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FARMERS AND 'PROSTITUTES': TWENTIETH-CENTURY PROBLEMS OF FEMALE INHERITANCE IN KANO EMIRATE, NIGERIA*

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ABSTRACT: This article focuses on the implications of an emir of Kano's decision to forbid women from inheriting houses and farms in 1923 and a successor's reversal of that policy in 1954. The earlier emir justified his policy by claiming that women inheritors were becoming prostitutes and the later one argued that women's re-enfranchisement would ameliorate the poverty of destitute elderly women. Both these events appear to have been radical innovations for their time and reflect continuous anxiety over women living outside of male control and a longer-term attack on women's public role. While the emirs' explanations do not fully comprehend the political logic of their decisions, both the proclamations and the way they were explained illustrate contradictions and ambiguities within Hausa conceptions of gender.

KEY WORDS: Nigeria, gender, Islam, inheritance.

THE city of Kano in the north of what is now Nigeria is one of the oldest, largest and historically most important Hausa-speaking states. It is, as one commentator put it, a 'deeply conservative Islamic society',¹ famous equally for its commercial dynamism and the rigor of its religious practices. In particular, the extent and rigorousness of female seclusion has resulted in a starkly dichotomous society: the world outside the house is largely a male

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¹ B. Callaway, *Muslim Hausa Women in Nigeria: Tradition and Change* (Syracuse, 1987), xv.

domain, and women who do venture out are often condemned as irreligious and sexually wanton. However, female seclusion and the radical circumscription of women's lives that seclusion entails are recent, contingent developments. The Hausa states have been Muslim for many centuries and were incorporated into an Islamic theocracy nearly two hundred years ago, but female seclusion became common only during the twentieth century – and became nearly universal only in its second half. Although most Hausa Muslims would link these developments with Islam, I suggest that Islamic religiosity does not fully determine them but rather provides an idiom for describing a multi-faceted phenomenon.² Ideologies of female respectability, in the form of seclusion or submission to male authority, have had substantial material consequences, as government officials have moved to regulate female behavior through initiatives like altering women's inheritance rights and attempting to control female independence. Looking at the historical conditions under which the social regulation of women's lives has been articulated through a language of religious propriety can illuminate both the trajectories of gendered life in northern Nigeria and the cultural logic of northern Nigerian ideologies of gender.

In this article I examine how conceptions of gender and domestic life have thrown up a series of ambiguities and tensions that resulted in a curious patchwork of government interventions for the control and support of women. I am interested in the tension emerging from conceptions of appropriate gendered behavior. 'Good' women lead respectable lives, which implies sexual continence and dependence on male support. 'Good' men take care of their female dependants. These are principles on which both men and women can agree, though their evaluation of who specifically is good can vary. This framework creates problems: not everyone is good in this sense, and not everyone can be. In northern Nigeria for the past several centuries, ideas about gendered behavior have been most often expressed in an idiom of Islamic religiosity, but I shall suggest that the dilemmas of gender are more fundamental than religious idiom. I explore the deeper dilemma through its emergence at several points across the twentieth century. In this article I use the question of female inheritance as a lens on to this broader set of concerns, focusing on the implications of a decision by the emir of Kano in 1923 to forbid women from inheriting houses and farms, and a successor's reversal of that policy in 1954. The earlier emir claimed that women inheritors were becoming prostitutes, and the later one argued that women's re-enfranchisement would ameliorate the poverty of destitute elderly women. While these events initially appear to be radically innovative, I argue that they both index a more continuous anxiety over women outside of male control and a longer-term attack on women's public role. The emirs' explanations do not fully reflect the political considerations underlying their decisions, but both the proclamations and the ways

² My argument is not that female seclusion was 'Hausa' rather than Muslim, nor is it that 'Hausa culture' is somehow discrete from or in some sense opposed to Islamic religiosity. In suggesting that female seclusion was not dictated by Islamic orthodoxy I am arguing that Islam provides a way for explaining and justifying many complex patterns of social change.

they were explained illustrate contradictions and ambiguities in Hausa conceptions of gender.

Both decisions took place in the peculiar political context of British indirect rule policy. The Fulani emirs of Kano had originally come to power at the start of the nineteenth century in a *jihād* targeting the syncretistic forms of Islam practiced by the kings of the pre-*jihād* Hausa states. In addition to replacing Kano's Hausa dynasty with a reformist regime, the *jihād* incorporated it into the theocratic Sokoto Caliphate, its Fulani emir subject to the caliph at Sokoto. In addition to placing a new emphasis on Islamic orthodoxy in political life, the *jihād* also had other wide-reaching social effects. Among other things, the role women played in public life came under attack, and many state offices held by women began to be held by men instead.³

Great Britain proclaimed a protectorate over northern Nigeria in 1900. The Colonial Office directed its high commissioner – the famous, or infamous – Sir Frederick (later Lord) Lugard, not to bring the territories of the Sokoto Caliphate under active administration. Lugard, however, was anxious to make a reputation and proceeded to conquer the caliphate's core emirates, annexing both Kano and Sokoto in 1903. Lugard was then faced with the difficult problem of how to pay for his administration. Parliament refused to subsidize the protectorate, and northern Nigeria survived only through a subsidy from southern Nigeria, then separate. Making a virtue of fiscal necessity, Lugard retained more or less intact the caliphate's government structures and termed it the policy of 'Indirect Rule'. Officials of the caliphate maintained their offices by recognizing British authority and accepting the supervision of a skeleton British administration. This compromise placed a new importance on political tradition. The British assumed that tradition's continuity with a timeless past would lend legitimacy to goals like maintaining tax receipts and aristocrats' incomes and would also allow the abolition of slavery. Nigerian officials discerned that calling policies 'traditional' was a good way to enlist British cooperation and approval. The emirs of Kano were thus empowered as 'traditional rulers', and they formulated 'tradition' as ruling in accordance with Islamic law.⁴ Officials thus made

³ See M. G. Smith, *Government in Zazzau 1800–1955* (Oxford, 1960); *idem*, *The Affairs of Daura: History and Change in a Hausa State 1800–1958* (Berkeley, 1978); *idem*, *Government in Kano, 1350–1950* (Boulder, 1997); M. Last, *The Sokoto Caliphate* (London, 1967); R. A. Adeleye, *Power and Diplomacy in Northern Nigeria, 1804–1906* (London, 1971); P. E. Lovejoy and J. S. Hogendorn, *Slow Death for Slavery: The Course of Abolition in Northern Nigeria, 1897–1936* (Cambridge, 1993); and S. O'Brien, 'Power and paradox in Hausa Bori: discourses of gender, healing and Islamic tradition in northern Nigeria' (Ph.D. thesis, University of Wisconsin, 2000).

⁴ The dynamics of colonialism in constituting legal 'tradition' as an allegedly ancient but actually novel form of governance have received a great deal of scholarly attention. See for example T. Ranger, 'The invention of tradition in colonial Africa', in E. Hobsbawm and T. Ranger (eds.), *The Invention of Tradition* (Cambridge, 1983), 211–62; M. Chanock, *Law, Custom, and Social Order: The Colonial Experience in Malawi and Zambia* (Cambridge, 1985); M. Mamdani, *Citizen and Subject: Contemporary African and the Legacy of Late Colonialism* (Princeton, 1996). Chanock in particular considers the way in which the 'invention of tradition' systematically biased legal codes against women. For a suggestion that one should not take the claims of codified tradition too literally and that tradition was more a label than a determinate state of affairs, see S. Berry,

policy decisions based on what they understood Islamic law to be. The emirs therefore justified their decisions both with a claim about Islamic law and with a reason why their decision had desirable social consequences.

The question of women's inheritance took shape within this political conjuncture. The Fulani *jihād* had touched off a process of circumscribing women in public life and had popularized reformist discourses that emphasized the need for women's sexual morality. The colonial regime brought with it a set of European preoccupations with women and the domestic sphere, and it also initiated new forms of surveillance that brought such phenomena more regularly to state attention. The spread of female seclusion and Islamicization more generally can be linked to colonial-era projects of modernization and social change but cannot be reduced to the working out of a foreordained process. Rather, a recurrent set of gendered dilemmas involving female autonomy and entitlement have variously intersected with emirate politics and with overarching patterns of social change. Thus, the events of the twentieth century represent part of a series of developments, aspects of which could be labeled 'traditional', 'reformist', 'colonial', or 'modern'. I will suggest, however, that this historical trajectory cannot be properly assessed without a careful attention to the cultural context in which it occurred. After discussing the events of 1923 and 1954, I will present ethnographic material from across the past fifty years. I do this not to argue that all aspects of Hausa gender are unchanging but rather to illuminate some of what was at stake in longer-term processes of transformation.

