THE SOCIO-POLITICAL EFFECTS OF NIGERIAN SHARI’A ON NIGER

A thesis presented to

the faculty of

the College of Arts and Sciences of Ohio University

In partial fulfillment

of the requirements for the degree

Master of Arts

Matthew Fitzrobert Kirwin

June 2004
This thesis entitled

THE SOCIO-POLITICAL EFFECTS OF NIGERIAN SHARI’A ON NIGER

BY

MATTHEW FITZROBERT KIRWIN

has been approved for

the Department of Political Science

and the College of Arts and Sciences by

Dauda Abubakar

Associate Professor of Political Science

Leslie A. Flemming

Dean, College of Arts and Sciences
In an attempt to eliminate what is determined to be societal ills, in 1999 some Muslim dominated states adopted *Shari’a* and subsequently outlawed activities such as drinking, prostitution and gambling, in addition to less controversial habitudes such as praise singing and integration of the sexes in public places. The neighboring country of Niger, which has a large Hausa population as well, has, by contrast, been reticent to base its legal codes on Qur’anic law. This is due in large part to the political legacy of the French colonial government and the contemporary government’s stance against religious fundamentalism. Niger’s reluctance to mimic Northern Nigeria’s lead has rendered it a safe haven for Nigeria’s outlawed vices. As bars, brothels and informal casinos were shut down in Nigeria, the same establishments were opened in Niger. This thesis will examine how changes in Nigerian politics have had a profound effect on life in Niger. The political, social and economic effects of Nigerian *Shari’a* law on Niger have been brought about by the close political and cultural linkages between the two countries. Trans border relations between Niger and Nigeria underwent a dramatic change as a result of the installation of *Shari’a* in Nigeria. This thesis argues that Niger’s secular political orientation has allowed these establishments to exist and that the subsequent financial windfall has
benefited members of the traditional elites and political elites in government. In other words, it is possible to ask the question, has Niger’s secular government given it an economic comparative advantage in regards to Nigeria? The thesis also finds that the many of the actors, specifically those who left Nigeria to go to Niger, are politically marginalized and this has worked to entrench networks of patron clientelism in the border towns where they have settled. The thesis discusses some of the views of the local population with regards to an increase in the new economic activities. The thesis contributes to the literature on trans border economy, patron clientelism, and the weakness of African states. The thesis utilizes both field research conducted in Niger and published academic sources.

Approved:

Dauda Abubakar

Associate Professor of Political Science
Dedication

Robert P. Kirwin Jr. and Habou Maman
Acknowledgments

Table of Contents

Abstract ................................................................................................................................3
Dedication ............................................................................................................................5
Acknowledgments ................................................................................................................6
Introduction ..........................................................................................................................9
Chapter 1 Methodologies .................................................................................................13
  Research Hypothesis .....................................................................................................15
  Methodologies ..............................................................................................................16
  Literature Review .......................................................................................................25
    Weak African States and the Courtesan State .........................................................25
    Regional Integration .................................................................................................28
    Border Politics ..........................................................................................................30
    Patron Clientelism/ Neo-Patrimonialism .................................................................35
Chapter 2 Historical Background ....................................................................................39
  The Creation of Borders ..............................................................................................44
  Post-Colonial Political History ....................................................................................52
  The Third Wave of Democratization .........................................................................53
Chapter 3 The Emergence of Contemporary Shari’a Law in Nigeria .........................55
  The Death of Abacha and the Election of Obasanjo ..................................................59
  Islam and Politics in Niger .........................................................................................63
Chapter 4 The Consequences of Nigerian Shari’a Felt by Niger ................................66
  Firgi .............................................................................................................................68
  Mai Mujia ....................................................................................................................71
  The Reaction of the State of Niger .............................................................................83
Chapter 5 Conclusions ....................................................................................................87
  Patron-Clientele Networks .........................................................................................88
  Trans-Border Economy ...............................................................................................91
Table of figures

Figure 1  Map of Niger ...............................................................................................103
Figure 2 - Map of Shari’a States in Nigeria..............................................................104
Introduction

There are two competing views that attempt to explain the current political situation that exists in sub-Saharan Africa. One perspective argues that the era of globalization has created a political and economic context in which state authority has been undercut and local forces have been disempowered particularly with the implementation of structural adjustment reforms in countries such as Niger and Nigeria (Mittelman, 2000, 23). In Africa, the reduction in authoritarian regimes and the emergence of globalization and democratization worked to reveal and exacerbate cleavages along ethnic and religious lines. Authoritarian regimes do not necessarily mask cleavages but they do often muffle diverse opinion by means of violent oppression. At the same time, the global economy has created dramatic economic disparities between and within African nations that are historically linked in ethnic and cultural ways. In the 1990s West Africa experienced political turmoil and some of the uncertainty can be attributed to the instability associated with democratic reform in regions that have had very little experience with the practices. Despite the optimistic declaration that liberal democracy is the end of history and that the third wave of democracy has spread over the world, some states in sub-Saharan Africa still face difficulties achieving democratic consolidation (Huntington, 1991, Fukuyama, 1992). In East Africa, the situation in Somalia degenerated into clan-based civil war. In the sub-region of Central Africa, countries such as the Democratic Republic of Congo, Central African Republic, Burundi and Rwanda endured civil wars and genocide. West Africa has also had its share of
instability with civil wars fought in Sierra Leone, Liberia and Cote d’Ivoire. Even countries that appear seemingly stable on the surface have simmering ethnic tensions that could eventually degenerate into violent conflict. In African states the political viability of democratic principles has been severely tested.

A second perspective contends that it is possible to view the economic crisis of the 1970s, combined with neo-liberal structural adjustments programs, as the cause of reduction in state capacity and legitimacy. Structural adjustment hit the poor and middle class with the greatest severity, the very groups that campaigned for democratic reform. This in turn diminished citizens’ faith in democracy, which made it more attractive to rely on regional and ethnic identities (Olukoshi and Laakso, 1996, 10, 21). The austere measures associated with structural adjustment programs increased rent seeking, which ultimately undermined the goal of democratic consolidation and in some instances destabilized nascent democracies (Van de Walle, 159, 2001).

Central to both arguments is the belief that many African states are institutionally weak or on the verge of collapse. Some observers argue that the political disorder salient in African states is an intended creation and that it serves to increase profit-making opportunities for elites (Chabal and Daloz, 1999, 13-14). Another strain of literature argues that the weakness of African states is rooted in the emergence of a dominant informal economy and the loss of national territory to neighboring economies (Zartman 1995, 9). Yet another school of thought posits that neo-patrimonialism weakens the
The case of Nigeria provides one of the most glaring examples of political instability in Africa. Nigeria can be regarded both through the lens of democratic reform and from the perspective of structural adjustment. After nearly twenty years of brutal authoritarian rule a window of opportunity opened and Nigeria successfully held democratic elections in 1999. Unfortunately, not all political actors interpreted the election as a positive step. The result of the election forced the Hausa ethnic group to relinquish power after nearly twenty years at the helm. In an attempt to demonstrate their political power and influence, the traditionally Muslim Hausa speakers implemented Shari’a in the northern part of the country in the months following the national election that witnessed the victory of Olusegun Obasanjo.

The differences between the political policies of Niger and Nigeria point to the way that their respective Hausa populations regard themselves politically within their respective country. Although the Hausa in Niger and Nigeria share a common ethnic identity, it has become evident that the Hausa in Niger have become willing to accommodate changes in their social, political and economic life that their Nigerian counterparts will not. This trend suggests that the Hausa culture is not monolithic in its social, cultural or religious practices, but rather divided along the demarcations of national boundaries. This evidence confirms earlier research that found that most Hausa
villagers on the frontier do not place their Hausa ethnic identity above their national one as citizens of Niger or Nigeria (Miles, 1994).

This thesis examines the effects that Nigerian Shari’a has had on Niger. The emergence of Shari’a law in northern Nigeria and its concomitant effects on Niger are observable from a sub-regional African perspective, but they can also be linked to global trends and developments, such as democratization and globalization. Likewise, the decentralization of Niger contributed to the laissez faire policy of the national government vis a vis the changes in Niger. This thesis will also look at the differences in political culture that exist in Nigeria and Niger and how these differences have shaped the current political situation.
Chapter 1
Methodologies

Chapter One is divided into two sections. The first section provides a discussion of research methodologies that were used to examine the specific populations that were targeted by the research. The second section frames the research question through the discussion of relevant literature and the formulation of a structural framework. The chapter details the theoretical approach that is used to examine the effects of Nigerian *Shari’a* on Niger. The literature review examines concepts such as the weak nature of African states, the courtesan state, border politics, regional integration and patron clientelism.

Chapter Two provides an analysis of the historical factors that fostered the bifurcation of Hausa society. The chapter pays close attention to the different policies that the French and the British used to colonize Africa. A careful analysis of historical factors reveals the way that the trans border economy was transformed during the colonial and post-colonial eras. It also traces the paths that the governments of Nigeria and Niger followed in the post-colonial era after they achieved independence.

Chapter Three offers an explanation for the recent implementation of *Shari’a* law in twelve Northern States. It looks specifically at factors, such as globalization, structural adjustment and democratization, which have engendered a political climate that is fertile for religious fundamentalism. It also gives a perspective on how the issue of *Shari’a* has been debated in Nigeria over the years.
Chapter Four deals with the actual changes that have occurred in Niger due to the implementation of *Shari’a* in Nigeria. The chapter focuses on the border villages of Mai Mujia and Firgi and how they have been affected by the introduction of *Shari’a* in Northern Nigeria. Additionally, the chapter attempts to provide a narrative of how Nigeriens interpret the modifications in economic and social terms. Chapter four uses interviews with Nigeriens to illustrate the dramatic changes that Nigerien border towns have experienced since the implementation of *Shari’a* in Northern Nigeria.

Chapter Five serves as the concluding chapter of the thesis. It seeks to critically analyze the observations that were made in Niger. It also looks at how the political situation in Northern Nigeria will continue to affect Niger. It additionally endeavors to understand how the implementation of *Shari’a* has and will continue to affect Niger. It will also examine the role that the state of Niger has played in safeguarding its citizens in light of the changes that Nigerian Shari’a has introduced to parts of the country. The final chapter also confronts the issue of what the larger lessons are for African development, especially in terms of the weakness of African states.
Politicians in Muslim States in Northern Nigeria implemented *Shari‘a* law as an instrument to politicize religious divisions. In Northern Nigeria, the result was the closing of many bars, brothels, and casinos. In Southern Niger, the laws had an unintended consequence: brothels and bars sprung up almost overnight in towns that border Nigeria. In explaining the unintended consequences of the implementation of *Shari‘a* law in Northern Nigeria, this thesis makes four central points:

1. The economies of Nigerien border towns have been affected by the implementation of *Shari‘a* in Northern Nigeria.
2. The effects of Nigerien *Shari‘a* on Niger have worked to entrench networks of patron clientelism.
3. The effects of Nigerian *Shari‘a* have created a new development in the trans-border economy that exists between Niger and Nigeria.
4. The implementation of *Shari‘a* in Nigeria and its effects on Niger provide evidence of the weak nature of African states.
Methodologies

During the months of July and August 2003 I visited villages along the Nigeria/Niger border to see if in fact life in Niger has changed as a result of *Shari’a* law. I conducted interviews in the villages of Firgi, Mai Mujia and Adare. Of the three villages, I spent the longest period of time in the village of Mai Mujia and this is why the thesis pays special attention to Mai Mujia.

In order to prevent the problems associated with showing up as a stranger in a village unannounced, I utilized a network of acquaintances that I have in the area. My closest friend in Niger is a school teacher who grew up and worked in the Matameye area. He has worked in schools throughout the area and he is currently the *Inspecteur* (Assistant Superintendent) of the Kantche school district. With his help I was introduced to teachers who teach in villages next to the Nigerian border. Teachers often understand the intricate politics of village life and their knowledge was pivotal in targeting specific areas for research. Additionally, due to their academic training, they more readily understood the goals and focus of my research. The teachers helped me to identify the traditional leaders, women’s group leaders and local politicians as well as other members of society that were crucial to this study.

Interviews provided the foundation of my research. My first interviews were with faculty members at the University of Niamey, including Professor Hassan Moulaye, who
deals specifically with the subject of Islam in Niger. Professor Moulaye provided me with a background on the issue of religion and politics in Niger and offered his opinions on the methodological approach of the study. The second phase took place in the Hausa regions of Maradi and Zinder. Finally, before leaving the country, I met once again with members of the faculty of the University of Niamey. This time I met with Professor Maikorema who, like Moulaye, also focuses on issues of religion and politics in Niger and specifically the Hausa region. Maikorema was able to give a unique perspective on the issue of religion and politics in Niger.

In regards to the research that was carried out in the field, a semi-focused snowball approach was used to collect data, rather than a stratified sample. The snowball approach refers to the way that one informant may provide information that will lead to another key informant. Extensive conversations were used to gain perspectives of the changes in Niger. After informal conversations a more structured question outline was used to target specific research questions. A total of forty such interviews were conducted in the villages of Firgi, Mai Mujia and Adare. Formal authorization from the Nigerien Ministry of Education and affiliation with the University of Niamey Abdou Moumouni greatly facilitated the interviews and aided my research in general.

The identification of appropriate informants was an important aspect of field research. There were three separate networks, or “rings of information gathering” that led to the identification of informants (Hashim and Meagher, 2000, 13). The first
network was through schoolteachers, the second through local government officials and the last through traditional leaders. The networks did not serve as the target research group; they rather served as an entrée to contact informants for the study. Schoolteachers provided a unique perspective in that they were in tune with village politics, but were outsiders due to the fact that they were not from the village. Schoolteachers have a unique understanding of the inner operations of the village in which they live and work. Government officials, to a certain extent, were outsiders as well, but they were able to indicate members of the community who were influential and in positions of power. The traditional leaders were useful in identifying and locating different members of the community who were integral to the research. By passing through traditional leadership channels, the research was also given a sense of legitimacy, as on several occasions it seemed to comfort the informants that our presence had the blessing of the chief. In addition to the leads that were provided by the three networks there were also informal, chance encounters that provided complimentary perspectives. This was important in that we met people whom we were not directed to meet, which often happened to be the case when we worked within the networks. Interviews with members of all socio-economic stratifications of society assured a broader representation of society.

