sokoto jihad leaders in their writings made this very clear. For example in his *Diya ul-Hukkam*, Abdullahi has this to say on the duties of the Caliph. He must,

1. "organise his kingdom to serve the interests of his subjects by having civil servants to manage the State affairs and men of wisdom to give advise.
2. He must have trustees to keep the treasury and to spend the funds for the prescribed purposes.
3. He must have scribes and accountants to take care of the tax.
4. He must have envoys, spies, guards, policemen and scholars to serve as guides.
5. He must have governors to collect dues, honest (*adil*) persons to serve as witnesses; *Muhtasibs* to inspect and correct weights and measures, policemen to keep law and order; judges to settle disputes... and viziers who fear none but Allah.
6. He must have an impregnable fortress constantly supplied with food and water.
7. He must have horses as strong as iron, strong and powerful camels, brave men, large quantity of strong weapons at his disposal at all times.
8. He must have trustworthy physicians as well as military commanders who carry their weapons in the ready..."[43]

The above listed functions seem to be the broad duties of the caliph, upon which the jihad leaders built their details. All appointments clearly emanated from the Caliph or with his consent. All workers and titleholders in the Caliphate were agents of the Caliph and accountable to him. The responsibilities were of course delegated since it was impossible for the Caliph alone to perform all the functions.

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[41] Abdullahi, Diya ul-Hukkam, op. cit. p.190.
[42] Ibid.
[43] Ibid. pp.191-2.

Right from the beginning of the Jihad, in the year 1812 AD, the Shehu who was the first *Amir al- Muminin* (Caliph) of the Sokoto Caliphate, divided the responsibility of administering the State between his two senior viziers and some other key members of the community. Muhammad Bello was made responsible for the supervision of the eastern emirates while Abdullahi was made responsible for the supervision of the western emirates. Sokoto and Gwandu later emerged as the capitals of the eastern and western emirates respectively. Others like Ali Jedo, who was the *Amir al Jaish* (Chief Military Commander) was given some territories to control north of present-day Sokoto, while Bukhari a son of the Shehu and one Abdussalami an important Ea'are follower of the Shehu, were given some territories south of Sokoto. In this task, they were all responsible to the Shehu who was the *amir al-Muminin* and whose power of political control was firm and whose authority in the caliphate was final.