1923: HOUSES AND PROSTITUTES

In March 1923, the emir of Kano Usman proclaimed that under the Islamic law of inheritance women would not be allowed to inherit houses. A dead man's house would be shared only by his male heirs; for cases in which there were only female heirs, the house would be sold and the proceeds divided among them. Three months later, the prohibition was extended to farms as well. In his proclamation the emir explained that his advisors had found support for the prohibition in commentary on the text *Agarab ul-Masaliki* and concurred that women were forbidden to inherit.⁵ Usman explained further to British colonial officers that prohibiting women's inheritance was desirable because it would prevent women from becoming prostitutes. Usman and his advisors were technically in error. Islamic law does not forbid women from inheriting real property and indeed enjoins their receiving shares in a paternal estate one half the size that their brothers inherit. It is nonetheless possible, albeit undesirable, for the government to legislate exceptions of this sort to reflect existing local practice.

No Condition Is Permanent: The Social Dynamics of Agrarian Change in Sub-Saharan Africa (Madison, 1993); A. Rao and S. Pierce, 'Discipline and the other body: correction, corporeality, and colonial rule', *Interventions: The International Journal of Postcolonial Studies*, 3 (2001), 159–68; and S. Pierce, 'Punishment and the political body: flogging and colonialism in northern Nigeria', *Interventions*, 3 (2001), 206–21.

⁵ NAK Kanoprof 5/1 5579A. The proclamation from Usman appears in Arabic, Hausa, and an abridged English version. HCB SNP 9/12 635, Kano Province annual report, 1924.

The fact that Usman prohibited house inheritance three months before farm inheritance suggests that his primary purpose was to prevent female home ownership. As emirate officials justified the initiative to colonial authorities, the problem was that women's status as possible heirs would allow 'mischievous persons connected with the Court' to intervene in house disputes, enabling women to inherit and then become prostitutes under their patronage. This reasoning, which the district officer cited as coming from the emir and other officials, gives only a part of the story.⁶ A second consideration is revealed by a long discussion that ensued of how the prohibition would be administered and what would happen to estates without male inheritors. One possibility when the initiative was proposed was that houses and farms that did not pass to male inheritors would be sold by the treasury. This initiative could provide the government with a potential source of profit and patronage, especially if female heirs needed no compensation for their houses and farms. Kano court politics at this time were fraught. Usman, elderly and in poor health, had in 1919 succeeded his brother, the long-time Emir Abbas, and was attempting to consolidate his hold on the machinery of emirate government and to instal his own sons in powerful positions. At the same time, British hostility to slave officials threatened the latter's power. Both the emir and the palace slaves were desperately in need of money and patronage in order to consolidate their positions. In this context, the control of houses and farms was potentially very lucrative, and women heirs were not a particularly powerful group. Ultimately, however, it was decided that female heirs would receive the proceeds of houses and farms that had been sold, thereby depriving Usman and his favored slaves of that revenue.

Nonetheless the prohibition remained in force. Usman's proclamation picked up on two things: first, a common reluctance among many Hausa families to allow their daughters inheritance of real property, one which had up until that point been accomplished by avoiding the division of estates according to the principles of Islamic law, and second, a widespread condemnation of female independence from male control. This autonomous status, called *karuwanci* in Hausa, is usually translated in English as 'prostitution' or 'courtesanship', and it is widely condemned. While the proclamation was not controversial, neither was it traditional – nor even, strictly speaking, legal. Usman and his supporters, however, capitalized on women's political powerlessness and on concern among both Nigerians and British about female 'immorality'. Usman's initiative then could be packaged for British consumption as concerning the control of female independence through the control of land.⁷

Usman and the palace slaves may have needed money, but that desirable end needed to be euphemized in order to get British approval for the policy. The district officer for Kano Division at the time of Usman's decree, H. O. Linsdell, was informed that the practice of women's inheritance first emerged during the rule of Usman's brother and predecessor, Emir Abbas

⁶ NAK Kanoprof 5/1 5579A, district officer to resident, 21 Feb. 1923.

⁷ I am grateful to Sean Stilwell for his suggestions about Kano politics, personal communication, 1 Sept. 1998.

(1903–19).⁸ In a memo the next year, however, he said that Wazirin Kano (the vizier and chief legal officer of Kano) told him that Hausa ‘custom’ did not allow inheritance by women ‘under Mohammedan Law’. According to Waziri, the Hausa had begun to allow women’s inheritance ‘before the Courts’, approximately from the reign of Emir Abdullahi (1855–82).⁹ Whether the start was with Abbas or Abdullahi, the inconsistency of its application was itself represented as causing trouble.¹⁰

This claim about inconsistency is reasonable enough, though this could be interpreted as the result of applying two incompatible principles. Islamic law requires female inheritance, while Hausa peasant farming has historically centered on an idealized unit of agricultural labor involving the cooperation of fathers and sons.¹¹ This latter principle – to the extent it was possible to uphold – precluded not only female inheritance (since sons cooperated while daughters did not) but farm division at all, since at a father’s death the sons would continue to cooperate under the direction of their senior brother. According to the laws in force in the caliphate at the time of colonization, people held heritable rights in usufruct, and in the absence of inheritors, these rights reverted to state authorities, in practice to village and ward heads, who could then reallocate rights of use to someone else. Such rights could also be forfeited, by migration or defaulting on taxes for example.¹²

Records of court proceedings were first kept during the reign of the first colonial-era emir of Kano, Emir Abbas. Although the British were told at the time of Usman’s proclamation that some *al’kalai* (judges, sig. *al’kali*, Arabic *al-qadi*) did not give women inheritance shares,¹³ it is not clear how many cases this represented or what the *al’kalai*’s reasoning was. Records kept by Emir Abbas’s Judicial Council in 1913–14 demonstrate that women were in a peculiarly vulnerable position: their legacies were often claimed by male relatives, seized by village heads, or simply appropriated by others,

⁸ District officer to resident, 25 June 1923, NAK Kanoprof 5/1 5579A.

⁹ District officer to resident, 21 Feb. 1924, NAK Kanoprof 5/1 5579A.

¹⁰ See A. M. Fika, *The Kano Civil War and British Over-Rule, 1882–1940* (Oxford, 1978); C. N. Ubah, *The Government and Administration of Kano Emirate, 1900–1930* (Nsukka, 1985); Smith, *Government in Kano*; and S. Stilwell, ‘The Kano mamlukes’ (Ph.D. thesis, York University, 1999).

¹¹ The historical development of agricultural cooperation has been the subject of considerable discussion. See M. G. Smith, *The Economy of Hausa Communities of Zaria*, Colonial Research Series No. 16 (London, 1955); P. Hill, *Rural Hausa: A Village and a Setting* (Cambridge, 1972); *idem*, *Population, Prosperity and Poverty: Rural Kano, 1900 and 1970* (Cambridge, 1977); B. Cooper, *Marriage in Maradi: Gender and Culture in a Hausa Society in Niger, 1900–1989* (Portsmouth, 1997). For a full review of this literature and assessment of the historical changes in agricultural cooperation, see S. Pierce, ‘Looking for the legal: land, law, and colonialism in Kano Emirate, Nigeria’ (Ph.D. thesis, University of Michigan, 2000).

¹² The question of land tenure in northern Nigeria has received considerable attention, see I. Jumare, ‘Land tenure in the Sokoto Sultanate of Nigeria’ (Ph.D. thesis, York University, 1995). The question of what principles constituted the ‘land tenure system’ or ‘Hausa ideas of property’ is a thorny one, especially since the legal principles at play in the urban centers of the caliphate did not necessarily have a great deal of effect in rural areas, even ones close to emirate capitals. For a full discussion, see Pierce, ‘Looking for the legal’.

¹³ NAK Kanoprof 5/1 5579A.

even though the emir himself supported women's inheritance claims.¹⁴ None of the cases from this series, however, involved a woman attempting to force the division of her father's farm, which is a very common category of land case today.¹⁵ Assuming that the cases coming before the Judicial Council were not wholly exceptional, one can infer that some paternal estates were divided between male and female inheritors, while others went only to men or were not divided at all. And even when a woman managed to inherit, she was still vulnerable to dispossession.