Interviews with informants were conducted by means of a relaxed, semi-structured approach. It was important to avoid the “opinion poll syndrome” which can be intimidating and does not serve as a proper entrée, especially when dealing with a subject
such as religion or politics, which can be viewed as sensitive (Beebe, 2001, 36).

The semi-structured interview is also preferable to a structured interview that follows a specific line of questioning. The informal approach allows for the informant to “surprise” the researcher with information that was not consciously sought. Instead of the researcher dictating the path of the interview, the informant plays an important role in the participatory process. The “grand tour” question is regarded by some researchers as a good way to commence an interview and in this case it was appropriate because the subject of the interview was somewhat broad. The grand tour line of questioning started oftentimes with very general questions and it allowed the informant to reveal information that the interviewer was not consciously seeking. In other words, occasionally informants would reveal information that was useful for the research goals, but was not a response to a specific question. The following exchange is an example:

**Interviewer:** Did you work today?

**Informant:** Yes, I cooked food and sold it to the people who have moved here.

Although the question was very general it reveals that the informant recognizes that there is a group of people who have moved into the village.

The interviews started with appropriate greetings, as proper salutations are a necessary ingredient for successful social interactions in Africa (Davis, 2001, 82). All interviews were conducted with a Nigerien assistant who is well-versed in cultural norms of the society and fluent in both Hausa and French. The assistant’s fluency in French was
helpful in cases where I wished to converse with the assistant without alerting
the informant of the content of our conversation. This way I could ask the assistant a
question that pertained to the study without diverting the attention of the informant.
Although I understand Hausa, it was important to have an assistant to help elucidate
colloquialisms and other terms that were specific to the region.

The first segment of the population that I interviewed were Nigerien
businesspeople, known in French as *commercants* and in Hausa as *dan kasuwa*. The
Hausa ethnic group is synonymous with trade and commerce throughout the sub-region
of West Africa. Due to the fact that *commercants* are a segment of the Hausa population
who have helped to sharply define its cultural identity, the views of the *commercants*
were essential to this project. Because Nigerien *commercants* are in touch with economic
aspects of life in Niger, and since this study examines the economic consequences of
Nigerien *Shari’a* on Niger, *commercants* provide a unique perspective on the ways that
the Nigerien border economy has changed. Another important factor pertaining to the
*commercants* is that many of the goods and products that they sell originate from Nigeria.
*Commercants* frequently travel to Nigeria, and this enables them to have a viewpoint as
an “insider” on the changes undergone by Niger. At the same time, because they know
Nigeria intimately they can observe the changes in Niger from the vantage point of an
“outsider.”

There are different classes of “businesspeople” and the term encompasses a large
group of the population. The definition, for the purpose of this study, defines a
businessperson as any person who independently provides a good or service for profit, regardless of the size of the profit. This could range from someone who owns a fleet of trucks used for transportation to an adolescent who owns a motorcycle that he uses to transport people. By my definition, a person selling something as simple as grilled meat is a businessman. Women also fit into this category, as some of them own restaurants and participate in other small enterprises, such as clothes washing. Prostitutes clearly occupy a place in the category of businesspeople and I conducted interviews with them as well.

The second population that was studied was the traditional leaders, known in Hausa as *Sarakuna*. The traditional leaders have two attributes that relate to questions that are central to this study. In Niger, traditional leaders, referred to in French as *les Nobles* or *chef traditionelle*, maintain higher social class standing than the peasant class, otherwise known as *talakawa*. Traditional leaders usually own land and property, which can be used as sources of revenue. Because of their ownership of land and property, traditional leaders are usually economically better off than the rest of the population at large. If indeed changes have occurred in Nigerien border towns, traditional chiefs will be affected.

Secondly, traditional leaders are also closely tied to religious authority. With the introduction of Islam, traditional leaders became part and parcel of the religious establishment. Traditional leaders oftentimes consult the Qur’an when settling small scale village disputes. The traditional leadership segment of the population is also
represented in every town and village. In Hausa society, traditional leaders are
organized in a hierarchal fashion. At the top of the hierarchy is the Chef du Canton who
commands a large territory that is broken down into smaller sectors. In the
arrondissement (county) of Matameye there is only one Hausa Chef du Canton. The
sectors that comprise the Canton are governed by Chef du Sectors. The Chef du Sector
acts as the representative of the Chef du Canton and they settle disputes and collect taxes
in the areas that are under their jurisdiction. On the village level there are Maigaris, who
primarily administer village affairs. The power of the Maigari is localized and does not
extend beyond his own village.

Interviews with traditional chiefs offered a valuable perspective. They provided a
particular view that sheds light on the effects of Nigerian Shari’a on Niger. Superior
economic status, property ownership and the power to collect taxes from subjects are
some of their most noted attributes. At the same time they resolve local disputes and are
looked upon as guardians of tradition and promoters of Islam. They could conceivably
profit from Shari’a because of their socio-economic status. On the other hand because of
their social status, they may be against the changes caused by Shari’a because it threatens
traditional power structures on which they rely.

Traditional chiefs are also known for the role that they play in local and national
politics. Although technically by law they are not allowed to openly campaign for
politicians, it is known that they often play a significant role in elections. In fact in
Niger, many politicians are the descendents of royalty. The *Chef du Canton* of Kantche was a Minister in the first post-colonial administration that was led by Diori Hamani.

Two other sub-groups that acted as informants in this study were customs officials, refereed to as *douanes* in French, and politicians. *Douanes* have a unique perspective in that they pay careful attention to the dynamics of border relations. In addition to controlling and regulating border traffic between Niger and Nigeria, they impose taxes on all imported goods. *Douanes* are notorious for informal rent seeking and they are known to supplement their income with bribes. From their unique vantage point, they are able to note the changes that have occurred as a result of the implementation of *Shari’a* in Nigeria.

Politicians normally are the most in tune to political developments, but they typically view issues in a very partisan way. Local and regional politicians were interviewed as part of this study. They have a political agenda that they follow and frank discussion may be difficult to attain. Although the research did not focus on politicians it was important, however, to gain access to their opinion. This was achieved through informal meetings and interviews. One of the requirements of conducting research in Niger is to inform local authorities to make them aware of my presence in their jurisdiction. This required meeting provided the opportunity to ask them their opinions on how Niger has changed due to the implementation of *Shari’a* in Niger.
Interviews with traditional chiefs, businesspeople, *douanes* and politicians provided the bulk of my research, but people in other segments of society were also considered. I also conducted interviews with the *talakawa*, or Hausa people of common class standing. The *talakawa* provided a perspective of those who do not occupy positions of elevated power and authority. There were many businesspeople who were members of the *talakawa*. Within the social class of *talakawa* there are sub-groups such as the urban poor in addition to rural peasants. The *talakawa* interviewed for this study were primarily members of the rural peasant farming class who had modified their economic activities so as to profit from the changes that had occurred in Niger. This study also identified *talakawa* who came to the border towns from other rural areas to participate in the newly developed economic activities available in those areas. The changes engendered by Nigerian *Shari’a* law created economic opportunities in Niger and the *talakawa* recognized the possibilities.

Interviews with prostitutes also revealed how politically marginalized actors view the changes that have occurred in Niger. Prostitutes presented a unique perspective on the changes that *Shari’a* had engendered. A significant number of the prostitute population that I talked to had crossed over to Niger from Nigeria. They were in effect escaping the changes that came with *Shari’a* rule. There were also prostitutes, however, who had left other parts of Niger to come and work in villages that were in close proximity to the Nigerien border with Nigeria. The perspectives of both groups were important to the study. The prostitutes from Nigeria could attest to the changes that had
occurred in Nigeria, while the prostitutes from Niger could discuss how business in Nigerien border villages was attractive from an economic standpoint.

Research on an informal aspect of the economy presented a methodological problem, which was quantification. Due to the sensitive nature of the topic, no official statistics by the government or private sector exist. In terms of the actors, interviews reveal information about the changes but do not provide precise economic data, as informants are reticent to discuss specific business details.

**Literature Review**

This section fulfills the need to reassess four areas in relevant academic literature and to provide a reassessment of African political states in terms of regionalization and local politics. The four bodies of research are 1) Weak States and the Courtesan State, 2) Regional integration, 3) Cross border politics/economics and 4) Patron clientelism.

**Weak African States and the Courtesan State**

The weak nature of African states has been cited as one of the obstacles to economic and political development in that part of the world. Some of the characteristics of weak states are lack of a command over sufficient resources, dependency on external
funds, no concrete plan of sustainable development, lack of territorial control
and lack of support and legitimacy with its population. Both Nigeria and Niger exhibit
some or all of these characteristics.

Zartman identified two rounds of state collapse that have occurred in Africa. The
first occurred in the immediate post-colonial era and the second emerged in the 1990s.
(Zartman, 1995, 5). Some observers have argued that a weak state is created through the
instrumentalization of disorder, which is in turn profitable to African political elites
(Chabal and Daloz, 1999, 13-14). Van de Walle argues that most African states have
limited capacities and that they are rarely able to project power and achieve stated goals
(Van de Walle, 2001, 46)

James Mittelman’s *The Globalization Syndrome* provides a theoretical framework
that is useful for the issues that this study investigates. Mittelman theorizes that the
aftermath of the Cold War has fomented an eruption of subsurface tensions formerly
stifled by the state. The tensions, exacerbated by globalization, affect the political, social
and economic stability of developing nations. One of the states that has emerged from
the tumultuous period is the courtesan state. By definition, a courtesan services clients,
especially wealthy or upper class ones (Mittelman, 2000, 25). Mittelman does not
declare that the courtesan state is a distinctive form of state; it is rather dominated by
different policy orientation characteristics. In the case of Niger, people (primarily men)
exit Nigeria and enter Niger to take part in activities that have been outlawed in Northern
Nigeria.
In the courtesan state model, the state does not provide social protection but rather tacitly forsakes safeguarding the local citizenry through the provision of social services in favor of regional market forces. Mittelman argues that the courtesan state is “not solely a national phenomenon, but is rapidly becoming a trans-state structure in its own right (Mittelman, 2000, 26).” An example of a courtesan state is the Southeast Asian country of Thailand. The sex trade in Thailand has had a dramatic effect on the local culture, yet it persists because of the hard currency that it brings into the country. Other countries in the region as well as those outside Asia serve as clients of Thailand’s service.

Through the use of Mittelman’s theoretical framework, Niger can also be regarded as a state that possesses the characteristics of a courtesan state. The demand for bars and brothels created a market in Niger. Social protection consists of, among other things, health care, education and household security. The clients who visit the border towns of Niger not only engage in activities that are outlawed in Northern Nigeria, but they spend significant sums of the money that is ultimately infused into the local and regional economy. Bars, brothels and casinos provide the services that are outlawed in some parts of Northern Nigeria. The establishments, some of which are organized transnationally, fulfill the demand that is in short supply in Northern Nigeria.

Mittelman’s idea of the courtesan state also argues that the state does not intervene on its citizens’ behalf in the face of relatively undesirable activities and threats to the local population. This study endeavors to discover if Niger adequately provides social protection to its citizens and immigrants in the face of the changes that have
occurred due to the illegalization of certain activities in Nigeria. Social protection can be regarded as the provision of schools, potable water, security and health care. Mittelman also argues that dominant identities of the 20th century (labor and the nation) have been split into or are supplanted by, a complex set of identities— including race and ethnicity, religion and gender—that subjectively relate people to polity and the economy in very different ways (Mittelman, 2000, 23). This, in part, explains why states in Northern Nigeria have turned to Shari’a as their legal code.

**Regional Integration**

Regional integration in West Africa has been a contentiously debated topic due primarily to the wide range of institutional, legal and infrastructural barriers that divide the countries that comprise the sub-region (Lavergne, vii, 1997). The movement of illicit activities from Nigeria to Niger serves to demonstrate a case of counter regional integration. Rather than bringing together the two states it forces them further apart. Niger ostensibly uses its status as a secular state to acquire a comparative economic advantage, despite the fact that Nigeria is by vastly superior in general economic terms. A review of relevant literature concerning regional integration is necessary for this study.

Regional integration can be approached from three different theoretical perspectives, which are the following: neo-classical economics, Marxism and development economics. From a neo-classical economics viewpoint regional integration
leads to a reduction of tariffs which act as barriers to trade. The removal of tariffs leads to economic efficiency in the allocation of goods and services. This model has been discounted for countries such as those in Africa, which are still finding their way on the path of development.

The Marxist school of thought regards regional integration as a source of exclusion and weakening of micro-enterprise through the usual mechanisms of market displacement. This approach demands intervention by the state in order to have a more planned and centralized approach to the goods and products that are produced. Critics of this model cite the ineffectiveness of controlling markets and call for free market reform (Bourenane, 1997, 52). The end of the Cold War and the promotion of neo-liberal reforms by western governments have decreased the frequency of interventions of the state in regional markets.

Development theory, or development economics, emerged in the 1960s and has remained relevant in the contemporary context. In this model industrialization was recognized as the engine of development and ultimately integration (Marchal, 1965). Social aspects of society are not a priority and in this model they take a back seat to capitalistic objectives inherent in market economies.

Social and political factors intrinsic to Africa are overlooked in the three previously mentioned models. The broad approach of the three models look at the macro-level pf political economy in Africa but ignore micro-level aspects. Additionally,
the three models do not adequately consider the intricacies and nuances of local politics in Africa. It is also necessary to recognize the massive profit making that is salient in instances where economic and political disparities are present. It is oftentimes profit making opportunities by political elites that fuel opposition to the cause for regional integration. Disparities in the laws that govern neighboring countries work to foster a vibrant cross border economy.

**Border Politics**

There are several lines of argument that dominate the literature on border politics in the African context. It is widely accepted that colonialism has divided West Africa into two blocs- the Anglophone and Francophone- each having strong attachments to their former colonial masters (Asiwaju, 1984, 240). Asiwaju also maintains that the Eurocentric demarcation of Africa is outdated and should be seriously questioned (Asiwaju 1984, 13). Asiwaju’s perspective is important, but it is also necessary to look specifically at Niger, particularly in the context of trans-border social and economic activities.

