

Review Article

Social Justice and Sustainable Development: A Review of the Litrerary Works of Abubakar Imam in *Magana Jari Ce*

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Abstract: Generally, prose is more than literary and linguistic affair. Entwined with the traditional stories, archaic myth and legendary fables is the textual evidence of the socio-legal setting of the people referred to. This paper titled “Social Justice And Sustainable Development: A Case Study of Imam’s Works of *Magana Jari ce*” (Wisdom is Treasure), seeks to explore the spirited traditionalism of the Hausa people as can be found in their narrative prose with a view of identifying the socio-legal indices that make up the tribe. The aim is to make out the awareness of Hausa people on the issues of law and justice in the literature. On the basis of the literature, the paper will evaluate Hausa level of advocacy and experiences in the judicial system. Some Hausa stories were full of litigation-aligned characters such as the kleptomaniac rat, the greedy spotted hyena, the vicious snake and the powerless hare and the honorable fox (*dila*). All these characters were metaphorically in the form of talking creatures. Not only do they talk, they were also shown to either exhibit a high degree of wittiness like human lawyers, or a sense of good judgment like human judges. This article systematically reviews some stories in the literary works of Abubakar Imam. Suggestion are made for enhancing social work routine in the restorative justice arena.

Keywords: Globalization, Multinational Corporation and Pharmaceutical Colonialism.

1.0 INTRODUCTION

Prose were never moulded and told in a better way in Hausa language than as done by Abubakar Imam. Of course generally prose in Hausa is very much connected with issues on propaganda on health, education and othe issues however, the style of Abubakar Imam works is different in the sense that he shaped his prose in the form of literary art that speaks of socio legal and theme; and he convey these ideas with ease and pleasure. This makes him an accomplished story-teller.

This paper has attempted to analyse the notable contributions of the artist to the legal literature. One of his fictional prose titled, *falke da yaro*, *dan hakin da ka raina* are full to the brim with silent legal issues. Equally, the story of *Karen bana shi ke maganin Zomon bana*, is full of illumination on legally-related sub-themes.

This paper seeks to explore the spirited traditionalism of the Hausa people¹ as can be found in their narrative prose with a view of identifying the socio-legal indices that make up the tribe. It is not however, within the purview of the paper to analyse the genres of the Hausa literature. The aim is only to make out the awareness of Hausa people on the issues of law and justice in the literature. On the bases of the literature, the paper will evaluate Hausa level of advocacy and experiences in the judicial system.

¹ One of the largest ethnic groups in West Africa who live primarily in the Sahelian and Sudanian areas of Northern Nigeria and Southeastern Niger Republic.

Quick Response Code



Journal homepage:

<http://www.easpublisher.com/easjhcs/>

Article History

Received: 01.09.2019

Accepted: 10.09.2019

Published: 26.09.2019

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Hausa prose in Abubakar Imam works are numerous and are full of wisdom. They reveal a lot about the socio-legal setting of the lives of Hausa people with talking animals depicting their social, cultural, political and economic conditions. A great deal of the folktales involve the setting of a time and place when and where animals talk.² This is typical of African fictional stories in which different wild and domestic animals take the attribution of human form, in personality, appearance and character. In fact every oral culture has this patent of tales.³ Commonly speaks of such creatures like the spider (*gizo*), the mantis (*koki*), the spotted hyena (*kura*), the lion (*zaki*), the fox (*dila*), the dog (*kare*), the horse (*doki*), the cock (*zakara*), the hen (*kaza*) and the donkey (*jaki*) as having human-like features.

2.0 Socio-Legal Settings in the Stories

Although prose are generally fictional, they present panoramas of a proto-world (somewhat like real and rational world).⁴ The parables speak of the powerful and the powerless personalities, or that of the rich and the poor individualities. This point is important because, from the social context, it is these characters that form what we might rightly call "litigation-aligned class." There are also concepts of reward and punishment; in almost all the fictional prose ment for this paper there is usually conflict between good and evil with good being rewarded and evil being punished. All these are simple but serious themes of law.