Administrative regularity was all very well, but the question of prostitution was compelling. Records from the period before 1923 express concern over female autonomy from male control, understood as prostitution. Autonomous women were perceived as part of a problematic demimonde comprising criminals, members of the *bori* spirit possession movement, effeminate men, rootless former slaves and other deviants from Hausa social norms. In the period before 1923 this larger group of problematic people came to official attention in very particular ways: around army barracks,¹⁶ in certain cases of murder and witchcraft¹⁷ and in other highly publicized criminal cases.¹⁸ The difficulties posed by this underclass did come to official attention, but the way in which it most often emerged as an object of government regulation was as a question of the abolition of slavery and as such addressable through legislation on self-redemption and vagabondage.¹⁹ In regard to women, the greatest emphasis was on preventing freedwomen from joining 'that very undesirable class of unattached women'.²⁰ Indeed, this danger was one of the reasons that homes for freed slaves, particularly women and minor children, were founded in the earliest years of colonial rule.²¹ Although officials made little effort to stop the substantial numbers of

¹⁴ A. Christelow, *Thus Ruled Emir Abbas: Selected Cases from the Records of the Emir of Kano's Judicial Council* (East Lansing, 1994). The cases collected in this volume are translations of selected records of the emir's Judicial Council from 1913 to 1914, which were first recorded because of British pressure. For the majority of cases Christelow cites in which a female plaintiff claimed land, she had not inherited it as a share of her father's estate but had acquired it by other means. Cases which centered on questions of a woman's inheriting from her father tended to be brought by others – the guardian of orphaned girls (case 110B) or the woman's eventual heir (case 109B). In the case of a house disputed between two brothers (21C) – one trying to force division, the other, eldest brother claiming that 'custom' gave him the house for his lifetime – the emir sided with custom over Islamic law, 'for the length of our [Abbas's] life'. The Judicial Council was the forum in which land cases were supposed to be tried, though since it had responsibility for all of Kano Emirate litigants had to be motivated actually to get to court. The point relevant here is that Abbas supported some women's claims to their inheritance shares or supported claims that were based on inheritance through women while at the same time acknowledging the principle that custom could be adhered to in place of the strict letter of the law.

¹⁵ See Area Court opinions, Shari'a Court of Appeal, Audu Bako Secretariat, Kano, Nigeria.

¹⁶ Susan O'Brien, personal communication.

¹⁷ O'Brien, 'Power and paradox'. ¹⁸ Pierce, 'Punishment and the political body'.

¹⁹ Lovejoy and Hogendorn, *Slow Death*.

²⁰ J. C. Sciortini, 10 May 1907, SNP 7/7 1648/1907, cited in P. Lovejoy, 'Concubinage and the status of women slaves', *Journal of African History*, 29 (1988), 249.

²¹ Northern Nigeria, *Annual Report*, 1900–1, 13. See G. Olusanya, 'The freed slaves' homes – an unknown aspect of northern Nigerian social history', *Journal of the Historical Society of Nigeria*, 8 (1966); C. N. Ubah, 'Disposal of freed slave children in northern

women who left the homes to 'follow their own inclinations',²² they were concerned to see that women who stayed ended up in marriages, even if those marriages ultimately resembled concubinage more than the marriage of a free woman.²³

By 1923 the most dramatic effects of the abolition of the status of slavery had faded. Unattached women, an unintended consequence of the end of slavery, had become a problem of social order. The tangible concern in communications between the Kano Native Authority and the provincial office, which were relayed to other parts of the colonial government, was the consequences of women's obtaining houses and farms. Especially a problem was 'unattached' women, whose inheritance of houses and farms 'as often as not results in the house not being properly supervised and becoming the resort of undesirables'.²⁴ This claim came from the emir, who was cited as saying, 'women did not legally inherit houses, and that he did not wish them to do so, as it resulted in so many cases in the house not being properly managed'.²⁵ Independent women were a direct threat to social order, as the owners of houses filled with 'undesirables'. In less lurid terms, the problem was that women who had the additional security afforded by a house or a farm would be able to live by themselves, relieved from dependence upon husbands or male relatives who could regulate their behavior.

For the purposes of getting his initiative approved by the British, Usman framed the problem as one of women who could potentially be married, or perhaps live respectably with male relatives while between marriages, but who chose to live independently. This representation masked a more complex reality. Married women, both rural and urban, could engage in various income-generating activities: trading, food preparation, certain kinds of craft production and other occupations. Their unmarried sisters could do the same.²⁶ Nonetheless, the opportunities open to most women provided income that fell short of that necessary for comfortable subsistence. The solution many independent women had recourse to was accepting gifts from male suitors and lovers. These relationships might or might not lead to marriage. Usman and his officials were especially concerned with this aspect

Nigeria', *Journal of African History*, 33 (1992); Lovejoy and Hogendorn, *Slow Death*, 78-84.

²² Northern Nigeria, *Annual Report*, 1905, 410.

²³ Lovejoy, 'Concubinage'.

²⁴ Resident to secretary, Northern Provinces, 15 Mar. 1924, NAK Kanoprof 5/1 5579A.

²⁵ Resident to secretary, Northern Provinces, 21 May 1924, NAK Kanoprof 5/1 5579A.

²⁶ Women's economic activities have received a great deal of scholarly attention. See Hill, *Rural Hausa*; C. Coles and B. Mack (eds.), *Hausa Women in the Twentieth Century* (Madison, 1991); Callaway, *Muslim Hausa Women*. Women in both urban and rural areas can develop extensive trading networks, though for the most part the items they trade are consumer goods, food and handicrafts. There are women active in more lucrative forms of trade, such as textile manufacture and distribution, but they are relatively rare. Philip J. Shea, personal communication. They can also be active in skilled professions such as herbalism and the *bori* spirit possession movement. The difference between the economic activities of ordinary rural and ordinary urban women is not so much one of kind as of the kinds of contacts a woman can maintain. At least as important to a woman's activity as her location is her degree of marital seclusion; being able officially to leave her house obviously affects the activities she can undertake.

of female independence, which they characterized as so dangerous and thus transformed autonomy into 'prostitution'.

Usman's proclamation was represented to the colonial authorities as designed to decrease the incidence of female independence by making less likely the possibility of women's attaining a measure of autonomy.²⁷ Whatever the reasoning behind the prohibition, it suggests just how problematic female independence (in whatever sense) was for men, and for many women, at all levels of society. This remains true until the present day. Again and again northern Nigerians I asked about Usman's decision – male and female, left wing and right wing, educated and uneducated, secular and religious – explained the reasoning as aiding the combat of prostitution.

The need to prevent prostitution served and serves as explanation despite the fact that the legal reasoning behind the prohibition was strained, to say the least. Although the English translation of Usman's proclamation (which was done by the district officer, Linsdell) somewhat simplifies the syntax of the Hausa original,²⁸ it does reflect the sense accurately:

For so it is set forth in the comments on the 'AKARABUL MASAZIKI'. [sic] The Mallams consulted in the matter and their interpretations in the matter agreed to find cause whereby women should be prevented from the inheriting of farms in this land [Kano], for this is a conquered land.²⁹

A version closer to the Hausa syntax would read,

This [was decided] after the matter was researched in the books of the legal authorities, who found the real authority in the commentary beside *Agarab ul-Masali*: the advisors concurred in this interpretation, that the reason for prohibiting women's inheritance of farms in this land is that it is a conquered one.

Two important details are less emphasized in the English version and dropped out of subsequent colonial correspondence, that the prohibition came from the commentary rather than the text and that the prohibition came about because Kano was conquered in the *jihād* – which implied that customary inheritance practices could be employed instead of the Maliki law of succession. In the immediate aftermath of the proclamation, Linsdell wrote that women's inheritance 'is contrary to Custom and Law'.³⁰ In a memo to the resident the following year, Linsdell reported the situation more accurately: 'it also was not the "alarda" [*al'ada*, custom] of the Habe to allow "gado" [inheritance] by women through Mohammedan Law'. Nonetheless, in the same memo, he rather puzzlingly went on to assert,

²⁷ Unfortunately, Usman's own language does not survive. His proclamation does not mention prostitution, and his justification to the British is quoted indirectly and in English. Significantly, however, Usman's concern with prostitution is widely remembered in Kano today, which indicates that his reasoning was widely circulated at the time.