Baier’s examination of the economic history of central Niger cites the creation of a customs frontier between Niger and Nigeria as an opportunity for profit seeking. Baier notes that French policy in Niger placed severe taxes on markets and trade, which resulted in most of the markets moving across the border to Nigeria. Disparities between
the French and English systems gave rise to a black market, “which both local people and French administrators and soldiers used to their advantage” (Baier, 1980, 105). Profiteering was rampant due to the severe policy discrepancies between the colonial territories of Niger and Nigeria. Baier gives evidence that decisions made during the colonial period are still having a profound effect on transborder politics.

The development of the peanut trade in Niger and Nigeria is an example of how a border affects the market for a good. John Collins produced an important study on the market for peanuts in Hausaland and how the border between Niger and Nigeria affects this market. In both Niger and Nigeria a market for peanuts exist, yet historically there have been differences in the market prices depending on the country. The primary factor that influences a farmer’s decision on where (Niger or Nigeria) to sell his peanuts is the market conditions on the other side of the border (Collins, 1976, 264).

Hashim and Meagher’s study of cross border trade between Nigeria and Niger compares state-driven approaches to regional integration and informal cross-border trading activities. Their study points to the fact that the effects of structural adjustment, namely pressures of mounting economic crisis and constraints on state spending, has compelled civilians and officials alike to turn to informal means of income generation. (Hashim and Meagher, 2000, 5). Hashim and Meagher also point to the fact that the ideological role of Hausa commercial networks has been historically shaped by the needs and opportunities of the prevailing economic context. Modifications in the characteristics of interregional markets have incited adaptations in the identities of participants and the
way that they act. In the case of Shari’a law in Nigeria, prostitution, gambling
and alcohol have been outlawed in some regions and as a result the identities of
participants in transborder markets have changed. Some Nigeriens have altered the way
that they participate in the interregional market in order to maximize their profit making
possibilities. Hashim and Meagher’s arguments are valid but do not consider the effect
that local politics of one country can have on the internal politics of another state.

Jean Paul Azam posits that parallel trade has flourished across the Niger-Nigeria
border. This is due to the fact that legal exports on one side of the border sometimes
become illegal on the other side of the border (Azam, 1991, 48). This particular type of
analysis is helpful when considering the transfer of activities to Niger, which were
outlawed under Shari’a. There are many factors that influence the flow of trade between
Niger and Nigeria. For example, differences in the changing price of peanuts paid by the
two national marketing agencies (Niger and Nigeria) affected the trade in agricultural
products. Severe drought in Niger has historically forced the herders there to bring cattle
to Nigeria in order to reach zones of higher precipitation or to sell early before the cattle
market becomes depressed. Azam also points to historical instances of goods such as
alcohol being smuggled from Francophone colonies into Anglophone colonies.
Anglophone colonies generally had greater restrictions against the sale of alcohol and this
created a black market for alcohol. This project examines how politics in the state of
Nigeria directly affects politics in Niger particularly in the context of trans-border social
and economic activities.
Ogunsola John Igue’s study of the black market that existed between Nigeria and Benin in the 1970s examines the relationship between a sub-regional (West Africa) economic powerhouse and an economically inferior neighboring country. Igue examines the black market that has existed between Benin and Nigeria since the Biafra War. Igue looks at issues of ethnic identity, political economy, and border relations. There are many parallels that can be drawn between the relationship between Niger and Nigeria and Benin and Nigeria. Igue cited three causes for the evolution of illicit trade between Nigeria and Benin. Among the causes are arbitrary colonial partition, the change of commercial circuits imposed by colonization and the economic disparity between neighboring countries of different colonization (Igue, 1976, 237). Due to its economic superiority in relation to its neighbors, Nigeria is considered by some Africans to be the “Giant of Africa” relating to other neighboring countries much in the way that the U.S. relates to Mexico. Parallels can be clearly drawn between the border activities of Benin/Nigeria and Niger/Nigeria.

Igue considers the informal exchange of goods and products an integral component of African economies yet believes that the subject has not been thoroughly studied. In such instances, Igue uses the term Etat entrepot to describe states that survive almost exclusively on well structured and dynamic parallel economies (Igue, 1992, 14). Igue also argues that protectionist measures taken by the French in the colonial era gave rise to parallel markets with Anglophone colonies (Igue, 133, 1992). The exchange that took place sought to provide merchandise that was not sufficiently supplied by the
colonial power in place. In Igue’s opinion, border commerce played an eminently important role in keeping divided ethnic groups united (Igue, 1992, 133). The activities that have developed on the Nigerien side of the border since the inception of Shari’a can be considered as part of an Entrepot economy.

Bach posits that, in frontier zones the flows and networks between the states fulfill the function of social control and wealth accumulation for the populations where formal channels break down and where the territorial framework is deteriorating (Bach, 1995, 78). Bach’s analysis of regionalism and globalization in Sub-Saharan Africa concludes that political boundaries result in rent seeking opportunities. Political and economic segmentation resulting from the numerous boundary lines is instrumentalized and transformed into a comparative advantage. Patron clientele networks work to support and reify the advantage. In contemporary African states, this rent-seeking forms the basis of the management of frontier disparities. Policy orientations of Benin, Chad, Togo, Niger and the Gambia have all been affected by the profits earned in border politics. (Bach, 1999, 5).

Trans-state regionalization may be considered as a by-product of the decline of the post-colonial states’ financial capacities and territorial control (Bach, 1999,12). In the case of Niger economic problems have severely limited the state’s ability to intervene on behalf of its citizens. Health care and education are the two sectors that have been the hardest hit by structural adjustment reforms. Limited financial capacities also prevent states from reducing patron clientelism. Meagher, in a more recent article, argues that
globalization and structural adjustment have restructured transborder trade in West Africa. Meagher finds that informal transborder trade is an important institutional resource for economic development, but it is not capable of being integrated into a regulatory framework that may support the state (Meagher, 2003, 68).

**Patron Clientelism/ Neo-Patrimonialism**

Political patron/clientelism has emerged as a factor in political relations that occur domestically between citizens of Niger. Due to the informal nature of the activities that have been transferred to Niger, the opportunity for the expansion of patron clientele networks is likely to occur. Many of the actors that participate in the activities, which have been transferred to Niger, are socially and politically marginalized. The marginalized are the most frequent victims in patron clientele networks. In order to evaluate the extent to which neo-patrimonialism is salient in Niger’s border towns, it is necessary to review literature that has been written on the subject within the African context.

Weber forwarded the ideal type of patrimonial domination. Weber’s term describes the blending of power in private and public domains to the detriment of the state. In Weber’s definition of patrimonialism, power is used arbitrarily with no use of a recognized structural framework (Weber, 1947). An example of which may be a customs officer who extracts a duty on an imported good, but does so at a lower tariff so as to
ensure a bribe or tribute. Although the customs officer represents the state, he is exacting a fee that is for personal use and not for the state. This is a prime example of an employee of the state creating “confusion” between the public and the private spheres (Medard, 1991, 332). This “confusion” allows state employees to profit from funds that are meant for the state and not for personal use. Patron clientelism in Africa, oftentimes manifested in the form of corruption, is likened by one observer to be both systemic and generalized. Corruption is systemic in that it is the “rule not the exception” and is generalized in that it is found in every sector of governmental institutions (Medard, 2002, 387). Medard’s interpretation of corruption describes its existence as pervasive and ubiquitous.

According to Lemarchand, patron/clientelism is defined as “a more or less personalized relationship between actors (i.e., patrons and clients), or set of actors, commanding unequal wealth, status, or influence, based on conditional loyalties and involving mutually beneficial transactions (Lemachand, 1972, 69).” Lemarchand expands on the concept and breaks the idea of patron clientelism into three sub-groups.

1. Substitution of the client’s original identity for that of his patron

2. Redefinition of one’s original tribal identity by reference to a wider cultural force
3. Ethnic identities are amalgamated within the boundaries of a more inclusive political system

Medard recognizes the existence of informal transnational markets and networks in Sub-Saharan Africa, which give rise to neo-patrimonialism (Medard, 2002, 391). Neo-patrimonialism is the privatization of the public domain which in turn undermines the viability of the public sector and the state. In theory, economic liberalization and democratization should have reduced instances of corruption. The contrary, however, has been the case and corruption has increased and become more widespread (Medard, 2002, 388). Medard does not consider corruption to be an attribute of traditional African society, but rather cites colonial and post-colonial factors as the progenitors of the problem.

Sandbrook defines neo-patrimonialism as the private appropriation of the state’s powers. Sandbrook’s expansive definition includes instances of presidential supremacy over all organizations, the distribution of state-generated rents, sinecures, benefits to political followers and the reliance upon personal and ethnic loyalties (Sandbrook, 2000, 59-60). Unlike Medard, Sandbrook claims that patrimonialism is deeply imbedded in the culture and as a result it may be the reason why neo-patrimonialism is so pervasive in African states. In this case it is necessary to differentiate between traditional African society and contemporary African society. Generally, colonization transformed
traditional African society, which resulted in a dramatically different
contemporary African society. Colonization affected Hausa power structures, institutions
and trade networks. With research that deals with the legacy of the imposition of
European borders in Africa, it is important to keep in mind differences between pre-
colonial and post-colonial African society.

Prebendalism is a closely related concept that is also salient in sub-Saharan
Africa. In this scenario, which was first forwarded by Richard Joseph, prebendalism
refers to “patterns of political behavior which rest on the justifying principle that such
offices should be competed for and then utilized for the personal benefit of office holders
as well as of their reference or support group (Joseph, 1987, 8).” State offices become
instruments for the acquisition of wealth and that is then redistributed in patronage
networks and among members of a similar ethnic background. This phenomenon
delegitimizes constitutional power and places a premium on the power that emanates
from specific governmental offices.
Chapter 2
Historical Background

In the late nineteenth century, the European Scramble for Africa created a continent with partitions that respected neither historical nor cultural boundaries. The “legitimacy of natural history” did not play a part in the creation of the boundary lines that separate African countries (Zartman, 1965, 2). Within the sub-region of West Africa there are many examples of this pattern. The Wolof in Senegal and Gambia, the Ewe in Ghana and Togo and the Yoruba in Benin and Nigeria are all examples of ethnic groups that were divided by European colonizers. In East Africa, the Italians, French and English divided ethnic Somalis into three separate territories. To make matters worse, other segments of the Somali ethnic group were left straddling parts of Kenya and Ethiopia. The Hausa of present-day Niger and Nigeria were victims of the same irrational process. The border between Niger and Nigeria was created without proper consideration of the hitherto expansive Hausa kingdom of city-states. The French and British divided Hausaland into two sections, forever altering the structure of the Hausa ethnic group.

The Hausa are one of the most populous ethnic groups in West Africa and their language serves as a lingua franca for a significant portion of the sub-region. The homeland of the Hausa is located in what is presently southern Niger and northern Nigeria. The Hausa are known for their business skills and entrepreneurial spirit and trade has helped spread their diaspora throughout the sub-region of West Africa. In
Niger the Hausa make up 56% of the total population, while in Nigeria the Hausa merely compose 21% of the total population. Because of the significance of cross-cutting cleavages, it is worth noting that 50% of Nigeria and 90% of Niger, respectively, identify themselves as followers of Islam (Ramsey, 2001, 157, 160). The relative religious homogeneity salient in Niger figures prominently in the contemporary politics in Niger. By the same token, religious heterogeneity has played a factor in the way that Nigerian politics has developed.

Before the advent of European colonization, the Hausa kingdom was one of the strongest and most cohesive of all of Africa. By the 11th century Hausa states were already beginning to form into recognizable entities (Davidson, 1959, 104). Over the course of several centuries the Hausa kingdom grew from relatively autonomous settlements into a bureaucratic political system in which “a hierarchy of chiefs developed that regulated economic activity, ran the affairs of the local palaces and organized the army (King, 2001, 356).” Starting in the 15th century Islam was introduced into the area, primarily to urban areas through trade with Muslim merchants from North Africa. A Jihad in the early part of the 19th century, led by Uthman dan Fodio, incorporated the various Hausa states into the Sokoto Caliphate. Dan Fodio was a Fulani, who after studying the Qur’an in northern Niger, returned to Hausaland to prosecute a Jihad in an attempt to reform a Hausa City-States that he judged to be too corrupt and decadent. Although the leadership of the Hausa City-States and a large number of its constituents were already Muslim, dan Fodio found violence, wars and intrastate raids detrimental to
the message of Islam. The Jihad served to draw ethnically and religiously
diverse elements into a more centralized political structure, but at the same time it
exacerbated class differences that existed between the ruling hierarchy and the peasant
classes. Some of the positive effects of the *Jihad* were improvements in agricultural and
artisan production and an increase in mosques and schools. King examined the saliency
of ethnicity in relation to other forms of identity in pre-colonial northern Nigeria and
found that the *Jihad* had a homogenizing effect on Hausa ethnic identity (King, 2001,
356). In contrast to King’s views, however, several ethnic minorities, such as the Tiv and
Atyob, managed to remain autonomous from the hegemonic forces of Hausa culture. It is
important to keep in mind the autonomy of northern ethnic minorities when considering
the contemporary religious turbulence that *Shari‘a* has engendered. It is also worthwhile
to note that the same area where dan Fodio prosecuted his *Jihad* is now the area that has
been affected by the contemporary introduction of *Shari‘a* law.

In 1890 the French and British, unbeknownst to the Hausa, divided Hausaland
between them, at least on paper. The agreement of 1890 granted the British all land south
of a straight line between Say and Barwa on Lake Chad. The French, not fully cognizant
of the value of their territory, sent a mission to the area to accurately appraise their
allotment. After properly visiting the area, the French voiced their malcontent with the
“light soil” and arid region that the British had allotted them (Fuglestad, 1983, 50). The
British consented to reconsider the border between the territories and the Convention of
1904 addressed the issue of land distribution. The Convention granted the French lands
that stretched south of the regions of Gobir, Adar and Maradi. The newly acquired land gave the French a significant presence in Hausaland (Fuglestad, 1983, 60). The Convention allowed the French to assume control of the northern reaches of the Hausa territory, while the British claimed the southern region of Hausaland as their own.