The behaviors of some of the animals in the fiction (not just the three tales referred *supra*) are constant. A clear example is the rat being always kleptomaniac; the spotted hyena being forever greedy and cowardly;⁵ the camel being for all time foolish; the fox being for eternity smart; the donkey being all the time stubborn and silly; the snake being at all times vicious and downright evil. Other animals, however, display varied manners in diverse situations. An example is the spider that is generally cunning and intelligent. There are moments he is shown to be highly mischievous (or even criminal), whilst in some situations he outsmarts the evil and voracious personalities.⁶ Similarly, the lion, while royal, sometimes appears bully.

3.0 The Idea of Law and Procedure

The idea of law is very comprehensible in Hausa socio-cultural set up. In the first place there is commonness of knowledgeable judges being appointed in towns and villages. Such judges were known for their knowledge and wisdom. Issues of disputes were always referred to them. The position of the judge is furthermore revered by all, including the non-muslims (as in the case of Bamaguje in *dan hakin da ka raina*), the swindlers, and the merchants (as in the case of *Falke in Falke da yaro*).

There is a growing understanding that crime is not only abhorred but also punishable. In all occasions, people present their cases in court rather than taking the law in their hands. This idea was very explicit in "*Karen Bana*" where even bereaved family and those whose property got damaged agrees to have their cases heard by the court.

4.0 Social Justice and Sustainable Development in Abubakar Imam Works

4.1 Intellectual Realm in the Decisions

Legal decisions always speak of experiences and intellectualities. In the case of witty judgments by the native Hausa judges, judicial opinions with employed high level intelligence were all the time displayed. Such intelligence is apparently obtained from Islamic knowledge. A clear example is the story of "*Yaro bata hankalin dare ka yi suna*"⁷ which showcase an incredible accomplished brilliant judge.

The story involved complex fractional arithmetic. It tells the tale of a man whose testamentary will was that, after the distribution of his estate to his heirs, his seventeen bull-camels should be divided to his three sons in the ratio $\frac{1}{2}$ (*Nusufi*), $\frac{1}{3}$ (*Sulusi*), and $\frac{1}{9}$ (*Tusu'i*) respectively: The eldest son shall be given one half of the camels (which literally equaled to 8 and $\frac{1}{2}$), while the second son shall get one third (amounting to 5 and $\frac{2}{3}$) and the youngest shall get one ninth (i.e. 1 and $\frac{8}{9}$) of the camels. This is an intricate mathematical issue as live odd-numbered 17 camels could hardly be distributed in these mathematical notations the man required them to be.

It needs to be understood that Islamic law of inheritance, otherwise called *ilmul-fara'id*,⁸ requires knowledge of algebraic mathematics as it involves addition, subtraction, multiplication and division of fractions which represent the parts of an estate. As such, native Hausa judges, being outfitted with acquaintance of Islamic Jurisprudence, could

² Russell D, Literature for Children: A Short Introduction < www.z.nk.fust.edu.tw/ > at 26/2/14.

³ Pourquoi Tales Lesson Plan blog < <http://whystories.wordpress.com/> . at 17/2/14.

⁴ Schmidt N, American Anthropologist, new series, Vol.75, No 4 (August 1973), pp 1046-1048 < <http://www.jstor.org/stable/673183> > at 17/2/14.

⁵ The Hyena in Myth and Folklore < http://Voices.yahoo.com/the_hyena_in_myth_and_folklore > at 27/2/14.

⁶ Cultural Depiction of Spiders, Wikipedia, the free Encyclopedia < http://en.wikipedia.org/wiki/culturaldepiction_of_spiders > at 27/2/14.

⁷ Imam, op. cit., at p.107.

⁸ i.e. science of the ordained quota; an aspect of Islamic Jurisprudence.

marvelously apply mathematical concepts and skills to solve authentic quotient problems. Thus, when the instant matter was eventually referred to a judge, he boasted “*Wannan ai ba wuya,*” meaning that it is an easy task. He made this show up because of his confidence that fractions, like whole numbers, obey Commutative, Associative and Distributive Laws and the Rule against Division by Zero.