²⁸ The Hausa and the Arabic versions are very similar to one another. My thanks to Lucine Taminian for help with the Arabic version.

²⁹ NAK Kanoprof 5/1 5579A, enclosure A to resident to secretary, Northern Provinces, 15 Mar. 1924.

³⁰ NAK Kanoprof 5/1 5579A, district officer to resident, 25 June 1923.

If there are no heirs (*idan babu magada ko mazza ko mata gidda ya zoma* [sic] *na Beit el Mal*) house 'escheats' to Beit el Mal. i.e. it is not a case of women not being *allowed* to inherit, but not allowed to inherit *by law* only by custom and consent.³¹

In other words, Lindsell took the position in 1923 that women's inheritance was forbidden by 'custom and law'. In 1924 he wrote in the same document first that custom ruled out women's inheriting under law (which was true enough) and then the exact opposite, that women were not allowed to inherit by law, just by 'custom and consent'. Lindsell's phrasing in this last assertion may simply have been careless, but there is no evidence that he understood either the legal reasoning of Usman's proclamation – which was that custom could be followed because Kano had been conquered in the *jihād* – or the emerging anthropological distinction between law and custom, written and unwritten.

This confusion on the part of British officers masked the deeply suspect quality of the legal reasoning. The justification the palace advisors found came from commentary on a Maliki law text, while the texts themselves mandated women's receiving their inheritance shares. One might wonder why the '*ulamā*' were willing to consent to this rather peculiar line of reasoning. The answer may lie in the fact that in 1923 the position of senior officials such as the vizier was quite precarious, as Usman attempted to concentrate power in his own hands and those of his sons and loyal palace slaves. Officials like the vizier, a learned scholar who originally had served under Abbas and who had earlier been a respected *al'kali* of Kano, had been eclipsed and would have faced difficulty opposing the emir's will. Meanwhile, the office of the *al'kali* of Kano had itself been weakened by a series of weak incumbents who were removed for corruption.³² Suspect as Usman's legal reasoning was (a fact ultimately pointed out by Sanusi's advisors and acknowledged by a number of people I spoke to in contemporary Kano), its justification points to the ways in which the somewhat minimal question of land inheritance stood in for a greater issue of gendered domestic authority. Inheritance was only a part of the much broader question of how affective relationships, such as those between brothers and sisters, translated into the distribution of a farm's products. Even if the tactic was not, strictly speaking, traditional, the only constituency harmed was female heirs, and they were not politically influential.

Prohibiting women's inheritance was less likely to prevent their independence than, say, making divorce less practicable or making it impossible for women to live on their own. Did it work at all? It is difficult to speak definitively about evanescent phenomena like female 'misbehavior'. Gaps in the records make any potential answer to the question somewhat impressionistic. The population of independent women was not systematically monitored, and given the ambiguity of the status it is difficult to imagine how statistics

³¹ NAK Kanoprof 5/1 5579A, district officer to resident, 21 Feb. 1924. Emphasis in original. The Hausa passage reads, 'If there are no heirs, either men or women, the house becomes that of the treasury'. A marginal comment queries the contradiction, asking, 'A discrepancy?' and going on to point out the problem.

³² Smith, *Government in Kano*, 450–1.

could have been kept. But the young women most able to support themselves as prostitutes are unlikely to have been deterred by not inheriting real estate. They could still rent rooms. They could still stay with friends. And there were certainly independent women in Kano between 1923 and 1954. To the extent that farm ownership correlated with female independence, the arena in which prohibitions and strictures were most effective was a public one. Female respectability became more strongly correlated with female subservience. The situation was more complicated at the level of private ambition and the negotiation of family life.

There is another reason to doubt that the prohibition of female inheritance could have addressed any increased incidence of prostitution. Women who might have been labeled prostitutes in 1923 would have been the first cohort of women to have been entirely free, since no one born after the protectorate was proclaimed in 1900 could technically be a slave. While a larger population of free – and potentially independent – women might have created a popular perception of female sexual danger, as a point of public policy the daughters of slaves would have been relatively less controllable by taking away their right to inherit houses or farms than the daughters of families who had always been free or had been free for a longer period. The prohibition affected a richer segment of the population.

To no small extent, independent women stood in for a more general problem of urban order, and in that regard the prohibition of female inheritance would have been next to useless. Kano's population of 'immoral' people might have been inconvenienced by fewer houses being under female control, but their growing population in town was driven by a more complex set of factors. A set of interlocking socio-economic changes was more significant in the long term: an influx of former slaves into the cities (which was admittedly slower in 1923 than in earlier years), cash-cropping, new possibilities for wage labor in the city, increasing population densities in the rural areas around Kano, better communications and safer roads between city and countryside, and a burgeoning population of southern Nigerians in the Sabon Gari neighborhood outside of Kano's old city. All of these developments led to a more mobile and more urban population with concomitant possibilities for immorality and criminality. Meanwhile, in the countryside paternal, and familial, authority was somewhat weakened as junior people were increasingly able to make a living without their sponsorship. Even as these developments enabled more people to detach themselves from their families and take up lives of questionable morality, they also fostered a spread of Islam to areas previously 'pagan' and deepened orthodoxy among many nominal Muslims. The reformist discourses of the nineteenth-century *jihād* still had great weight, and these identified female immorality and participation in public life as a problem. 'Uncontrollable' female sexuality was nothing new, and there is no evidence that independent women were more a problem than they had been before or since. Rather, well-established discourses about the necessity for controlling female sexuality were a useful cover for a more complicated set of political imperatives. 'Vice' was therefore not merely an artifact of overactive palace imaginations but was a metonym for ongoing social change. Islam did not dictate the palace's response, but Islamic discourses provided a means of describing the reasons for the prohibition. Unsurprisingly, the need to control female sexuality

was quietly dropped as a justification for the prohibition in the years after its enactment.

DEVELOPMENTS TO 1954: INHERITANCE AND DESTITUTION

The proclamation's effect on female landholding and on the welfare of women more generally is as shadowy as its effect on the incidence of prostitution. The government of northern Nigeria did not survey the population for social welfare indicators, and even bounded surveys of landholding and social welfare substantially post-date World War II.³³ The years between the wars were the heyday of indirect rule, and as a direct result government information about the countryside was incomplete and episodic. Territorial administration depended upon village and ward heads, who reported to district heads who were title-holders in Kano Emirate. Their main responsibility, insofar as the colonial government was concerned, was collecting taxes. Colonial officials, both Nigerian and British, toured rural areas for the purposes of re-assessing tax levels and spot-checking other aspects of territorial administration, but their attention to questions of social welfare, and especially women's welfare, was erratic at best.³⁴

Women's welfare did become a concern during the 1920s, but the government understood 'welfare' to mean questions of maternal and child health. A women's welfare center was founded at Kano City Hospital in 1929–30,³⁵ which both provided medical care for women and sponsored home visits by the sister-in-charge; at the same time, a school for girls was opened, which primarily taught sewing, although as the 1930s progressed the curriculum expanded to include reading and writing.³⁶ The purpose of both these initiatives was to train urban (and in the case of the school elite) women to be better, healthier wives and mothers. As late as 1943 the senior health officer for northern Nigeria declared, 'improv[ing] the condition of women in the Northern Provinces ... can be done by Health Visitors visiting the expectant mother, [her] mother, advising as to the care of the baby and of the treatment of the mother'.³⁷ The correlation of female welfare with maternity was not absolute, but the equation did determine government policy: in 1941 Kano's medical officer suggested at a meeting of a new committee to propose development projects that the government might start 'soup kitchens and weaving facilities for old ladies', but the resident vetoed the idea, noting that the purpose of welfare projects was not poverty

³³ The earliest detailed social description (in this case, an ethnography) of a Hausa community of which I am aware is M. G. Smith's *Economy of Household Communities in Zaria*, which was published in 1955 and was based on fieldwork started in 1949. Slightly earlier, a colonial officer named C. W. Rowlings began to investigate land tenure systems in several Northern Provinces with an eye toward post-war development projects, but he was not terribly attentive to questions of gender. See Pierce, 'Looking for the legal', ch. 3.

³⁴ See Pierce, 'Looking for the legal', chs. 1 and 5 for a full discussion.