In the opinion of Mamood Mamdani, the central legacy of Africa was forged through the colonial experience (Mamdani, 1996, 5). The colonial governing styles of the French and British vis a vis the local populations vastly differed. In Niger, the French worked to circumscribe the power of traditional chiefs through a policy of direct rule. Direct rule under the French established a Eurocentric single legal order and gave little consideration to indigenous systems of governance (Mamdani, 1996, 16). Although the French preferred to install a Eurocentric administrative structure rather than govern through pre-existing traditional African hierarchies, they did not completely dismantle pre-existing traditional ruling structures. Additionally, if the French encountered a traditional ruler who was not willing to follow their agenda, they simply replaced him with someone who was willing to comply with their demands. The main objective of the French was social control and colonial officials frequently disrupted the lineage of traditional chieftaincies in its colonies to achieve this goal. Heavy handed rule by the French actually led to a significant migration of their colonial subjects to Anglophone countries, such as Ghana and Nigeria. To escape from the severe colonial policies of the French, thousands of Hausa preferred to migrate into the adjacent areas within the British territory of Nigeria (Asiwaju, 1984, 198).
The British, by contrast, preferred to administrate Northern Nigeria through the pre-existing traditional entities in a policy referred to as indirect rule. Indirect rule was a decentralized method to co-opt and incorporate African leaders into a European system of governance (Mamdani, 1996, 18). Nigeria’s colonial administrator, Lord Lugard, chose to keep the Emirate (rule by Emir) structure in place. The British policy actually empowered traditional rulers and placed the political and military elites of the Hausa region in a position to dominate the government in post independence Nigeria (Robinson, 2000, 139). If traditional Hausa leaders followed the agenda of the British, they could count on the strength of the British army as an ally.

The British colonial policy empowered traditional rulers and placed the political and military elites of the Hausa region in a position to dominate the government in post independence Nigeria. By contrast, the French worked to circumscribe the power of traditional chiefs through a policy of direct rule. French and British cultures created the colonial and post colonial governments on respective sides of the borders. Nigeria was and still is an Anglophone country and Niger has continued to be Francophone. Niger, like other Francophone African countries, has a legal tradition based on civil law. Nigeria, on the other hand, was governed as a federated colony and has remained federal in government and decentralized in administrative tradition. The decentralized nature of Nigeria’s government is a legacy of British colonial policy. It is particularly evident in Northern Nigeria, where the British left traditional structures for the large part relatively untouched.
The Creation of Borders

Ever since the inception of the European drawn border between Niger and Nigeria, the Hausa have been forced to confront the concept of migration and international trade within their own culture. Visits between family members on either side of the border assumed the characteristics of transnational relations. Nigerien chiefs who normally paid taxes to Emirs in Nigeria, were now forced to pay tribute to the French Nigerien government. In the pre-colonial era, the village of Kantche, located in Niger (fifty miles from the border of Nigeria), paid its taxes to Katsina in Nigeria. The creation of artificial borders forced the people of Kantche to pay tribute to the French colonial government. The Hausa of Niger found themselves caught between tradition and modernity.

The border between Niger and Nigeria is a line of demarcation that marks many differences. Although Niger has a much larger surface area, Nigeria has a population fifteen times larger. Franco and Anglo political cultures created the colonial and post colonial governments on respective sides of the borders. Nigeria was and still is an Anglophone country and Niger has continued to be Francophone. Niger, like other Francophone African countries, has a legal tradition based on civil law. Nigeria, on the other hand, was governed as a federated colony and has remained federal in government and decentralized in administrative tradition. The decentralized nature of Nigeria’s
government is a legacy of British colonial policy. It is particularly evident in Northern Nigeria where the British left traditional structures for the large part untouched. The decentralized power structure of Nigeria confers a relatively large degree of autonomy to locally elected leaders. The autonomy of local government is an important point to keep in mind in light of recent political developments in Nigeria.

The demarcation of the border that essentially divided Hausaland had a dramatic effect on trade and commerce. At a quite early stage in the colonial era, there emerged a distinct pattern of clandestine economic transactions. Products such as alcohol, tobacco and printed fabrics moved from Francophone countries to Anglophone countries. In exchange, goods such as guns, gunpowder and bicycles that originated in Anglophone colonies were imported into Francophone colonies. This type of commerce was extremely frequent in colonial Africa and it set a precedent that has continued to flourish in post-colonial Africa. In other words, the use of artificial borders as a means for profit is not a new development, but rather a well-established historical legacy that dates to colonial times.

The creation of borders in Africa altered historical patterns of trade and ultimately created new profit making opportunities. Ever since its inception, the border between Niger and Nigeria has been a space where profit can be made. Collins may have stated it best when he wrote:
“An international boundary (Nigeria and Niger) which is largely unpatrolled and unpatrollable, which has little consensual or physical reality at the local level, is probably best conceived of not as a barrier but as an inter-state pathway, a conduit, an incentive to movement and trade (Collins, 1976, 277).”

In Niger, the French had a more severe tax policy than their British counterparts did in Nigeria. The French heavily taxed market transactions in Niger and this led to the destruction of many of the most financially important markets that had previously existed in the area before colonization. Goods central to Hausa market trade, such as kola nut, meat and cloth, languished from the severity of annual taxes. Rather than pay the French colonizers taxes on the revenues of their goods, many Nigerian merchants chose to transfer their business activities south of the border to Nigeria. As a result, in the early 1900s regional markets in Niger witnessed declines in economic activity while historically insignificant markets in Nigeria increased in size. French policy had disastrous effects on the local economy of Niger and by 1918 a great deal of the trade of the borderlands had been transferred from Niger to Nigeria (Baier, 1980, 102).

Mai Adua was one of the Nigerian towns that saw an influx of Nigerien traders due to the severe tax measures implemented by the French. Even in the contemporary era, the Sunday market of Mai Adua is one the largest cattle markets in the Daura area of Nigeria. Mai Adua is located just south of the Niger/Nigeria border and many Nigeriens choose to walk their animals through the bush to this market. In this fashion, they avoid
customs and are not forced to pay import taxes to Nigerian officials. They can also get higher prices for their animals than they can in Niger. After buying goods from Nigeria, Nigeriens retrace their path through the bush to evade customs officials on the Niger side of the border. From Mai Adua a sizable portion of the animals are shipped off to urban markets such as those in Kano and Lagos. The period leading up to the Muslim holiday of *Tabaski* is marked by the vigorous exportation of sheep from Niger into Nigeria.

The French found that heavy tax on trade and markets was a failure as the policies resulted in diminished economic activity in Niger. The French ultimately shifted their policy and focused their attention on the taxation of agricultural products. The cash crop of peanuts was the primary target of the French administrators (Baier, 1980, 117). The French experienced spectacular economic returns on the cultivation of peanuts, or groundnuts, in Senegal and they hoped to replicate those results in Niger. The French forced Nigerien farmers to cultivate peanuts and then taxed their harvests to supplement the colonial government’s margin of profit.

The border between Niger and Nigeria has historically had an impact on the trade in peanuts. The relative advantages of commerce in goods and products in Nigeria and Niger have gone through dramatic transformations. At certain times Nigeria held an advantage over Niger. At other junctures, the economic situation fostered a hospitable climate for merchants and traders in Niger. A prime example of this phenomenon can be seen in the development of the market for peanuts in Niger and Nigeria. Peanuts are one
of the principle cash crops of Hausaland. As a result peanut markets exist in both Niger and Nigeria, yet there are differences in the market prices. Peanuts are an agricultural product that has been subject to the whims of the international market and price fluctuations in Niger and Nigeria. The primary factor that influences a farmer’s decision on where (Niger or Nigeria) to sell his peanuts is the market conditions on the other side of the border (Collins, 1976, 264).

There have been periods when the inexpensive merchandise and expansive markets of Nigeria have lured Nigerien farmers across the border to sell their peanuts. In other words, during these periods farmers would sell their peanuts in Nigeria and then use profits from the sale to buy products that were scarcer and more expensive in Niger. Other exterior factors have forced Nigeriens to sell their peanuts in Nigeria. In the 1940s, for example, the blockade of Vichy controlled ports forced Niger to lose almost 90% of its peanut trade to Nigeria (Collins, 1976, 260). At other times, however, Nigerian farmers sold their peanuts in Niger, thanks in large part to the higher prices offered there (Collins, 1976, 266). In the 1960s, Niger’s parastatal peanut exporting company, SONARA (Societe Nigerienne de commercialisation de l’arachide) instituted producer-price-setting powers. France supported Niger with substantial financial support that allowed them to offer competitive prices to peanut farmers. Nigerian farmers were also attracted by the relative strength of the CFA franc compared to the Nigerian pound. This move not only diminished the amount of out flow of peanuts from Niger it also increased
the in-flow of peanuts from Nigeria. The government of Nigeria was unable to control the smuggling of peanuts into Niger.

The creation of the border between Nigeria and Niger also redefined trade between traditionally urban centers such as Zinder in Niger and Kano in Nigeria. Trade between Kano and Zinder had been historically significant and long predated European colonization. After colonization, people in positions of power had access to preferential exchange rates that they could use to their commercial advantage. French administrators and soldiers were the first groups to partake in the significant economic potential of black market currency exchange. French officials were able to set up currency exchange branches in both Niger and Nigeria and this allowed them to speculate on the differences in the currencies of the two colonies. In the 1910s and 1920s the intrinsic value of silver coinage from Nigeria held a distinct advantage over the paper currency of Niger (Baier, 1980, 113). This advantage gave businessmen from Nigeria an advantage over their counterparts in Niger. It also made goods and livestock from Niger very attractive investments to potential buyers who were based in Nigeria.

In the contemporary era, black market trade in fuels such as gasoline and diesel has also been a mainstay of informal trade in Niger. Nigeria is an oil-exporting nation and it also refines some oil for domestic use. A portion of this refined oil makes it way across the border of Niger and finds a place on the black market there. It is significantly cheaper than the fuel that is imported into Niger by formal means. Fuel that is sold in Nigeria is heavily subsidized by the government and this generates an artificially low
price. The low price of fuel creates incentives for customs agents, state officials and black market businessmen to smuggle fuel into neighboring states (Niger and Benin) that are home to higher priced fuel markets (Reno, 1999, 196). Black market fuel is explicitly illegal yet the market for it overtly flourishes in most parts of Niger. In instances where formal gas stations experience a rupture in their fuel supply, black market gas merchants serve as the only alternative supply.

A contemporary development in cross-border illicit commerce is the movement of imported vehicles through Niger. The port of Cotonou in Benin serves as the entryway for goods that are then shipped on to landlocked countries such as Burkina Faso and Niger. The port is one of the busiest in West Africa and it receives many used cars from Europe. A portion of these imported cars are driven across the northern border of Niger. Once in Niger they are given laissez-passez status that allows them to move unimpeded through the country as long as Niger is not their final destination. The cars, driven by young men in caravan fashion, follow the national road of Niger that runs parallel with the border with Nigeria. They typically turn south towards Nigeria between Maradi and Zinder. More often than not they take unpaved roads that are not frequently patrolled by police or customs which allows them to enter undetected into Nigeria. Once in Nigeria the cars are matriculated and sold on the black market. It is preferable to take this circuitous route because it is prohibitively expensive and time consuming to bring a car through the Nigerian port of Lagos. Additionally, it is now illegal to import cars into Nigeria that are over ten years old. If one was to bring a car through Nigeria they would
have to pay extremely high import taxes on the car. By traveling through Benin and Niger, however, car dealers can skirt the issue of import tax. Once they have the car in Nigeria, they can use their informal networks to properly matriculate the vehicle.

Niger re-exports to Nigeria certain goods that are not heavily taxed (Igue, 1992, 108). For example a Beninoise importer must pay a 57% tax on a ton of wheat flour. In Togo an importer pays 40%, while in Niger the importer pays 10%. In regards to rice the Beninois must pay 32%, the Togolese pays 27%, while the Nigerien pays only a 16% tax. (Igue, 1992, 114). Nigerien businessmen can easily export goods that they bought at a low price to markets in Nigeria.

The uncontrolled movement of goods between Niger and Nigeria is a form of “smuggling” and part of the informal sector. Miles argues that although smuggling is illegal, in many cases on the local level it is incidental and sometimes the only alternative. Villages that are in proximity to the border have no other choice than to take part in smuggling. Miles points out that Hausa believe that efforts to stop illicit cross border trade diametrically oppose the Hausa belief in free trade (Miles, 1994, 202). Traditional items such as kola nut, leaf tobacco other various local products are typically smuggled into Niger. Many of these products are brought into Niger via trails through the bush (Gregoire, 1992, 113).
Post-Colonial Political History

The conclusion of World War II gave rise to Pan-African independence movements. African soldiers had fought for the sovereignty of European nations yet returned to a continent still shackled by colonial rulers. The ideals that were fought for in World War II were some of the same ideals that served as the impetus for the African independence movement. Both Niger and Nigeria followed similar paths to independence and in 1960 they both became sovereign countries. Hamani Diori of Niger and Tafewa Balewa of Nigeria were prominent in the Pan-African struggle and both men became heads of state of their respective countries.

Diori, a member of the Zarma ethnic group, used single party rule to dominate Nigerien politics. During Niger’s colonial period the French placed many more Zarma than Hausa in administrative and military positions and Hamani continued the trend in post-colonial Niger (Gervais, 1997, 88). The Zarma controlled the political sphere, while the Hausa dominated important economic matters. Diori’s authoritarian rule was ended in 1974 when a coup d’etat led by Seyni Kountche removed him from power. Mahamane Ousmane from the Hausa ethnic group was elected president in 1994. Although Zarma continue to have dominant roles in the government it has not given rise to substantial ethnic problems like those that plague countries like Rwanda and Nigeria. Part of this is due to the fact that religion is not a cross cutting cleavage in Niger as it is in Cote d’Ivoire and Nigeria. The Hausa in Nigeria, on the other hand, assumed a much more
prominent role in their government. Beginning in the 1970s a succession of Hausa speaking generals effectively ruled Nigeria through authoritarian regimes. Generals from Northern Nigeria, such as Buhari, Murtala, Babangida and Abacha all took turns at running Nigeria. The aforementioned generals identify with the hegemonic nature of Hausa identity despite the fact that some of them trace their ethnicity to non-Hausa groups. The death of Abacha in 1998 brought an end to the Hausa’s dominance of the government.