The judge ordered his own she-camel to be added to the flock making the camels to be eighteen and then, like a teacher manipulating models and symbols, he communicated the mathematical idea to the bewildered sons without losing his own she-camel. Accordingly, the elder son got 9 camels, the second son got 6, whilst the youngest got 2. All these were made possible because the division of the fraction was by 18 instead of 17, and yet the total sum tally with 17. The relevant passage in the story reads:

*“Alkali--ya kira wani bawansa, ya ce, “ je ka cikin rakumana
Ka koro taguwan nan da na ke hawa.” Nan da nan bawa ya zo da ita.
Alkali ya ce a gama ta da na samarin nan, aka yi yadda ya ce.
Kowa ya bude baki, ya ga abin da zai yi.*

*Sa’an nan Alkali ya juya wajen babban, ya ce, Rakuman nan nawa
ke nan?*

Babban ya ce, “Goma shatakwas, Allah ya gafarta Malam.

To, nawa aka ce a ba ka?

Saurayi ya ce, “Rabi, Allah ya kyauta yin Malam

Madalla! To, mene ne rabin rakuma goma sha bakwai?

*Saurayi ya ce, Rakuma takwas kenan da rabin rakumi, Allah ya
gafarta Malam.*

*Alkali, ya ce, To, nawa ne rabin goma shatakwas?
Saurayi ya ce, Tara.*

*Alkali ya ce, in ka sami rakuma tara, kai da ka ke son takwas da rabi,
na ce ko ka wadata?*

*Saurayi ya ce, “Allah ya gafarta malam, ai wannan ya wuce
wadatuwa. Na sami ribar rabi nan da nan haka?*

*Alkali ya ce, “To, kore rakuma tara, amma kada ka gama da tawa.
Na san ko ma ban hana ka gamawa da ita ba, ba ka gamawa, don ta fi
sauran kankanta.*

*Dadi ya kama saurayin, sai ya yi murmushi, ya kora rakuman nan
tara ya nufi gida da sauri, yana tsoron kada rabon ya ki, a ce ya zo
ya mayar da Jaya.*

*Sauran kannen saurayin nan suka dubi Alkali rai bace, suna
tsammani tun da na babbansu ya karu, lalle su nasu zai ragu.*

*Alkali ya juya wurin mabi wa babban, ya ce, “Kai ko mene
ne aka ce a ba ka?*

*Yaro ya ce, “An ce a raba uku ne, a ba ni kashi daya, Allah
ya gafarta Malam.*

*Alkali ya ce, “In an raba rakuma goma sha takwas kashi uku,
ko wane kashi nawa za a samu?*

Yaro ya ce, "Allah ya kyauta aikin malam, ko wane kashi za a sami rakuma shida ciki.

Alkali ya ce, "Ware shida. Na ce ko ba a kware ka ba?"

Yaro ya ce, Ina fa kwara a nan? Ai sa 'ad da ba ka ba mu taka ba, Rakuma biyar da biyu bisa uku na rakumi zan samu. Ya kora ya wuce.

Alkali ya dubi Auta, ya ce, Kai nawa aka ce rabonka?

Auta ya ce, An ce in an raba rakuman nan goma sha bakwai Gida tara, gida guda shi ne nawa. Watau zan sami rakumi guda ke nan da takwas bisa tara na Rakumi.

Alkali ya ce, "Kai mai son Rakumi guda da takwas bisa tara na Rakumi in ka sami biyu fa?"

Auta ya ce, In na sami biyu fa, Allah ya kyauta aikin malam, ai kome ya yi kyau.

Alkali ya ce, "To, kora biyu, amma ka bar mini tawa.

Auta ya kora ya wuce, shi kuma yana murna.

Sa'annan Alkali ya dubi bawan nan, ya ce, Kora taguwata da ka kawo ka mayar da ita cikin 'yan uwanta."

(Yaro bata hankalin dare..... Magana jari ce:littafi na uku shafi na 109 - 110)

3.2 Humorous and Witty Elements in the Decisions

The court drama in all the stories involved trickster characters, and as the most efficient way of outsmarting the swindlers, judges find themselves adopting the right temperament and philosophy. This is evident in the story of "*Falke da yaro*"⁹ in which an old merchant employs the services of a young man. The young man is to serve the merchant for a continues period of one year, the remuneration of which is for him to be given "*abin cin nama*" which literary means "something with which to eat meat."