³⁵ HCB SNP 17 12004, vol. II, annual report for Kano Province, 1929, paras. 69, 80.

³⁶ HCB Kanoprof 438, annual report for Kano Province, 1930, para. 129.

³⁷ NAK SNP 17 35252, chief's conference, 1943, subjects for discussion and records of proceedings, senior health officer, Northern Provinces, to secretary, Northern Provinces, 22 Mar. 1943.

relief.³⁸ Thus, although the government did begin to develop an interest in women's welfare during the period of the prohibition, this interest was restricted to those categories of women least likely to suffer materially from their disenfranchisement. A social welfare officer was appointed in Kano in 1951, but his primary duties were overseeing a youth reformatory, tracing errant husbands and running youth clubs; monitoring the incidence or the well-being of impoverished elderly women was outside his purview.³⁹

To complicate the question of the prohibition's practical effects yet further, official records like tax lists considerably underestimate female land ownership through equating the owner with the person actually paying tax, and so the incidence of property ownership is difficult to track. Indeed, like the mid-century category of social welfare, the apparatus of legal record-keeping itself was systematically biased toward men and toward women living in male-headed households. Thus, the question of the effects of Usman's decision on the incidence of female landholding remains shadowy.

Anecdotal evidence suggests that disenfranchisement very quickly affected elderly women. By the 1930s, well before the 1920s cohort of independent women was elderly, officials reported an increase in female poverty. In response to a 1932 assessment report on Kumbotso district, which lay very close to metropolitan Kano, that had noted few women owned land (resulting in significant numbers of destitute elderly women), the then-district officer for Kano Emirate wrote, 'Strictly speaking, the *Native Executive and Judicial* do not recognise the right of women to hold land and when so held it has to be "sub rosa"'. Later in the comment, after discussing a case in which a woman who had held land in trust for a young son appealed its confiscation by the village head after the son's death, he noted, 'This would appear to indicate that though women cannot inherit farms [land] they can hold farms in their own right, if given the right of occupation direct to themselves'.⁴⁰ This gained a response from the resident of Kano Province – Linsdell, the district officer at the time of the prohibition – saying that he was 'told' that in cases of women's obtaining rights to a farm, they could not give those rights to someone else, making the rights women could exercise in relation to farms very different from those of men. He went on to note, 'The principle of women not inheriting farm [sic] is quite undisturbed and I consider it recognises the disability of women, and land is intended to support a family'.⁴¹

Both officers were content to understand the legal status of land by letting emirate officials explain it to them. Presumably the resident remembered that the prohibition of women's inheritance was only nine years old and was aware that it was unique to Kano, which is perhaps signified by the comment with which he closes his minute, 'Where will it all end? Heaven only knows. But we don't want to allow speculation in land to arise or for any

³⁸ HCB MLG KAN NA 1/5/1, minutes of the proceedings of the meetings of the Development and Social Welfare Board, Kano Province, minutes for 22 Aug. 1941.

³⁹ HCB MLG NAE/44/C.3, Kano Native Authority Social Welfare Department – policy.

⁴⁰ NAK Kanoprof 5/1 5579, a comment on Mr. Leslie's Kumbotso reassessment report, 1932, 8 July 1932.

⁴¹ NAK Kanoprof 5/1 5579A, resident to DO, 10 July 1932.

man to have more than he can use'.⁴² Whether these officers imagined female disenfranchisement to be an evolving doctrine or simply to be the 'situation', it is striking that this 1932 discussion does not address the question of prostitution or female independence, except in Linsdell's oblique comment about women's 'disability' and land's being needed to support a family, which was rather unfortunate in the context of the original report of female destitution. And we see here, at least on the part of British officers, that although female poverty was recognized, it was not perceived to be particularly problematic.

Without systematic records of women's welfare or of the incidence of women's landholding, what can one conclude about this impressionistic portrait of an increase in female poverty? The years between 1923 and 1954 were tumultuous for Kano's commoner class. Cash-crop production, particularly of groundnuts, had substantially altered the rural economy, making peasant families more dependent upon a cash income. In the more recent periods for which we have ethnographic documentation, cash-cropping has tended to weaken the ties of agricultural cooperation between fathers and sons and between brothers; it is therefore likely that during this early period a number of families were riven by disputes over cultivating groundnuts and over how the money from their sale would be spent.⁴³ Families' increasing dependence upon cash incomes (which was only heightened by steady increases in the rate of tax, which long since had been payable in cash) made them vulnerable to fluctuations in the international markets. Moreover, farmers suffered considerably during the years of the Great Depression, both from low prices and from a number of bad harvests, neither of which were adequately reflected by decreases in the incidence of taxation.⁴⁴ The double effect of these changes was that many families would have been embroiled in factional struggles and thus would have been less hospitable places for divorced or widowed sisters to seek support. The economic strains families faced during these years would have made their heads less able to support adult female dependants even had they cared to do so. A boom period during and after World War II would have made it easier to support additional female dependants, but the intensification of market production also had the potential to exacerbate existing tensions within families and so ultimately could have harmed some women.

An increase in female poverty was therefore not simply a matter of women's not inheriting but resulted from a more comprehensive lack of entitlement to the goods produced from agriculture. Women's absolute and relative destitution was the issue said to have prodded Usman's successor into action. In 1954, thirty years after the initial prohibition, Usman's great nephew, the newly installed Emir Muhammadu Sanusi, announced in his inaugural address that he would restore women's right to inherit

⁴² *Ibid.*

⁴³ On the cultivation of groundnuts, see J. Hogendorn, *Nigerian Groundnut Exports: Origins and Development* (Zaria, 1978); and F. Okediji, 'An economic history of Hausa-Fulani emirates of northern Nigeria, 1900-1939' (Ph.D. thesis, Indiana University, 1972).

⁴⁴ See M. Watts, *Silent Violence: Food, Famine, and Peasantry in Northern Nigeria* (Berkeley, 1983), and Pierce, 'Looking for the legal', ch. 5.

houses and farms. This was necessary since many elderly women were destitute, having been denied shares of their fathers' farms.⁴⁵ Directed to investigate the prohibition's legal basis, the emirate's chief legal officer, the Wali,⁴⁶ checked the law books for the reason forbidding women's inheritance: 'there is no doubt that the shari'a does not forbid [it]'.⁴⁷

At the time of Sanusi's ascension there were still some women on the tax rolls as owners of land,⁴⁸ although presumably there would have been more landowners had women been officially allowed to inherit.⁴⁹ The problem however was broader: as one elderly man put it, the emir 'reconsidered [the matter of] giving women inheritance shares because their brothers kept on oppressing women, they really kept on oppressing them'.⁵⁰ The women in question were elderly and had received no share in a paternal estate. Divorced or widowed, they had little prospect of remarriage. Their brothers' 'oppressing' them implied that the implicit bargain in men's receiving the land from fathers' estates – and then supporting their sisters in old age, if necessary – was regularly being broken. Women's non-inheritance became destitution when it resulted in their being unable to attain access to the means or the products of production. This was a question of gender as well as of poverty because women's entitlements were in practice neither equal nor complementary to men's. Stories of Sanusi's concern with impoverished elderly women, a constant theme in my discussions with men about women's re-enfranchisement, contrast with a different emphasis in women's accounts of the 1954 decision. When I first became interested in women's non-inheritance, I began by asking a great many people how it was that women were allowed again to inherit farmland. Almost every woman I asked told me a version of the same story, a story no man mentioned at all. They told me that when Queen Elizabeth came to Kano (which she did in 1956, two years after Sanusi's proclamation) she saw how much women were suffering because of not receiving their inheritance shares and therefore directed the emirs to restore their rights. The women of Kano first read Queen Elizabeth as a woman and then inferred both that she had intervened and that her reason for doing so was her gender.

⁴⁵ Interview 33b/ser. 2, with Lawan Dambazau, an extremely prominent participant in Kano politics and important member of the Northern Elements Progressive Union (NEPU), a progressive political party during the late colonial period and the First Republic.

⁴⁶ This office had been imported from the neighboring state of Zaria by Sanusi's father and predecessor, Emir Abdullahi Bayero, and took over the legal responsibilities of the vizier. Smith, *Government in Kano*, 480–1.

⁴⁷ HCB MLG LAN/22, vol. 1, 'Land Registration – Kano City'. (1954) The Land Tenure Committee of the Kano Emirate Council was set up to help oversee a new Land Registration Office. The restoration of women's inheritance rights was one of their first initiatives.