The Third Wave of Democratization

In the 1990s many African governments, including those of Niger and Nigeria, held democratic elections in an attempt to move away from authoritarian rule. Niger and Nigeria caught the tail end of the third wave of democratization and by 1999 both countries were considered emerging democracies (Huntington, 1995). Political and social conditions no longer allowed the Hausa military structure to continue their stranglehold on Nigerian politics. Foreign pressure from the international community also compelled Nigeria to move towards a more pluralistic structure of governance. Gross human rights violations, in particular the high profile deaths of indigenous rights activist Ken Saro-Wiwa and entrepreneur/politician Chief Moshod Abiola put the international spotlight on Nigeria. Additionally, massive corruption and widespread looting of the public coffers invigorated the push for democratic reform. The interim
military president, Abdulsalami Abubakar, guaranteed a democratic transition and in 1999 Olesugun Obasanjo, a Christian Yoruba, was elected president of Nigeria. For the first time in twenty years, Nigeria experienced a democratically elected government. In Niger in 1991 a democratic national Conference culminated in a new constitution and the creation of multypartism. A democratically elected president assumed power in 1993, but in 1995 a coup d’etat by Ibrahim Bare Mainassara severely compromised democratic reform. The physical elimination of Bare in April of 1999 opened up the opportunity for democratic elections. At the conclusion of 1999, the democratic transition was complete when Mamadou Tandja of the MNSD party won the presidential election.

For Nigeria the transformation was especially tumultuous due to the fact that for the previous twenty years, military generals of northern extraction had controlled the government. Five of eight military rulers were Muslim and all three of the previous elected heads of government were Muslim as well. When Olesegun Obasanjo, won the election, the Hausa began looking for other means to maintain some semblance of power. Hausa politicians seized upon the idea of Shari’a as way to remain somewhat autonomous vis a vis the federal government. Although the Shari’a debate had surfaced in Nigeria in the past, it was the first time that it was actually achieved.
Chapter 3
The Emergence of Contemporary Shari’a Law in Nigeria

The introduction of Shari’a in November of 1999 has had a destabilizing effect on Nigeria. It has exacerbated ethnic and religious divisions that were previously repressed by military dictators. Riots in Kaduna in 2000 and 2002 and in Jos in 2001 revealed the degree to which religious tensions have been heightened. Additionally, the high profile case of Amina Lawal brought international attention to Shari’a in Nigeria. Lawal was accused of engaging in sexual relations outside of marriage and was sentenced to death by stoning. Although Lawal was recently exonerated of the charges, the case, and others like it, resulted in raising the fractious ethno-religious debate to a higher level. What are the factors that account for the implementation of Shari’a law in Northern Nigeria? A series of recent political developments has significantly changed the political climate of Nigeria and these developments have made Shari’a a subject of a vociferous debate.

There are several views that attempt to explain the movement that has achieved the installation of Shari’a law. From a broad global perspective, Mittelman theorizes that the aftermath of the Cold War has fomented an eruption of subsurface tensions consisting of identity based issues that were formerly stifled by the state. The tensions, exacerbated by globalization, affect the political, social and economic stability of developing nations. Another approach to the Shari’a question looks at the instrumentalist approach to ethnicity and religion. During the decades of brutal oppression under military rule (1983-1999), no part of Nigeria had ever successfully converted to Shari’a law, yet under
democratic rule it was one of the first dramatic changes in the northern part of
the country. Long before the end of the Cold War, however, there were efforts to install
Shari’ā law as a legal code.

In the 1970s and 1980s there were several organized attempts to introduce Shari’ā
law in Northern Nigeria. Conservative forms of Islam, that are now widespread in the
contemporary period, first emerged during the formulation of the new Constitution for
Nigeria in 1978. Some Muslim leaders argued that the constitution should give
consideration to the judicial system of Islamic law. Non-Muslim members of the
Constituent Assembly labeled proponents of Shari’ā as leaders of a “neo-jihad,” which in
some ways is a reference to the historical exploits of Uthman dan Fodio. Northern
Muslims, on the other hand, accused Christian southerners as focused on achieving a
“Christianization” of the constitution. The debate over Shari’ā revealed that the North
was intent on exercising influence on the Nigerian constitution and thus on the power
structure of the South in general (Laitin, 1982, 413). Several groups emerged during this
fractious period in Nigerian politics. The Izala (Izalatul Bidia wa Ikamatul Sunna)
movement and the Muslim Students Society were two of the most prominent groups that
disagreed with the final version of the secular constitution. Ultimately, moderating forces
at the federal level prevented Shari’ā from being included in the 1979 Nigerian
constitution. Newly formed political parties reached beyond regional alliances and
endeavored to diminish the destabilizing effect that Shari’ā could engender.
Additionally, members of the Supreme Military Council were opposed to the politicization of the Shari’a issue and they voiced their resistance to the idea.

Jibrin Ibrahim argues that the turbulence and competitiveness of the religious scene has invoked a battle for “theological space.” As a result Muslim leaders are compelled to pursue an agenda that sets them apart from the other sects and renders them attractive to potential followers. By moving to either the progressive or conservative side of the spectrum, Islamic movements are able to define themselves to followers. A religious platform that supports Shari’a is appealing to some segments of the population. The Izala movement, led by Alhaji Muhammadu Maroua, otherwise known as Maitatsine, was known for its rejection of “un-Islamic” activities that were present in other Muslim brotherhoods. This message resonated with segments of the population that had been historically disenfranchised politically. Maitatsine was able to tap into the resentment felt by marginalized Muslim youths who were going through a difficult period during the economic recession of the 1970s and 1980s. Maitatsine espoused a literal interpretation of the Qur’an yet his movement was highly personalistic and unorthodox in its nature (Kastfelt, 1989, 84). The Izala movement was responsible for riots in Kano in December of 1980. The uprising in Kano claimed 5,000 lives, including that of Maitatsine, and was not quelled until the Nigerian Army and Air Force intervened (Hickey, 252, 1984). Maitatsine perished in the Kano riots, but at later dates other members of his faction based in the cities of Maiduguri (1982) and Yola (1985) fomented dissent which culminated in violent conflict.
Although the Maitatsine movement did not bring fundamental change to the government of Nigeria, it did, however, clearly demonstrate the mobilizing capacity of Islam in Nigeria (Otayek, 1984, 523). If anything, the Maitatsine movement had the effect of empowering authoritarian rule in Nigeria. The Nigerian government exercised greater state control over Muslims in light of the disastrously violent effects of the Maitatsine movement. The established Islamic leadership in Northern Nigeria had little choice in the matter and in the end they supported the policy of disempowering movements similar to that of Maitatsine (Kastfelt, 1989, 84). Rather than suffer the same consequences as the Izala movement, other Islamic movements decided to move closer to the mainstream.

The years under the rule of Babangida (1985-93) and Abacha (1993-98) experienced periodic moments of religious conflict. Although members of the Hausa-speaking north occupied key positions of influence in the governments of Babangida and Abacha instances of religious conflict occurred. Religious riots occurred in Kaduna State in 1987 and 1992. In 1992, members of the Hausa and the Kataf ethnic groups engaged in a violent conflict that came to be referred to as the Zangon-Kataf crisis. This conflict pitted Muslim Hausas against predominately Christian Katafs and it led to reprisal killings by both sides. Religious differences also led to conflict in the state of Bauchi in 1991.
The Death of Abacha and the Election of Obasanjo

After the death of Abacha in 1998 and return to democratic rule in 1999, the dynamics of religion and politics changed dramatically. In a certain sense, after the many years of despotic and personalistic rule, Nigeria emerged as a new democratic state. An analogy can be drawn between the post colonial power grab and the post dictatorial era power struggle. At the end of post-colonial era, ethnic groups acquired as much power as possible in order to protect their respective interests. Likewise, the struggle for political power in post-Abacha Nigeria possessed a similar winner-takes-all attitude. The apprehension of the consequences of diminished power made elements of the national coalition more self-conscious, more threatened, and engendered an intense power struggle within the various ethnic identities. The Ibos, Yoruba and Hausa did not want to see a rival ethnicity control all the political power. In this case the Hausa, among others, resorted to the use of ethno-religious identity as tool for political empowerment. The instrumentalist approach to ethno-religious identity is applicable to the contemporary case of Shari’a implementation in Northern Nigeria. By insisting on the importance of Shari’a, northern political elites were simply manipulating religion for personalist goals. In the case of Shari’a, religion is an instrument for acquiring “prebendalist concessions in the distribution of power and wealth (Abubakar, 2001, 18).”

The relationship between Islam and politics has always been a source of debate. According to John Esposito, ever since its beginnings, Islam has been a “religio-political
movement in which religion was integral to state and society (Esposito, 1987, 1).” With Islam, the line that delineates politics and religion has always been extremely nuanced. Proponents of Shari’a in Northern Nigeria espouse a strict literal interpretation of the Qur’an. For several decades the government of Nigeria was led by Hausa speaking generals from the north and a severely entrenched patronage network allowed Northern elites to profit immensely. The Hausa monopoly on power was dissolved by means of the democratic election of 1999 that witnessed the election of retired General and former President Olusegun Obasanjo. The accession to power of Obasanjo significantly altered the political power structure of Nigeria and as a result the Hausa were left with less political leverage. In the eyes of Hausa speaking elites, the reconfiguration of the Nigerian political power structure was unjust. Obasanjo is not only a Yoruba and a southerner, he is also a born-again Christian. Religious fundamentalism typically emerges from sentiments of disenfranchisement and political marginalization. The case of Nigeria is similar and members of the Northern elite promoted the idea of Shari’a law as the response to a perceived threat arising from the loss of political power.

Proponents of Shari’a law presented their agenda as an attempt to reform a corrupt and decadent society. Despite the pious rhetoric, the movement has been widely interpreted as an effort by Northern Muslims elites to demonstrate autonomous power. The implementation of Shari’a law can be interpreted as a form of religious fundamentalism. In some regards, supporters of Shari’a law can be considered part of a fundamentalist movement. In the context of the developing world, fundamentalism is
attractive to people who are disenchanted by inequalities and injustices in their country’s political economic system (Handelman, 2000, 33). In the Northern Nigeria context, fundamentalism invokes a strict interpretation of Muslim religious codes which arises from or comes to prominence in times of crisis, real or perceived. The sense of danger may be attributed to oppressive and threatening social, economic, or political conditions, but the ensuing crisis is perceived as a crisis of identity by those who fear extinction as a people or absorption into an overarching syncretic culture to such a degree that their distinctiveness is undermined in the rush to homogeneity (Marty and Appleby, 1993, 22-23).

For local politicians in Northern Nigeria, Shari’a was an excellent instrument for gaining support from a population that was economically disadvantaged and frustrated from years of living under brutal military rule (Maier, 2000, 144). The population in Northern Nigeria is predominately rural and illiterate as well as politically marginalized. Shari’a law gives the rural poor a sense that they are part of the political process as the laws are shaped by their own religious identity. Shari’a law, as it has been used in Nigeria, espouses a strict literal interpretation of Qur’anic verses that relate to governance, justice and penal codes. The Nigerian Constitution invokes a provision for Shari’a law to cover personal law issues of inheritance, divorce, child custody, etc, rather than criminal law. Although media coverage of Shari’a law has focused on high profile cases that deal with adultery and harsh punishments, the vast majority of the cases have to do with more mundane criminal acts such as cattle rustling and petty theft. Through
Shari’a law, activities such as drinking, prostitution and gambling were outlawed in addition to tamer actions such as praise singing and integration of the sexes in public places (Miles, 2003, 58)

In October of 1999, the state of Zamfara instituted the first Shari’a based system of governance. The governor of the state of Zamfara, Al Haji Ahmed Sani Yerima, led the movement to introduce Shari’a. Yerima argued that the majority of Zamfara’s population is Muslim, therefore it is only logical that they follow Islamic law. Shortly after Shari’a was implemented in Zamfara, several other northern states considered following the same route. In all, twelve of the nineteen northern states in Nigeria have now declared Shari’a as the legal code. It has also been reported that promises of financial support from Saudi Arabia in the form of hard currency persuaded northern governors to push for Shari’a law. Saudi Arabia was interested in witnessing the spread of a deeper form of Islam and financially destitute states in Northern Nigeria were more than willing to accept the offer of the external aid.

The state governments of Northern Nigeria lacked any concrete plans in terms of integrating into society the prostitutes, musicians and bar owners who would potentially lose their employment under Shari’a law. In one instance the governor of the state of Sokoto, Attirhu Bafarawa, offered cash to prostitutes and musicians to inspire them to give up their respective forms of commerce (BBC, September 15, 2000). Rather than wait on inconsistent, politically motivated government handouts, many sex workers, bar owners and musicians, preferred to move across the border to continue their respective
trades. Niger provided an exit option for those who wished to avoid the severity of life under Shari’a law in Northern Nigeria.

**Islam and Politics in Niger**

Niger, in contrast to Nigeria, is a predominantly Muslim country and it has not experienced the bifurcating effects of religious cleavages. Niger’s religious homogeneity has prevented it from enduring the type of religious conflict that Nigeria has witnessed. Starting with the French, and continuing into the contemporary context, the Nigerien government has remained decidedly secular. This is due partly to fact that the French, unlike the British, did not empower traditional politico-religious institutions. Post-colonial Nigerien governments have continued in the same fashion as their colonial predecessors. During the democratic convention of 1991 the conveners decided that Niger must remain secular and they prohibited several Islamic political groups from gaining power. The convention of 1991 confirmed that Niger would remain what is referred to as a laïque, or secular state. In fact, the government has gone so far as to imprison more radical members of the Muslim community who have attempted to voice their opinion. In November of 2000 demonstrations by Islamic fundamentalist groups resulted in the Nigerien government banning six fundamentalist organizations. In April of 2002 the same organizations denounced the secular status of the Nigerien state and advocated the implementation of Shari’a law. The government responded by arresting
the leaders of the organizations and charging them with inciting a revolt (U.S. State Department Report on Religious Freedom, 2002, 2). The government of Tandja has acted in a consistent manner in its denunciations of Islamic fundamentalism and this policy has been greeted with public support (Davis and Kossomi, 2001, 85).