When the time for payment comes, the merchant fraudulently gave the young man a half Kobo-valued knife (as the one with which to eat meat). When the matter was taken to the judge, having sensed elements of deceit, he ordered the knife to be placed on meat to demonstrate to the merchant that it doesn't eat meat by self. Accordingly, Meat is only eaten by teeth. The judge therefore ordered the teeth of the merchant to be extracted and be given to the boy. When the merchant could no longer bear the pain of the extraction, he opts to redeem it with £32. This was given to the boy.

Likewise, in the story of "*Karen bana shi ke maganin zomon bana*" the judge was confronted with a case of a creditor whose agreement with a debtor is for the former to cut a chunk of flesh of the later in the event of failure to repay the debt as scheduled. There are witnesses to the agreement, but realizing the absurdity of such agreement, the judge conceded to the flesh being cut off but on condition that no drop of blood comes out. He maintained that blood is not mentioned in the agreement and, as such, should not be allowed to spill. The relevant passage in the story reads:

"Nwanko ya aza wuka zai darza, Alkali ya ce, "Sai fa ka yi hankali don kada jini ya zubo, don ba ku kulla alkawarin nan naku game da jini ba. Ko kuwa kun yi alkawari har da jini ne? Bala ya ce, A'a, Wallahi Allah, ba mu yi game da jini ba. Tsoka guda kadai muka ce.

⁹ Ingawa M. and Boyd J. Ka Koyi Karatu, Sabuwar Hanya, book 4, (NNPC, 2007) At P.2

*Nwanko ya yi sako wuka bisa duddugen Bala, ya rasa abin da zai ce.
Alkali ya ce, "Yi maza mana ka yanka, ka kuma fa kula kada ka
bari jini ya zubo. In ka bari jini ya fito, kashinka ya bushe".¹⁰
(Karen bana shi ke..... Magana jari ce; littafi na uku shafi na 122)*

The practical ingenuity of the judges enables them to always have realistic understanding of situations. That is why they don't show emotions of despair, bitterness or anger when confronted with legal riddles. They always appear hopeful to go to the bottom of a problem. This virtue is what makes the oppressed to build confidence in the judicial system.

5.0 CONCLUSION

Hausa narrative prose presents contextual evidence that legal system is part of tribe's cultural heritage: the prose explains that there is a kind of "working judiciary" that keeps the society functioning as ideally as possible.

It is wonderful to understand that for long Hausa people have ideas of contractual agreement,¹¹ court,¹² procedure¹³, appeal,¹⁴ punishment, compensation, restoration, damages,¹⁵ fine, inheritance and bequest.¹⁶

The legal situations obtainable in the prose also provide evidence to support that the religion of Islam had given Hausa people the idea of law and justice. In most of the stories, Alkali (judge) is addressed as Malam (Islamic scholar). In "*Yaro bata hankalin dare ka yi suna*", the parties before the court continuously honour the judge with the expressions "*Allah ya kyauta aikin malam*" and "*Allah ya gafarta malam*." It has also come to light therefore that the outstanding wisdom of the judges is the influence of the Islamic education.

In all the stories, the court is shown to be the last hope of the oppressed and what's more, justice is obtainable without the sting of corruption. In the story of "*Falke da yaro*", the legal battle is between a poor young man and wealthy merchant. The prosperity of the merchant nonetheless did not tilt the scale of justice in the wrong way. So also is the case in "*Yaro bata hankalin dare ka yi suna*". The story transparently indicated that the parties to the case departed the court premises with their possessions devoid of being required to offer anything to the judge. Similarly, in "*Karen bana shi ke maganin zomon bana*", a peasant Bamaguje was very confident of the judicial system of the time. He conceded his case to be taken to the royal court, such courts being in operation at that time just like the King's Bench (in England) in the early Common Law days.

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¹² In *Yaro Bata Hankalin Dare*, the parties submit their case to court for adjudication.

¹³ In *Falke Da Yaro*, the adoption of civil procedure was very clear.

¹⁴ See Imam, op. cit. at p.115 where after the judgment of Alkalin Rangadi, the matter was further referred to Alkalin Dawaki.

¹⁵ See the decisions of Alkalin Dawaki in *Karen Bana*.

¹⁶ The idea behind *Yaro Hankalin Dare* is the interpretation of the deceased bequest.

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