⁴⁸ DO unfiled tax documents. Rough cadastral surveys of farmholdings began to be kept during the second decade of the twentieth century. A number of these, dating from the 1930s to the 1950s remain in the Kano State Bureau of Land and Regional Planning. These maps show names of a number of women landholders across the period 1923–53.

⁴⁹ It is interesting to note that many of these women would potentially have been the independent women Usman had deplored thirty years earlier. I am grateful to Kerry Ward for this observation.

⁵⁰ Interview 25c/ser.2.

A third story might also be told, contrasting with these visions of social welfare and gendered justice. By 1954, it was several years into the period in which Nigeria's three regions enjoyed limited internal self-rule, which would lead to independence in 1960. Sanusi was known as a relative progressive, though he was a leading light in the conservative Northern People's Congress (NPC), which became the ruling party of the Northern Region. Sanusi, indeed, was to become a minister without portfolio in the Northern Regional government, serving as acting governor of the Northern Region in 1961. He was, however, forced to resign as emir in 1963 in the light of an inquiry that found corruption in the Kano Native Authority, after he had fallen out with the premier of the Northern Region, the Sardauna of Sokoto. The emir's conflict with the Sardauna is revealing in the context of women's inheritance since it underlines several relevant points of controversy. A Kano–Sokoto rivalry dating from the founding of the Sokoto Caliphate was played out both in these explicitly political terms and in a conflict between the Qadiriyya sufi order (associated with the founders of the caliphate) and the Tijaniyya, of which Sanusi was the Nigerian head. In addition to this intra-NPC tension, Kano itself was the headquarters for the NPC's left-wing northern opposition, the Northern Elements Progressive Union (NEPU), which was very vocal on the issue of women's inheritance and whose leaders included very eminent Islamic scholars. Thus, both internal emirate and regional political pressures would have pushed Sanusi toward doctrinal orthodoxy even had his personal inclinations not impelled him in that direction.⁵¹ This is not to suggest, however, that Sanusi's concern was hypocritical, just that his actions must be viewed in context.

Like the earlier proclamation, there were two levels at which the decision was justified: as a matter of law and as a matter of policy. There is, however, a distinct contrast to the way the two proclamations were framed. The earlier decision de-emphasized the strictly legal aspect of the decree, blandly overlooking the questionable nature of the decision. More attention was paid to the question of prostitution. In 1954, the legal reasoning was less convoluted than in 1923 and boiled down to the simple declarative statement, 'the shari'a does not forbid [women's inheritance]'. The legal position was clear and did not need to be obfuscated. By this time, the relation of the Native Authority to British officers had considerably altered. I have found no records of Sanusi's explaining the legal reasoning to a political officer in the way Usman and his officials did. It is interesting that despite his often-stated concern for the welfare of women, as in his inaugural address, the records do not make mention of them as a policy concern the way the earlier records mention prostitution. Even so, Sanusi's intervention addressed precisely the same social problem that Usman's did – the position of unattached women in Kano society – simply without the stated concern

⁵¹ See B. J. Dudley, *Parties and Politics in Northern Nigeria* (London, 1968); J. S. Coleman, *Nigeria: Background to Nationalism* (Berkeley, 1958); R. Sklar, *Nigerian Political Parties: Power in an Emergent African Nation* (Princeton, 1963); C. S. Whitaker, Jr., *The Politics of Tradition: Continuity and Change in Northern Nigeria, 1946–1966* (Princeton, 1963); J. Paden, *Religion and Political Culture in Kano* (Berkeley, 1973); and J. Reynolds, 'Zamanin Siyasa (The Time of Politics): Islam and political legitimacy in northern Nigeria, 1950–1966' (Ph.D. thesis, Boston University, 1995).

that female independence posed a problem of discipline. In addition to the emir's stated concern with erroneous legal interpretation, he and other officials expressed worry at the fact that increasing numbers of elderly women, widows or divorcees with little prospect of remarriage, were destitute, unable to convince their brothers to support them and without the means to make a living on their own.⁵² In interviews on the subject, no one who noted Usman's concern with prostitution claimed that the incidence of female independence increased in the aftermath of Sanusi's proclamation.

The opinion by the Wali of Kano that the *shari'a* did not forbid female inheritance was noted by the Land Tenure Committee of the Emirate Council in their minutes cited at the beginning of this paper. This was followed immediately by an intriguing statement:

Because of [the wali's opinion] the Committee gave its opinion – women should keep on being given house and farm inheritance, as the *shari'a* ordains. But good methods should be followed ... to give [women] this kind of inheritance. After carrying and bringing [i.e. the moveables have been distributed], the house or farm or plot [puloti] or parcel [sarari] should be considered: if they're going to divide it, then divide it to give everyone his share; if they're not going to divide it, then put back the wealth to be divided. This should be done together with people from the *Al'kali's* office.⁵³

What is striking about this comment is that the main problem presented is an administrative one: officials from the *al'kali's* office should be brought into the picture to ensure that the real property is divided properly.⁵⁴ The dangers of female independence do not come into consideration at all. This reference to administration has echoes of the earlier suggestion that inconsistency before 1923 had caused problems – leaving inheritors unsure of whether women should receive shares, thus making disputes more likely to arise – but the posited solution is extremely different. The Land Tenure Committee by contrast suggested that dispute could be averted through the direct intervention of the judicial bureaucracy in every case of inheritance. The somewhat more active role envisioned for the government contrasts with the statement of the legal principles involved, 'the *shari'a* does not forbid it', which was even more laconic than Usman's proclamation. Doubtless a part of the reason for this reticence about the problematic nature of the earlier interpretation comes from a tactful reluctance to criticize a previous emir, doubly important given the desirability of bolstering the Kano Native Authority's religious authority *vis-à-vis* Sokoto and in relation to NEPU.

Most intriguingly, the documents' silence on the social consequences of women's re-enfranchisement points to Sanusi's very different stance on the question of the relation between women's property ownership and prostitution. The popular acknowledgment that independent women might be elderly, unable to subsist because of uncaring relatives or because they had no land of their own suggests a considerable change in the kinds of phenomena

⁵² NAK Kanoprof 5/1 5579A. Interview 30b/er.3, Interview 33b/ser. 2, Interview 25a/ser.2.

⁵³ HCB MLG LAN/22, vol. 1, 'Land Registration – Kano City'.

⁵⁴ Indeed, this emphasis on bringing in judicial officials was part of a more general policy of trying to aid the collection of death duties by forcing people to go to *al'kali* court. See Pierce, 'Looking for the legal', ch. 4.

supposed in some circles to be correlated with property ownership. It certainly was not the case that the Kano Native Authority was unconcerned with prostitution. Indeed, in 1954 there was a major campaign to expel prostitutes from Kano, which also occurred in a number of emirates. The crackdown caused women to move from one city to another.⁵⁵ Nonetheless, this policy focused on women who were already prostitutes, rather than upon trying to stop women from becoming prostitutes in the first place.

The social problem that Sanusi's proclamation addressed was one of elderly women's subsistence, but their re-enfranchisement was not simply a matter of alleviating their poverty with farm shares. Less directly, women could use the (potentially implicit) threat of a lawsuit, legal expenses and the enforced division of their brothers' farms to force the latter to provide adequate subsistence. They could also farm for themselves and make a living that way, though I will suggest in the next section that this solution was fraught with difficulties. Or, they could use their ownership of a farm as a means of acquiring money or support from someone else – selling the farm, having someone else work it, and so forth. Creating new constellations of possibility does seem to have improved some elderly women's ability to subsist, but it is not simply because women renewed a legal means of achieving access to the means of production.

The destitute women cited by Sanusi were poor not just because they were landless but because they lacked caretaking male relatives. The prostitutes Usman disliked and the elderly women Sanusi pitied were both categories of autonomous women, and this similarity suggests both proclamations must be located within the set of problems thrown up by Hausa conceptions of gendered domestic authority. The relevant issues are female autonomy and entitlement. How did they become formulated as a problem of female inheritance? I would suggest that the social dynamics surrounding the two decisions can shed light on the broader question, at least when conjoined with a more ethnographic approach to problems of gender and domesticity. In the next section, therefore, I consider some problems of gendered life and the family. One must be careful not to read contemporary concerns uncritically into the past, but I shall argue that certain dilemmas today parallel the concerns at play in the proclamations, allowing us to infer a more gradual evolution of domestic anxieties about gender.