The Islam that is practiced in Niger is based largely on Sufi brotherhoods which are typically tolerant. During the years of authoritarian rule the government closely observed Islamic associations and did not allow them to have high profiles. In the late 1980s and early 1990s several Islamic associations were allowed to exist formally. Some of the Islamic associations attempted to play a role in the National Conference, but they were excluded from participating. The constitution remained secular and no widespread organized efforts have been made to replace the democratic government with one based on codes of Islam (Ibrahim, 1996, 69). Islam never became a highly contentious issue in Nigerien politics like it did in Nigerian politics.

Niger has not experienced an Izala movement, the likes of which have occurred in Nigeria. At the village level in Niger, Shari’a does exist as an informal and traditional part of governance. In Niger, village politics are a mix of traditional pre-Islamic law, Islamic law and occidental laws that were imported with colonization. The village chief who typically traces his roots of power to pre-Islamic times may resolve a conflict. In order to resolve a conflict a village chief may, for example, consult the Qur’an, use pre-Islamic magic and/or threaten the intervention of gendarmes. This form of governance is rooted in the beliefs of three different cultures and coincides with Ali Mazrui’s concept of
Africa’s triple heritage. Mazrui argues that Africa’s indigenous cultures, with Islam on one side and Western civilization on the other, have had political and economic ramifications (Mazrui, 1986, 239).” Although *Shari’a* is used on a limited basis at the village level it has not been used at the governmental level. The use of *Shari’a* at the level village is the manifestation of a traditional set of beliefs to resolve a local problem. In this context *Shari’a* does not have the instrumentalist characteristics that *Shari’a* does at the state level in Nigeria.

The differences in the religious and political climate that exist between Niger and Nigeria are pronounced. It is these variations that account for the way that people regard religion differently in Niger and Nigeria. Elites in Northern Nigeria have successfully led a push for the installation of *Shari’a* in Northern Nigeria. In Niger that has not been the case and the government on both the federal and local levels has remained secular. The next chapter will look at how these differences have been manifested and what the ramifications are for the country of Niger.
Chapter 4
The Consequences of Nigerian Shari’a Felt by Niger

Although trade and contraband activities with Nigeria have historically been a part of the Nigerien economy, the implementation of Shari’a changed the cross border dynamics of the relations between the two countries (Lund, 2001, 847). Black market trade between Nigeria and Niger in goods such as alcohol and peanuts are legacies of different colonial policies that existed in both countries. Even today the black market trade in petroleum products illegally imported from Nigeria is significant. The implementation of Shari’a, however, added a new wrinkle to the cross border economy that exists between the two countries. Because Niger has been and continues to be a secular state, it stands in stark contrast to the Shari’a based government in Northern Nigeria. Nigerians who sought access to alcohol and prostitutes were obliged to travel across the border to Niger and this demand created a supply. Although the Hausa in Niger and Nigeria share a common religion and culture, it became evident that the Hausa in Niger were willing to accommodate that which their Nigerian counterparts would not.

Essentially a people who subscribe to the same language, religious beliefs and value system have been divided by colonization and the division persists in the contemporary context. The division of ethnic groups is a pattern that is observable in many instances, as witnessed by the Wolof in Senegal and Gambia and the Ewe in Ghana and Togo. On the other hand it may not be colonization that created division within ethnic identity. It may be rather that ethnicities in Nigeria were compelled to sharpen
their identities in the face of disparities in wealth and resource control. By the
same token Niger’s lack of resources may have impeded the instrumentalist use of
ethnicity as a tool of empowerment. Does the economic disparity between an oil-
producing nation like Nigeria and an impoverished nation like Niger account for the
dichotomization of an ethnic group along international boundaries?

In Africa, borders do not inhibit economic activities; in some cases they actually
act as “corridors of opportunity.” Differences in policy and protectionist barriers are
advantages that can be used for financial profit (Meagher, 2003, 66). The secular nature
of the Nigerien government created a “corridor of opportunity” thanks to the
implementation of Shari’a law in Northern Nigeria. As a result, several villages along the
border with Nigeria have entered the space of the “corridor” and profited in economic
terms.

Three towns in particular underwent spectacular changes due to the illegalization
of prostitution, alcohol and prostitution in Northern Nigeria. Firgi, located within the
department of Maradi, was the first town to receive an influx of prostitutes, gamblers and
bar owners from Northern Nigeria (New York Times, Onishi, 2001). Mai Mujia and
Adare, found within the department of Zinder, also experienced drastic changes, but at a
relatively later date. This thesis focuses specifically on the villages of Firgi and Mai
Mujia.
**Firgi**

The first state in Nigeria to implement Shari’a law was Zamfara and it did so immediately after the election of Obasanjo at the end of 1999. People who were affected by the installation of Shari’a were those who the local government accused of taking part in un-Islamic activities. The most obvious purveyors of un-Islamic activities were bar owners and prostitutes. Almost as soon as the aforementioned activities were outlawed, these people were transplanted to Niger. After they moved to Niger, they assumed the new identity termed *baki*, or visitor. Firgi is quite literally on the border of Niger and Nigeria and it was the first town to undergo changes due to its close proximity to Zamfara.

A visit to Firgi reveals the magnitude at which life in border towns in the Hausa region of Niger has changed. Firgi is decidedly out of the way; it is not located on a major axis of transportation and the only way to reach it is by dirt road. It is, however, the first town that one reaches after crossing the border from Nigeria to Niger. On one side of the town, villagers carry on as they and the generations before them have done and it resembles a typical rural village in Hausa region in Niger. By contrast, the other side of town is the quarter where the *bakis*, have installed themselves. The dirt path that runs between the opposing sections of town acts as the interface between traditional and contemporary. The main intersection is where the local villagers have set up their new money making enterprises that are a direct result of the *bakis*. The part of the village that
is occupied by the *bakis* is located on the other side of the main intersection. This area is primarily composed of bars and living quarters for the prostitutes.

Many young men in the village bought motorcycles which they use to ferry clients back and forth from the Nigerian border. As dusk descends on the town, they mount their motorcycles and park in the center of the village ready to take prospective clients where they wish to go. Their clients are typically Nigerian men who desire to travel to Niger where they can take part freely in activities that are no longer allowed to exist in Nigeria. The motorcycle taxi men, known as *Kabu Kabu* in Hausa, for the most part procured their motorcycles on credit and they use their incomes to pay off the remaining balance.

Conversations with villagers revealed the extent to which the village has changed due to the introduction of *Shari’a* in Zamfara state in Nigeria. The tailors in the town expressed how their business increased due to the influx of prostitutes. In order to lure clients, sex workers demand to have the latest in fashions and Firgi’s tailors accepted the opportunity to make their clothing. A tailor named Maman Tela described the affect that the *bakis* had had on Firgi.

“After the arrival of the *bakis* I gained many new customers. I was able to make clothes for the women who have come to live in
Firgi. Unfortunately many of the women have left and I hope that they will return to give me more business.”¹

Other villagers related how the arrival of the *bakis* created the need for water merchants, masons, clothes washers and food preparers. A small restaurant on the main intersection of Firgi provides food to many of the *bakis*. The owner of the restaurant previously owned a restaurant in the nearby city of Maradi but moved back to his natal village of Firgi, because of the economic opportunities that emerged there.

The *Maigari* of Firgi was content with the arrival of the *bakis*. He found that their presence was welcomed and not at all negative. He expressed disappointment in the decision that was made by the local government to disperse the population of *bakis*. The decision to disperse the *baki* population reportedly came from President Tandja and local officials were responsible for carrying out the order. The *Maigari* lamented the loss of the majority of the *baki* population and he stated:

“At one point there were many *bakis* here, but the Sous-prefet sent them away. I did not have any problem with them and I hope they return. Some have returned, but there are not as many as there were before. If the government wants to chase them away again, that is their business².”

¹ This interview was conducted in July 2003.
² The interview was conducted July 2003.
The Maigari admitted that he had made money from the presence of *bakis* which primarily came in the form of tributes.

The village of Firgi has only one water pump to service the needs of the entire village. With the arrival of the *bakis*, the pump became overused and the overuse has resulted in frequent breakdowns. When the pump breaks down villagers must walk three miles to obtain water from a functioning pump in Nigeria.

**Mai Mujia**

Mai Mujia experienced many of the same changes that Firgi underwent. The town of Mai Mujia changed considerably after the arrival of the *bakis*. The neighborhood of the *bakis* is referred to as the *tudu*, or hill, and it is located in the western part of town that is closest to the border with Nigeria. Mai Mujia is quite literally on the border and foot traffic, and to a certain extent motorcycle traffic between the two countries is unfettered by border authorities.

Prostitutes make up a significant percentage of the *baki* population. There are three different classes of prostitutes that set up business in Mai Mujia. The wealthiest prostitutes occupy rooms that surround a small courtyard. They cater to the wealthiest clients and their standard of living is among the highest of the prostitutes in Mai Mujia. The second class of prostitutes occupies small *entrez couchezs* (a French term for a room
where you “enter and lay down”) that are grouped together in one courtyard.

These apartments ring the walls of the bar courtyard. The lowest socio economic class of prostitutes lives in grass and mud huts that occupy the fields that surround the town of Mai Mujia.

Interviews with Sarkin Baki revealed how Niger has changed as a result of Shari’a law in Nigeria. Sarkin Baki is literally translated as the “chief of visitors.” He is a traditional leader in that he answers to and was named by the chef du canton who is based in the traditional regional capital of Kantche. On the other hand, he is not traditional in that he is not a member of nobility and does not trace his lineage to the traditional leaders. He was appointed by the chef du canton to deal with people who emmigrated to the area from other areas. Sarkin Baki provided great insight into the attitudes of Nigeriens. He stated that, “it is a good thing that Northern Nigeria implemented Shari’a, because the use of holy Qur’anic law prevents people from doing bad things.” At the same time he is grateful for the arrival of the bakis who have brought blessings and good luck to Mai Mujia.

Sarkin Baki has greatly profited from the arrival of bakis. The bakis must buy land on which to build their homes and Sarkin Baki has sold tracts of land to the bakis in addition to renting them rooms in his houses. He also collects taxes from each of the bakis who has moved to Mai Mujia. Finally, he, for a fee, resolves conflicts that frequently occur among the baki population. When asked if Mai Mujia should also adopt
Shari’a law, Sarkin Baki replied that it would be a good thing despite the fact that it would eliminate all the good things brought by the bakis.

El Hadjia Fatouma Zara is one of the people who has helped to enhance Sarkin Baki’s economic status. Fatouma Zara, originally from Maradi in Niger, worked as a prostitute in Kano up until Shari’a was introduced in the Nigerian state. When she perceived the threat of Shari’a to be real she moved all of her belongings to Mai Mujia in Niger and continued to work as a prostitute. She explained why she moved to Mai Mujia and how the village has changed as a result of the implementation of Shari’a in Northern Nigeria.

“Shari’a chased out a lot of people. They did not like our kind of business. Tandja [the current president of Niger] refused to do Shari’a in Niger so many of us moved to here, where we would not be bothered. Before Mai Mujia was empty, now it is full. I bought a piece of land from Sarkin Baki for 70.000 cfa [a little more than $100.00] and I plan to build a restaurant on the land. Both Sarkin Baki and the police have made money from the bakis and the police do well because many of the bakis do not know their rights. If the bakis get in trouble with the police they are forced to give them money or to sell their belongings, such as a mattress or clothes in order to get free.”

3 The interview was conducted August 2003
Another prostitute, El Hadjia Doguwa, echoed Uma’s sentiments. She too had left Nigeria after Shari’a had been introduced.

“I used to live in the town of Daura. After I found out that Shari’a would be brought to Nigeria, I sold all my belongings and moved to Mai Mujia where I bought a house from Sarkin Baki. I did not want to be locked out and lose all of my belongings. The house that I bought has four rooms and I rent them out to other women who have relocated here.”

El Hadjia Doguwa receives women when they arrive from other towns. When a new woman arrives in Mai Mujia, they are often directed to El Hadjia Doguwa’s house. In addition to providing housing to women, she gives them advice on how to find their way, financially and socially, in Mai Mujia.

Villagers have experienced an increase in economic opportunities since the arrival of the bakis. The arrival of the bakis created many new service industry jobs, which range from food preparation to laundry cleaners and water carriers to construction workers. The first segment of the population that benefited was the traditional chiefs due to the fact that they were able to rent their houses to the bakis. Chiefs are the modern

---

4 The interview was conducted August 2003
legacy of a pre-colonial feudal system and they still own significant plots of land and houses. Traditional Hausa chiefs in Niger also typically own the land that surrounds their respective village. Due to lack of multi-storied buildings, villages tend to grow outwards and not upwards. As the chief owns most of the land that surrounds the village, it is he who is remunerated for the land that is built on.

The second sector of the economy that benefited was the masons who were employed in the construction of new houses. In small towns it is especially difficult to find rental housing because most houses are occupied by the very people who built them. New houses needed to be built to house the bakis, therefore brick builders, masons and water carriers all experienced a dramatic rise in employment opportunities. Local women as well took advantage of people in need of food. Women set up informal restaurants that serve the basic needs of people in search of food.

Since Shari‘a was implemented in Northern Nigeria, three bars were constructed in Mai Mujia. Two of the bar owners are Nigerians who relocated their business to Mai Mujia. The third bar owner is a Nigerien who also owns a bar in Matameye. The sole bar proprietor of Matameye has all but abandoned his bar there and moved all his operations to Mai Mujia. The economic opportunities in Mai Mujia far outweigh those that exist in Matameye, despite the fact that Matameye is the regional capital.

There is also a vibrant live music scene that has emerged since the dawn of Shari‘a in Northern Nigeria. Under Shari‘a law the performance of live music has been
proscribed in Northern Nigeria. Each of the recently opened bars had live
house bands that performed late into the night. Additionally there were acoustic groups
that played in an informal fashion on the dirt streets of Mai Mujia. At least one of the
orchestras consisted of musicians referred to as Yan Bori. The Yan Bori are members of
Hausa society but are differentiated because some of them are possessed by spirits, or
iska. No longer allowed to perform in Nigeria, Yan Bori musicians moved to Mai Mujia
where they could play as they wished and not face any form of politically motivated
religious persecution.