GENDER NORMS AND THE 'CONSTITUTIVE OUTSIDE'

The legal reasoning behind Usman's proclamation was most questionable, and so it is here that the importance of his supplementary reasoning becomes most obvious and was popularly perceived as most compelling. How did female property ownership come to stand for an implicit threat to male authority? The correlation of female landholding with prostitution framed

⁵⁵ As reported in the newspaper *Gaskiya Ta Fi Kwabo*, 13 Oct. 1954. It is worth noting that even as emirate governments repressed independent women, they were also increasingly important in the women's wings of both NEPU and the NPC, and in fact independent women have been extremely significant in political organizing among women in Hausaland since the start of modern politics. See Reynolds, 'Zamanin Siyasa'; Callaway, *Muslim Hausa Women*; Cooper, *Marriage in Maradi*.

the matter as a particular, problematic progression: female inheritance→female independence→female sexual danger. Implicitly one can discern a vision of a 'good' society in which women did not inherit and thus did not become prostitutes. This good society is one in which everyone adheres to the normative outline of gender relations. Normative visions are neither static nor uncontested, but they do present a baseline against which gender contests play out. In what follows, I use an 'ethnographic present' tense to represent states of affairs observed during my fieldwork in the late 1990s and early 2000s, and in that of other ethnographers across the second half of the twentieth century. It is useful to the extent that it signifies a set of recurrent gendered dilemmas emerging from a cultural state of affairs and thus helps to illuminate what was at stake in the 1923 and 1954 proclamations. This use of ethnography is not to suggest that Hausa culture is unchanging but rather that for certain phenomena change often brings about more of the same.

The divorce rate is fairly high; 30 to 50 percent of all marriages is a typical estimate. Statistics for the early twentieth century are unavailable; however, there is no reason to think that the divorce rate has changed significantly.⁵⁶ Since the beginning of the colonial period it has become increasingly common for married women to live in seclusion, *auren kulle* (lit. 'locked marriage'). The terms of this seclusion are generally set before the marriage: women can usually go out visiting at night, but questions remain about traveling to visit relatives, for medical care, or more recently for schooling. The reasons for the increase in female seclusion are debated and complex. Many scholars tie it to the end of slavery, arguing that female agricultural labor was associated with slave status and that with the end of slavery free people and freed people both increasingly adopted female seclusion as a mark of their freedom. Cooper has convincingly suggested that in addition to seclusion being a mark of honor, the abolition of slavery made the status of many woman as wives more vulnerable to the sort of exploitation previously experienced by female slaves, as their husbands attempted to replace the labor they had lost. By entering seclusion, such women would not be able to participate in labor for their husbands' benefit and instead could devote their time to enterprises whose proceeds were their own.⁵⁷ Whatever the familial

⁵⁶ See Smith, *Economy of Hausa Communities of Zaria*, for a discussion of the types of marriage.

⁵⁷ See Smith, *Economy of Hausa Communities*; Hill, *Rural Hausa*; *idem*, *Population*; M. F. Smith, *Baba of Karo: A Woman of the Muslim Hausa* (New Haven, 1981); M. G. Smith, 'Introduction', in Smith, *Baba of Karo*; H. Fisher, 'Sudanese and Saharan studies', *Journal of African History*, 28 (1987), 281-93; *idem*, 'Slavery and seclusion in northern Nigeria: a further note', *Journal of African History*, 32 (1991), 123-35; G. Porter, 'A note on slavery, seclusion and agrarian change in northern Nigeria', *Journal of African History*, 30 (1989), 487-91; Cooper, *Marriage in Maradi*, 7-14, 136-40. Cooper suggests her argument applies more to areas north of the Niger border, though to my mind she somewhat overdraws the distinction between slavery in precolonial Sokoto caliphate and in areas like Maradi. While an absence of large slave plantations in the areas outside of the caliphate may have precluded as sharp a correlation of women working in the fields with slaves as M. G. Smith suggests for Zaria, it is certainly not clear that slavery among rural smallholders was rare in the caliphate. Hill's contention that slavery among smallholders was in fact the 'real' form of Hausa slavery may be unconvincing, but this does not belie her claim that it was also common. Another factor in the spread of

politics of women's entering seclusion, it is unarguable that seclusion generally precludes the involvement of married women in agriculture. While it is possible for a woman to tend a garden growing within the walls of her house compound, a family's farms fall outside this domain and therefore must be tilled by men. Agriculture is currently held to be a male preserve to such an extent that even (non-secluded) women I spoke to during my field research who did farm tended to minimize their involvement in agriculture or to deny it altogether.

The economy within the household can itself be complex.⁵⁸ Junior men and women within households also often ran enterprises whose proceeds were under their own control, men often farming individual plots on their own time or pursuing other occupations (crafts, trading and so forth), women tending gardens or pursuing occupations such as healing, trading, craft production or cookery for sale. Many secluded women developed extensive trade networks, using children to sell goods outside the confines of the house. Married women's enterprises are often capitalized by their husbands, but the proceeds are their own, and a loan from a wife to her husband, for example, generally must be repaid.⁵⁹ Nonetheless, adult female respectability is strongly correlated with marriage and seclusion, and this also correlates with men's much greater ability to make a living.

The twentieth century has seen a vast increase in the incidence of female seclusion even as communal living and labor has declined. The ideology of dependent good women and caretaking good men has if anything become more politically salient, as various strains of reformist Islam become ever more widespread.⁶⁰ This vision is only partially accurate. It portrays a world as it should be, if social relations did not throw up problem cases: not all adult women are wives. Some are divorcees, some widowed, and some too old to marry again. Unmarried adult women can fit into a scheme of male-headed houses and farms, if they are able to live as dependants of men. But some of them do not have men willing to take them in, and some prefer not to live in such circumstances.

Dependence on a man makes one subject to his strictures, but it also creates forms of entitlement to provisioning and the fulfillment of other kinds of social needs. A lack of freedom in the sense of personal autonomy is somewhat balanced by a relative freedom from material want. Marriageable women who choose not to remarry or to live under their male relatives' tutelage also stand outside of this circuit of obligation and authority, of entitlement and obedience. The distinction between married women (*matan aure*) and

seclusion may have been improvements in communication between country and city and an increased utility for rural people in the appearance of Muslim propriety for creating and maintaining relations of clientage.

⁵⁸ The following is a summary of Pierce, 'Looking for the legal', ch. 2, which is based on fieldwork in the town of Ungogo, near Kano, in 1996–7. My findings in Ungogo are generally in accordance with those of writers studying other towns in rural Hausaland.

⁵⁹ Hill, *Rural Hausa*, contains a detailed description of these dynamics, as does her article, 'Hidden trade in Hausaland', *Man*, 4 (1969).

⁶⁰ For a discussion of similar dynamics, though starting at a later date, among Hausa-speakers in Niger Republic, see A. Masquelier, *Prayer Has Spoiled Everything: Possession, Power, and Identity in and Islamic Town of Niger* (Durham NC, 2001).

independent women (*karuwai*, sig. *karuwa*), the explicit target of Usman's prohibition, is a highly charged one. The latter term, which is frequently translated as 'prostitute' or 'courtesan', is pejorative, and its use may be avoided with euphemisms.⁶¹ Because circumstances often preclude a woman's being able to make a living without the support of a man, female dependence and autonomy have become mapped on to a sexually charged set of polarities which can also be read residually: if a woman of marriageable age is living on her own, she is probably a *karuwa*.