All of the economic opportunities resulted in what most villagers refer to in Hausa
as cin gaba which can be defined as development. Cin gaba translates literally as to
move ahead and figuratively as to progress or to develop. In effect, villagers in Mai
Mujia and Firgi interpreted the changes as overwhelmingly positive. Although the
changes were ostensibly ephemeral and only consisted of menial service jobs, they
referred to the changes the same way that someone would refer to an improvement in
infrastructure. The vices, such as prostitution and gambling that have been imported into
Niger stand in direct opposition to the religious values of the Hausa who reside there. It
is therefore somewhat ironic that the importation of “Haram” like, or un-Islamic,

5 Cin gaba is most typically considered to be a positive development. On the way to Mai
Mujia I passed through the town of Kantche which had recently received electricity. The
villagers commented to me that they had experienced cin gaba. July 2003
activities elicited the use of the descriptive word *cin gaba* by the local population in Niger.

Another word that Nigeriens used to describe the changes brought about by Nigerian *Shari’a* was “*bunkassar tattalin arziki,*” which translates as economic development. This term was used most frequently by traditional leaders to describe the improved economic situation. As traditional leaders benefited the most from the changes it is understandable that they would use the most forceful, positive terms in their vocabulary to characterize the changes. They referred to the time before the *bakis* arrival as pre-*bunkassar kasa* and the time after the *bakis* arrival as post-*bunkassar kasa.* This demonstrated the dichotomy of the time period that existed before the presence of *bakis* and after the arrival of the *bakis.*

“*Sabkar Alheri*” is yet another term that is frequently used to characterize the effects of the *bakis*’ presence in Niger. *Sabkar* translates as to bring or to place upon while *Alheri,* a word with roots in the Arabic language, is defined as kindness or generosity, or that which is good. The use of *sabkar alheri* by villagers has thoroughly positive connotations and it demonstrates their attitude towards the changes that have been brought about by Nigerian *Shari’a.* Villagers oftentimes made references to the importance of the *bakis.* Here they used the word *anfani,* which translates as importance or usefulness.
The reaction of the villagers towards the *bakis* is somewhat surprising in light of the negative consequences of their presence. Rather than harping on the unsavory attributes of the *bakis*, most villagers look to the advantages that the *bakis* have engendered upon the village. It is difficult to understand how the overwhelming majority of villagers would be content with the addition of several hundred prostitutes to its population in spite of the numerous possible negative consequences. Due to the nature of the imported activities it is entirely possible that incidences of criminal activity could increase. Sex workers have high incidence rates of HIV/AIDS and some of the villagers could become contaminated through sexual relations. By at least one account HIV/AIDS rates for the village of Firgi had risen dramatically. Although Niger in general has low HIV/AIDS infections rates compared with other Sub-Saharan African countries, the regional director of public health in charge of Firgi found significant rates of infection among the population. The public health workers tested 200 of the prostitutes in Firgi and found that approximately one in three tested positive for the disease (Reuters, January 10, 2002). Despite these alarming numbers, the population of Firgi had little opinion of the potential epidemic in their village. In addition, a concentration of gambling, prostitutes and bars in a small, predominantly Muslim village, stands out conspicuously. It is possible that many villagers would not be able to reconcile the presence of these types of establishments. Remarkably, however, the villagers of Mai Mujia, Adare and Firgi were not distraught by the *bakis*’ presence; overall they were actually quite content.
Although Nigeriens were overwhelmingly satisfied with the changes, they were still disillusioned with the lack of improvements in infrastructure. The chief of the village of Mai Mujia, El Haji Maman Maigari, not to be confused with Sarkin Baki, stated the village had undergone development (*cin gaba*). The Maigari is the chief of the village and he, unlike Sarkin Baki, holds claim to a royal lineage. He referred to the period before the arrival of the *bakis* as *pre* “*bunkasser kasa*” and the time after their arrival as *post* “*bunkassar kasa*.” Despite the positive changes, the Maigari expressed his disappointment that there was still no pump, medical clinic or electricity and only a small school in the village. The sudden growth in population had placed an extra burden on the school and exposed the lack of available medical care. The Maigari expressed incredulity that the government could not make a commensurate amelioration in basic social services.

A Hausa businessman based in Niger echoed the Maigari’s comments and recognized the economic impact of the *bakis*. He stated that “*In wane ya zo ya zama kudi*” (If a *baki* arrives, he or she brings money). He also explained that as a result of their arrival business is better. They bring money to Mai Mujia and they also spend money in Mai Mujia. The businessman, however, also noted that since the *bakis* arrived the government has constructed a new police post, but has made no other significant improvements to the infrastructure of Mai Mujia. The businessman, in a certain sense commodified the *bakis* who have come to live in Mai Mujia. He recognizes the economic impact of the *bakis*, but at the same time bemoans the lack of an investment in
infrastructure. A new police station is a way of surveying the local population and the *bakis* but does not significantly enhance the living standards of the people who inhabit Mai Mujia.

Another small, yet telling, example of how the imported activities have redefined trans border economies is in relation to entertainment. Traditional wrestling is the most important sport in the Hausa culture and groups of wrestlers typically tour the Hausa region, giving performances and collecting money. During the last wrestling season, which coincides with the dry season, a team of Hausa wrestlers stayed in Mai Mujia for over a month. Normally wrestlers stay in town no more than one day, but due to the economic opportunities in Mai Mujia, the wrestlers extended their stay there by over one month. The group of wrestlers was supposed to have toured the Zinder and Maradi regions, but they instead chose to extend their time in Mai Mujia. The president of the wrestling association in Matameye pleaded with them to come to the *Maison des Jeunes* (Youth Center) of Matameye to put on an exhibition, but they refused. They could earn 5000 cfa (1000 naira) a day in Mai Mujia, while they would only be able to make 500 cfa (100 naira) in Matameye. They also received better housing and greater notoriety during their stay in Mai Mujia.

Not only have prostitutes from Nigeria settled in Mai Mujia, but prostitutes from other parts of Niger have moved to Mai Mujia as well. Interviews with sex workers revealed that a number of them are actually citizens of Niger. Several prostitutes intimated that once they had heard that Mai Mujia possessed an active market in
commodified sexual relations they moved there. Many sex workers had left larger towns, such as Niamey, Arlit and Zinder to relocate to Mai Mujia because of the economic opportunities there.

Groups of *bakis* have gone so far as to print invitations to people in Nigeria that may be interested in the goods and services that they provide in Mai Mujia. Pamphlets are frequently printed up and sent to people in Nigeria who may be interested in attending large scale parties in Mai Mujia. The cards essentially recruit people to come celebrate with their friends and relations who are based in Mai Mujia. The parties offer attendees the opportunity to socialize in a manner that resembles pre-*Shari’a* Northern Nigeria. For a sum of money people can attend the event which offers food, dancing and usually live music as well.

Changes in Niger due to Nigerian *Shari’a* have not just been felt in towns along the border. The regional capitals of Zinder and Matameye have become weekend destinations for Nigerians not willing to abide by, or in some cases not willing to clandestinely violate, the austere measures brought about by *Shari’a* law. While towns like Mai Mujia and Firgi are in close proximity to Nigeria they do not provide the modern infrastructure such as running water and electricity.

In Nigeria, certain elements associated with traditional Hausa weddings have been somewhat diminished under *Shari’a*. Integral components of a traditional Hausa wedding such as dancing, drumming and praise singing have been seriously proscribed in
some parts of Northern Nigeria (Miles, 2003, 51). Many Nigerian couples, who can afford the cost, choose to have a civil ceremony in Nigeria and travel en masse to cities such as Zinder in Niger to celebrate traditionally. Weekends are the most ideal time to celebrate weddings and on weekends it is not unusual to see convoys of sixty cars or more headed to Zinder to celebrate a wedding ceremony. The wedding parties typically completely book the better hotels in addition to renting several houses for the visitors. In addition griots, or traditional singers, from Nigeria and those from Niger converge on the site of the wedding. The most high profile wedding of this nature was that of the son of the late Nigerian Head of State Sani Abacha. It took place in Zinder in 2002 and according to Nigeriens who witnessed the festivities, it was the most spectacular wedding that had ever taken place in Zinder.

*Hausawa*, meaning Hausa people, from Nigeria could just as easily head south to non *Shari’a* states to partake in activities that have been outlawed in their own states. The Nigerians I talked to prefer to travel to Niger because they prefer to stay within their own culture. A trip to Lagos, Abuja or Ibadan does not provide the sense of a cultural security blanket that a visit to Hausaland in Niger provides. To Nigerians it is preferable to spend money and socialize within a culture that is easily navigated and understood. They also seem to enjoy the fact that they are economically superior to their Hausa cousins who are just across the border. This points to the unity and homogeneity of an ethnic group that is otherwise divide by borders and legal systems.
The dismal economic situation in Niger forces many men to travel to wealthier countries in the sub region in search of work. This phenomenon is referred to as seasonal labor migration and Nigeria and until recently Cote d’Ivoire, are the most popular destinations. Historically, work migration to countries south of Niger has been an integral part of the region’s economy and there is even a Hausa term, cin rani, that describes the phenomenon (Lund, 2001, 847). The influx of people to border towns along the Nigerian border has had an effect on the seasonal labor migration of Nigeriens. Many Nigeriens who typically went to coastal countries in search of jobs have now decided to remain in Niger. New job opportunities in border towns have encouraged Nigeriens to stay at home. One example of this trend is a local Hausa trader who formerly made his living by traveling to coastal countries such as Ghana and Cote d’Ivoire to sell traditional Hausa medicine. The trader found that economic opportunities in Mai Mujia enabled him to remain there year round. His new profession is selling cloth that is then used for making clothes.

The Reaction of the State of Niger

The authorities of Niger have limited options in the way that they can react. Due to the fact that influential people such as traditional chiefs and local authorities are profiting from the changes, it is not evident that the government is compelled to intervene on the behalf of its citizens. A dire economic situation has also limited the ways that the
Nigerien government can provide support to the communities that have undergone changes. With exception to the occasion when the president of Niger dispersed the community of *bakis* in Firgi, the state has not made any direct attempts to deal with changes that have occurred in towns like Mai Mujia. The effort to disperse the *baki* population in Firgi forced many of them to relocate in Mai Mujia. Villagers in Firgi were aware that the *bakis* had left them and relocated to Mai Mujia. Rather than deal effectively with the problem, Tandja invoked a temporary remedy that only served to scatter the *baki* population through other parts of Niger.

Interviews with local political leaders provided insight into how they perceived the changes that Niger had undergone. The Prefet of Zinder recognized that *Shari’a* in Nigeria had brought changes to Niger, but no changes of real consequence. The sous-prefet of Matameye who administrates Mai Mujia, acknowledged that Mai Mujia had experienced changes and that he, in fact, had done all he could to accommodate any Nigerians who had come to Niger.

The only organization that has intervened on behalf of the *bakis* and the general population of Mai Mujia has been an HIV/AIDS outreach program led by the INGO (International Non-Governmental Organization) CARE International. CARE has actively tried to help women open more legitimate businesses that will lead them to economic independence. They have encouraged women to start businesses such as restaurants and boutiques. In order to raise capital they have tried to set up a credit collective for the prostitutes who have flocked to Mai Mujia. To promote safe sex and entrepreneurialism,
CARE sells condoms to women for 10 cfa and the women resell them for 20 cfa. CARE teaches the women that they have the right to exile in Niger and also inform them of their rights. The intervention of CARE provides another example of an NGO that provides social services to a population that the state is inadequately prepared to help. In the face of structural adjustment, African states find it increasingly difficult to provide social protection to their citizens.

The towns of Mai Mujia, Firgi and Adare can be considered as *entrepot* border villages. What creates informal trade between nations? One of the determinants is the differences in politics and economics. Mechanisms of economic regulation account for disparities in political economy. A country could, for example, take measures to control incoming trade, manipulate import and export subsidies, restrict or liberalize customs tariffs. The closing of bars, brothels and casinos has limited the supply of such establishments in Nigeria. Though they still exist, they are not as prominent as they once were.

Is simple economics at the base of the division of the Hausa ethnic identity along international boundaries? Niger has been recognized by the UN as one of the five poorest countries in the world. The most telling indicators of socio-economic underdevelopment are endemic in Niger. The life expectancy at birth is forty-one years, there is one physician for every 35,000 people, and the adult literacy rate is only 13.6 %. Niger’s primary resource, uranium, was a great source of revenue in the 1970s but as the market for uranium dried up so did its economic potential (Ramsey, 2001, 38). Nigeriens
subsist primarily on agriculture and animal husbandry, but deforestation,
overgrazing, desertification and soil erosion have made it increasingly difficult for people
to eke out a living.

Nigerien’s interpretation of the Shari’a induced changes demands a reassessment
of the term development within the context of Hausa culture. Is mere economic
advancement the only tool by which to measure development? The common indicators
of development, such as access to health care, clean water and education have not
experienced any amelioration in Mai Mujia, Firgi or Adare.
Chapter 5
Conclusions

Now that prostitution, gambling and bars have increased dramatically in Niger’s border towns it is necessary to examine the broader implications for the state of Niger and its citizens. The changes in Niger raise a host of issues that are worth debating. Some the issues are the strength of African states, the saliency of patron clientele networks in African states, and the nexus between religion and politics.

Will more conservative elements of Islam surface and attempt to combat the changes? In Nigeria it was members of the political and religious elites from the north who introduced the movement to implement Shari’a law. Is there a chance that segments of the population of Niger will move towards the conservative end of the Islamic spectrum in light of the importation of un-Islamic activities? Due to the fact that most of the changes have occurred in small border towns, the vast majority of the population is not aware of how Shari’a in Nigeria has affected life in Niger. The changes have been confined to a small portion of the country. Islamist movements are located primarily in large towns and have not made any concerted efforts to drive out what in some ways Nigeria pushed in. An interview with the secretary general of the Islamic Association of Niger, El Hadji Halidou Djibo, revealed how his organization has interpreted the changes.

“We are aware of Shari’a in Nigeria and realize that it has caused changes in Niger. Gambling, prostitution and drinking have increased in Niger because Nigeria
has outlawed such activities. We lodged a complaint with the government and they reacted but it did not completely fix the problem. The state will not let us implement *Shari’a* although that is our goal. 

**Patron-Clientele Networks**

Within the context of Niger, the patron clientelism that emerged long before the contemporary era continues. In the period since the introduction of *Shari’a* to Northern Nigeria patron/clientelism has become especially salient with the emergence of increased border traffic. Rent-seeking, another form of patron-clientelism, demands that those who seek a favor must pay a fee.

Lemarchand argued that there are three forms of patron-clientelism. I posit that the current situation in Niger demands the creation of a fourth possible form of clientelism, which is the reinterpretation of the client’s original identity so as to ideologically differentiate himself. In this case the Hausa of Niger seemingly neglect transgressions against cultural and religious norms that are central to their way of life. The Hausa are an ethnic group that is united by religious, cultural and linguistic

---

6 Djibo referred to the time when the president of Niger, Tandja Mamadou, personally ordered that the *bakis* of Firgi disperse. This occurred shortly after an article detailing the changes in Firgi appeared in the New York Times. The interview with Djibo took place in July of 2003.
similarities yet the manifestation of *Shari’a* in Nigeria has revealed vast differences between the Hausa in Niger and Nigeria. By allowing activities to flourish in Niger that are no longer allowed to exist in Nigeria, it is possible that the Hausa in Niger are forming a new cultural identity, at least in towns that are close to the Nigerian border. This new identity is a form of secularism that is characterized by the tacit acceptance of activities that have been outlawed in Northern Nigeria.

Political officials play down the impact of the changes that have occurred in Niger. Members of the government profit from the changes. *Douanes* (customs agents), police and gendarmes profit from increased border traffic. *Douanes*, in particular, profit from the situation. Ever since a border was put in place between Niger and Nigeria, Niger has looked to the south to Nigeria for imported goods. Nigeria has a coastline and is able to easily import goods from Europe, Asia and other regions. These goods are then sent north to Niger, a landlocked country that does not possess a port. Secondly, Niger is an arid region and for reasons of food security, Niger must import food products from Nigeria. Due to these reasons Niger relies heavily on Nigerian exports. As more goods and products are imported from Nigeria to Niger more opportunities of profit seeking are available to *Douanes*. Additionally, there is an increase in Nigerians who travel to Niger to partake in activities that have become illegal more instances arise for profit seeking. Nigerien police are part of the Ministry of Interior and are thus responsible for
immigration formalities in Niger. Increased cases of immigration from Nigeria to Niger offers police officials greater opportunity to exact profit seeking. The greatest amount of power abuse occurs in interactions between rent seekers and the newly arrived *bakis*. The resolution of disputes which involve marginalized actors unaware of their rights are perfect occasions for profit seeking patrons. The changes in Niger work to further entrench pre-existing patron clientele networks.

The movement of people from Nigeria to Niger has also given rise to increased patron clientelism. Interactions between the powerful and the powerless are the central tenets of patron clientelism. Lack of personal identification is one of the most frequent means by which a policeman or gendarme can stop someone. In a highly illiterate society like Niger, citizens are acutely unaware of their civil rights and this leaves them vulnerable to people in positions of relative power. Prostitutes are some of the most frequent victims. Prostitution is usually regarded as a profession that is practiced by those who are financially strapped and lacking in formal education.

If a prostitute is to work she must have a card that is signed by a government employed medical technician which ensures that she is in good health and not carrying any contagious diseases. Although the medical visit does not include a test for HIV/AIDS, the prostitute may continue to work as long as she shows no external signs of illness. If however the prostitute does not have her health card stamped by a health technician the police can prevent her from working. The hospital where the prostitutes get their exam done is in Matameye, which is 25 miles away. This situation has given
rise to instances where sex workers must pay a bribe to police if they are found
to not have the proper paperwork. Due to prostitutes’ marginalized social standing they
are not a segment of society that has much legitimacy in defending their rights. Informal
transactions between authorities and prostitutes works to further entrench the system of
patron clientelism.

**Trans-Border Economy**

The movement of prostitution, gambling and bars to Niger is yet another
contemporary example of how borders in Africa create artificial differences. The
existence of Shari’a banned activities in Niger is an alternative structure for economic
accumulation. One strain of literature argues that “cross-border trade in some ways
constitute an economic alternative to an increasingly weak state (Hashim and Meagher,
2000, 20).” Once again an African border has acted as a “corridor of opportunity.” But
rather than a corridor of opportunity that is based on protectionist borders or subsidized
prices this corridor is rooted in differences of internal rules of governance.

Hashim and Meagher also point to the fact that the ideological role of Hausa
commercial networks has been historically shaped by the needs and opportunities of the
prevailing economic context. Modifications in the characteristics of interregional
markets have incited adaptations in the identities of participants and they way that they
act. In the case of *Shari’a* law in Nigeria, prostitution, gambling and alcohol have been
outlawed in some regions and as a result the identities of participants in transborder markets have changed. Some Nigeriens have altered the way that they participate in the interregional market in order to maximize their profit making possibilities. The creation of bars, brothels and gambling casinos has created a sub-culture in Niger. Some of the groups that were forced to leave Nigeria have banded together and formed a sub-culture. The group is a mix of non-Hausa businessmen, Hausa prostitutes and local Nigeriens who adapted their businesses to the changes engendered by Nigerian Shari’ a.

Informal trans-border business, such as in the case of Niger is an important resource for economic development, but it is not capable of being integrated into a regulatory framework that may support the state. This limits the positive implications that could exist from the significant economic impetus. As most of the increased economic activity is informal in nature, very little of it ends up benefiting other segments of the population. It is also important to identify the negative aspects of the changes that accompany the economic advantages. A rise in patron clientele networks, possible increases in HIV/AIDS cases, and increased stress on beleaguered infrastructure are all drawbacks. Due to an influx of immigrants, elements of Niger’s infrastructure, such as schools, potable water sources and health care, are forced to accommodate additional use and are ultimately overtaxed. If political and traditional elites continue to profit economically without making improvements to infrastructure in Niger those who are politically marginalized could suffer serious consequences. Elites are able to profit in a
courtesan state at the expense of lower socio-economic classes. The state of Niger has become so weak that it is not in a position to intervene on behalf of its own citizens. During the period of economic prosperity associated with the Uranium boom Niger was able to provide more services for its citizens but as of late this has become increasingly difficult.

**The African State- Weakness or Transformation?**

The implementation of Shari’a law in Nigeria and the reaction to it by the state of Niger are two clear examples of the inherent weakness of the African state. In some instances there have been states that have been plagued by neglect, corruption and incompetence which has resulted in the inability of the center to care for the periphery. The villages that have been affected by Nigerian Shari’a are members of the periphery and they have been ignored by the center.

This study has also pointed to the trend of increasingly incapacitated African states. Zartman identified two rounds of state collapse that have occurred in Africa. The first occurred in the immediate post-colonial era and the second emerged in the 1990s. A weak state has a lack of support from its people and does not exercise of control over its people. A weak state is also characterized by the fact that people know that it is incapable of providing supplies (Zartman, 1995, 5). Some observers have argued that
weak states are created through the instrumentalization of disorder and this has been profitable to African political elites (Chabal and Daloz, 1999, 13-14). In this school of thought, the weak institutionalization of political practices actually gives rise to profit making enterprises. Both Niger and Nigeria exhibit attributes of states that have been, to a certain extent, incapacitated. A severely weakened state such as Nigeria has allowed the implementation of a set of rules that are founded upon religious ideals that only speak to one segment of the population. Niger, on the other hand, is also weakened and it accepts the immigration of people who are no longer welcome in Nigeria. The *bakis* who have immigrated to Niger have not been integrated into the general population. Niger as a result of its acceptance of *bakis* and their business practices assumes characteristics of a courtesan state.

The concept of courtesan state is especially applicable in this context. Bars, brothels and casinos provide the services that are outlawed in some parts of Northern Nigeria. The establishments, some of which are organized transnationally, fulfill the demand that is in short supply in Northern Nigeria. The demand for bars and brothels created a market in Niger. The clients who visit the border towns of Niger not only engage in activities that are outlawed in Northern Nigeria, but they spend significant sums of the money that is ultimately infused into the local and regional economy. Mittelman’s idea of the courtesan state also contends that the state does not intervene on its citizens’ behalf in the face of more or less undesirable activities. In the courtesan state model, the state does not provide social protection but rather tacitly forsakes safeguarding
the local culture in favor of regional market forces. Social protection consists of, among other things, health care, education and household security. Niger’s government has not taken measures to adapt to the changes that have been caused by the implementation of *Shari‘a* in Nigeria.

*Bakis* are exploited in the patrimonial prebendal structure of Niger. *Bakis* are a new identity group that has emerged in Niger, but it will be interesting to see what position they will occupy in society. Will the *bakis* be part of a broader movement to dismantle patron clientele networks? If they are to be part of this process they will most likely have to organize in some sort of civil society groups. If civil society is the vehicle by which *bakis* can be integrated in Niger, the questions arises if a weak state like Niger can even sustain a civil society. Do Niger’s courtesan attributes engender an ignorance of the plight of the *bakis* and other people who live in the aforementioned border towns?

Another key question that must be considered is how the *bakis* will be integrated into society. The implementation of *Shari‘a* in Nigeria essentially created a new population in Niger. Will the *bakis* be integrated into society? Will they form civil society groups that will ultimately strengthen the state of Niger? It is more likely that they will be a marginalized population that ekes out an existence on the periphery of society.

Our review of the changes engendered by the implementation of *Shari‘a* in Nigeria raises a series of questions about a number of issues. It is sure that the border towns of Nigerien Hausaland have been transformed. Still it is important to query whether the state of Niger will change its view towards the changes that have engendered
the arrival of the *bakis*. It is important to consider the implications of *Shari’a* for Niger, especially in light of a population that is 90 percent Muslim. Will secularism prevail or will there be a shift to Islamic fundamentalism. In broader terms, this study is also is a statement about the weakness of African states, despite their move towards democratization.
Glossary of Political Science Terms

**Transnational** - Relations between members of different countries that do not involve the central government. An example of this could be an American church group that travels to Burkina Faso to work with a community there.

**Patron-clientelism** - a more or less personalized relationship between actors (i.e., patrons and clients), or set of actors, commanding unequal wealth, status, or influence, based on conditional loyalties and involving mutually beneficial transactions ((Lemarchand, 1972, 69).

**Democratization** - the process by which democratic institutions, political structures and values are routinized in a particular country. It is usually characterized by regularly scheduled transparent elections, active civil society participation, constitutionalism and the rule of law.

**Economic opportunities** refer to the creation and emergence of new markets and enterprises that are a direct result of a demand that can be linked to a lack of supply in Nigeria.

**Shari’a** - in a universal sense, a comprehensive religio-legal system covering all aspects of the individual’s relation’s to others and of the individual’s relation to God.7

---

7 Brown p24
Shari’a can be considered a map that guides the faithful Muslim down the path of a worldly journey (Brown, 2000, 24).

**Courtesan**- a state that does not provide social protection but rather tacitly forsakes safeguarding the local culture in favor of regional market forces. In the context of this study Niger displays characteristics of a courtesan state.

**Globalization**- a syndrome of political and material processes, including historical transformations in time and space and the social relations attendant to them (Mittelman). Globalization also refers to increased market integration, due in part to the proliferation of neo-liberalism. Some point to globalization as trend that emerged due in large part to the termination of the Cold War.

**Regional Integration**- the involvement of neighboring countries in collaborative ventures on a somewhat permanent basis. It is based on the desire to reject all that divides a region or sub-region (Lavergne).

**Structural Adjustment**- the liberalization of the economy through, among other programs, market reform, privatization, reductions in government subsidies and deregulation.
Glossary of French Terms

**Laique**- secular

**Douane**- a customs officer. Douanes are recognized as gatekeepers of trans-border commerce.

**Gendarme**- sometimes referred to as the military police of Francophone Africa. In many African countries they wield a great deal of power. They also typically hold higher levels of education than do their other counterparts such as police, military or customs.

**Arrondissement**- the equivalent of a county

**Prefecture**- the office of the prefet

**Sous-Prefecture**- the office of the sous-prefet

**Department**- the equivalent of a state or province
Glossary of Hausa Terms

**Bunkassar tattalin arziki** Economic development

**Cin gaba**- Development or progress

**Cin gaban jiha** Local development

**Baki**- a visitor

**Unguwan baki**- the neighborhood that consists primarily of bakis.

**Sarkin Baki**- the traditional chief who is responsible for bakis.

**Karuwai**- prostitututes

**Kudi**- Money

**Modty**- gambling, also known as cha-cha

**Giya**- alcohol

**Mai Waka**- singer

**Biki**- a party that celebrates any number of events, from a marriage to a baptism

**Talakawa**- The common class in Hausa society.
Informant Interview Research Questions

1. Are you familiar with Shari’া law?

2. What is Shari’া law?

3. Do you know that Shari’া is practiced in Northern Nigeria?

4. Are you aware of the way that Shari’ा has changed life in Northern Nigeria?

5. What is your opinion of the introduction of Shari’া to Nigeria?

6. What is your opinion of Shari’া in general?

7. Since Shari’া was initiated in Nigeria have you noticed changes in life in your town/village/region?

8. Would you associate any of the changes to the implementation of Shari’া in Nigeria?

9. If there have been changes, what have they been?

10. How do you view the changes?

11. Have you benefited from the changes?

12. In your opinion, have the changes been positive?

13. What are your feelings towards the way the Nigerien government has responded to these changes?

14. Have new economic opportunities opened up since Shari’া has been introduced in Nigeria?
15. If new economic opportunities have emerged, what have they been?

16. Do you attribute the economic opportunities to the introduction of Shari’a in Nigeria?

17. Have the economic opportunities been welcomed?

18. Do the economic opportunities outweigh any negative consequences?

19. Do you believe that Shari’a should be introduced in Niger?

20. Why should (should not) it be introduced in Niger?

21. What do you see for the future of Shari’a in Niger?
Figure 1  Map of Niger

Source: http://www.lib.utexas.edu/maps/africa/niger.jpg
Figure 2 - Map of Shari’a States

References

Interviews

During the months of July and August 2003 I interviewed people residing in the Nigerien villages of Mai Mujia, Firgi and Adare. I conducted over forty interviews and the following informants were quoted in the thesis:


Academic References