Karuwai are the opposite of what a woman should be: dependent on a specific man or group of men. This suspicion is expressed metonymically, through an emphasis on their sexual licentiousness. *Karuwanci*, indeed, is for Hausa femininity what Butler terms the 'constitutive outside':

The naming [of someone as female or male] is at once the setting of a boundary, and also the repeated inculcation of a norm. Such attributions or interpellations contribute to that field of discourse and power that orchestrates, delimits, and sustains that which qualifies as 'the human' ... [I]t is not enough to claim that human subjects are constructed, for the construction of the human is a differential operation that produces the more and the less 'human', the inhuman, the humanly unthinkable. These excluded sites come to bound the 'human' as its constitutive outside, and to haunt those boundaries as the persistent possibility of their disruption and rearticulation.⁶²

In this sense, a stabilized notion of respectable femininity characterized by female dependence and seclusion logically dictates its abject antithesis, a role *karuwai* fulfill admirably.⁶³ As the poet Na'ibi Sulaiman Wali

⁶¹ *Karuwanci* has received considerable attention in the secondary literature. The best-known descriptions are probably those of A. Cohen in *Custom and Politics in Urban Africa: A Study of Hausa Migrants in Yoruba Towns* (Berkeley, 1969), and in Smith, *Baba of Karo*. Cohen's description in particular emphasizes a frequent movement of women between marriage in strict seclusion and independence as divorced *karuwai* with, he claims, very little permanent opprobrium attached to having been a *karuwa*. More recently a literature has developed addressing the question with more nuance. Cooper suggests that at least in late 1980s Maradi the word *karuwa* was used to denote women living on their own who had no immediate interest in remarriage and who made at least part of their living through sexual favors, while another, less opprobrious term was applied to women who lived under the tutelage of male relatives pursuing their remarriage. Cooper argues that at the very least the case of Maradi is different from that of late 1970s Katsina, where Pittin argues that men referred to unmarried women as *karuwai* while women used a more neutral word. Cooper, *Marriage in Maradi*, 172–4; Renée Pittin, 'Marriage and alternative strategies: career patterns of Hausa women in Katsina City' (Ph.D. thesis, University of London, 1979). For a similar account of Kano see Callaway, *Muslim Hausa Women*, 42–5. My own research does not leave me with a definitive opinion about Kano in the mid-1990s, especially since as a male researcher my conversations with women were in general somewhat circumscribed and I never felt able to pursue the topic. My own impression of men's views suggests (1) that the term is insulting; (2) that it is applied to women living on their own, who are assumed to have suitors and lovers; and (3) that the term *karuwa* is most likely to be applied to such women behind their backs.

⁶² Judith Butler, *Bodies that Matter: On the Discursive Limits of 'Sex'* (New York, 1993), 8. My suggestion of course is not that *karuwai* are seen as being improperly gendered, as not being truly women, but rather as being *bad* women.

⁶³ The abject status of *karuwai* has a partial male parallel in a group termed '*yan daudu*', a widely recognized category of men who are in various ways 'like women'. The parallel is

expresses it: 'When a woman becomes a *karuwa*/she is ruined. She is no woman'.⁶⁴

'Normal' gender identities place adult individuals as respectable members of households and at the same time as socially situated producers – farmers, cooks, scholars, housewives, for example. Interpellation as gendered also gives one a familial and, potentially, a work identity. Standing outside the confines of gendered normality also places one outside these other arenas. 'Abject' groups like *karuwai* become problematic precisely because they can never be abject enough. At once disdained and central to the boundaries that maintain social order, such groups continually enact this contradiction by being socially marginal and ideologically compelling. Standing outside the confines of seclusion/dependence/respectability placed female farmers and *karuwai* in the same category.⁶⁵

This structurally induced opprobrium first became obvious to me when I began to investigate the question of female inheritance during my fieldwork. I discerned that among women the topic held a shame not unlike that of *karuwanci*. Many of the women I interviewed were initially very reluctant to speak to me at all. In some cases, they initially agreed to be interviewed about the history of women's inheritance in the abstract, only later admitting to owning farms themselves. They were even more reluctant to admit to doing farmwork personally. When I arrived for one interview, the woman's neighbors said that she was working on her farm. She arrived a while later carrying a hoe over her shoulder, but when I asked her who actually worked on her farm she launched into an elaborate denial of working herself – the woman who lived next door, and one who lived a little further away, they worked on their farms, but she never did. Her relatives did work for her, or if they could not she would hire laborers rather than work herself.⁶⁶ There is a double layer of denials at work here – women do not farm, and specific women do not farm. Women I was able to interview as farmowners were, for

not perfect in every detail – a '*dan daudu*' for instance might maintain a 'normal' position as a husband and father while remaining a '*dan daudu*', while a *karuwa* who married would no longer be a *karuwa* – nonetheless, each group is outside of ideological normality in precisely the same way. Strikingly, the two groups are often associated with each. This is doubtless partly because many *karuwai* and '*yan daudu*' do socialize with one another and often live in close proximity. Their association was the result not just of empirical propinquity but of a shared status outside of the 'normal' system of gender. See R. Gaudio, 'Men who talk like women: language, gender and sexuality in Hausa Muslim society' (Ph.D. thesis, Stanford University, 1996), for the best and most extensive ethnographic treatment of '*yan daudu*'. He suggests that '*yan daudu*' are like *karuwai* in that they are 'occupational identities' (p. 62).

⁶⁴ N. S. Wali, 'Garga'di don Falkawa', in G. Furniss, *Poetry, Prose, and Popular Culture in Hausa* (Washington, 1996), 218–19, translation altered.

⁶⁵ In this sense, my use of 'abject' is analogous to Hodgson's and McCurdy's use of the label 'wicked' to describe women who 'disrupt the web of relationships that define and depend on them'. D. Hodgson and S. McCurdy, 'Introduction', in D. Hodgson and S. McCurdy (eds.), *Wicked Women and the Reconfiguration of Gender in Africa* (Portsmouth NH, 2001), 6.

⁶⁶ In fact, her relations were either female or dead, and her income was too small to make hiring laborers feasible.

the most part, poor; they derived much or most of their subsistence from their farms because they had little other alternative.

There is a direct correlation between ideologies of gendered labor and female poverty, since female self-sufficiency is for many a practical impossibility in the absence of male protection. The destitute women addressed by Sanusi and the female farmers I encountered might be termed the 'gendered poor' in that their poverty stems immediately from their gender identity. I would suggest, indeed, that the landless women of the 1950s and the women who are today visible as landholders fall into a fundamentally similar category; the difference between them is significant but incremental. The sexual danger posed by *karuwai*, though at first sight quite different from the problem of female poverty, is again a matter of women outside the ambiguous protection of male control. These three moments, in the 1920s, the 1950s and the 1990s all suggest a very similar set of contradictions in the ideological constitution of Hausa systems of gender.

CONCLUSION

I have argued that women's inheritance rights often affect their subsistence only indirectly, by altering the balance of power as women negotiate with men for survival. I have also argued that Usman's claim to control *karuwanci* through inheritance was misplaced and that the significant result of his edict was a diminution of women's ability to negotiate for entitlement for family resources. Sanusi's removal of that impediment did not significantly alter male dominance in landholding and agriculture. Even today women are suffering and brothers are oppressing, even if less than they did before 1954.

The danger of women's inheriting land had little to do with the land itself precisely because the possibilities opened up by receiving their shares have only sometimes been realized by women's farming for themselves. The unlikely dichotomization of farmers and *karuwai* on one hand and female dependants on the other relies upon always assessing women's subsistence in relation to a domestic unit which they do not control. But while the intellectual rationale for Usman's and Sanusi's proclamations comes from precisely this calculation, the actual impact of legal regulation was, as I have already suggested, considerably less direct.

Women's inheritance acquired social salience less because of political calculations by Usman, Sanusi or palace officials than because it marks the intersection between familial relationships, the organization of agricultural labor and social entitlement. The normative circuit of affective and productive relations required male industry and munificence, female obedience and sexual continence and economic prosperity. The limits of this moral economy can be seen at once in the social logic of women's inheritance and in the ambiguous status of *karuwai*. Certain ways of working are socially recognizable and respectable. Others are more threatening and therefore more shameful, more easily ignored or more necessary to ignore. Since the government was, especially for the period of the prohibition, dependent on a paradigm of social welfare that could conceive of women only as wives and mothers, the invisibility of the gendered poor was inextricably tied to their poverty itself. The thirty-year period of women's non-inheritance is not

simply the result of the political decisions of two great men or of the logic in a government's policies.

The question of whether female land ownership increased or decreased in particular periods becomes less interesting than that of the normative gendering of productive relations – who should do what kinds of work. Although both men and women link female inheritance to the undesirable possibility of female independence and misbehavior, the more complex problem of social entitlement suggests that we should see the question of female inheritance in relation to access to familial support. The question of female inheritance points to the heart of what it means to be a good woman or a good man and to how the orthodoxies of gender intersect with the processes of agricultural production. By locating themselves within these orthodoxies, Usman's and Sanusi's proclamations helped deepen them for families across the century. By highlighting this tension within Hausa systems of gender, they suggest how political practice emerges from and alters more pervasive cultural systems.