

## SHARIA DESCRIBED

*The central problem of human life and society, according to Islam, hinges on man's relationship to sharia. Man is not self-sufficient. He is incapable of solving all the riddles of life or creating equilibrium and balance within human society, except with the help of divine guidance.*

—Jamilu Lawan, Kano<sup>1</sup>

*At its inception Islam created a political platform from which Muslims were to launch themselves on a global role as founders of great states, empires and a world civilization and culture. Political and cultural subservience goes against their grain.*

—The Muslim Manifesto by The Muslim Institute<sup>2</sup>

The purpose of this chapter is to introduce the sharia. Much spadework has already been done in Monograph 4, where I discuss the notions of secularism and wholism as Nigerian Muslims see them. This volume assumes you have read that volume.

Actually, sharia can hardly be discussed separately from the secularism-versus-wholism debate. The only reason the two have been separated is size and price control.

### ▲ DESCRIPTIONS OF SHARIA

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*Sharia is the Islamic law as ordained by Allah in the Qur'an and as practised through the Hadith and Sunna of the Holy Prophet Muhammad (S.A.W) and works of the Prophet's companion and other renowned Islamic scholars. It covers the whole of life of a Muslim from the spiritual to the intellectual, political, social and economic spheres. It preaches peace, justice, fairness and equality. It is the only legal system that cannot be amended to suit particular circumstances or time, because it is a divine command.*<sup>3</sup>

With these words the Zamfara State Government presented its “final stand on sharia” to its citizens. That is its working definition and that is what this entire book is all about. It is a controversial definition, as we will see in due time, that takes a definite stand on an issue that separates “conservatives” from “traditionalist-progressives,” a term coined by yours truly that I will explain in due time. Sharia is incumbent on leader and follower alike. Those who do not follow this law are unbelievers, even if they consider themselves Muslims. “The Government of Zamfara State therefore must govern Muslims in the state according to the provisions of sharia.”

And with this, all the turmoil about sharia moved up a few notches. There had been turmoil for some decades, but this time it heated up to almost the critical level of CA 1977.<sup>4</sup> With this action Governor Ahmed Sani in one fell swoop “overshadowed President Obasanjo’s media visibility.” For some months “he dominated the headlines in both print and electronic media,” rendering the President almost irrelevant as far as many people were concerned.<sup>5</sup>

According to Alhaji Y. Sodiq, sharia “literally means a straight

path that leads to a certain destination.”<sup>6</sup> Ado-Kurawa, to whom I will refer simply as “Kurawa” throughout this book for convenience’s sake, offers this generally accepted etymological definition of sharia: “a water hole where animals gather daily to drink water.”<sup>7</sup> When used to refer to Muslim law, it means “the law of Allah which He enacted for human beings in their beliefs, religions, moralities, socials, to regulate their affairs in all spheres of life for the purpose of achieving success in this world and the hereafter.”<sup>8</sup>

Abdulmalik Mahmud<sup>9</sup> has devoted a small but fine book on the history of sharia in northern Nigeria, but he managed only to give us what he himself called a “rough idea of the word ‘sharia.’” It means “Islamic law which contains all those legal injunctions for regulating the conduct of mankind regarding social, political and economic aspects and all civil disputes as well as crimes and punishments.” It is a “comprehensive set of rules which regulates every aspect of human endeavour.” One of its main objectives is to “shape the lifestyle of mankind, both individually and collectively, so that he lives on earth usefully and peacefully. No matter how little a conduct or an act of mankind, there is a provision in sharia which regulates it.” He then gives an example of the process of slaughtering a hen, every detail of which is governed by sharia—the state of the knife, the required spiritual ritual, the slaughtering protocol.<sup>10</sup>

Mahdi Adamu, Vice-Chancellor of the University of Sokoto, declared that “the study of Islamic Law is the study of the soul of the Islamic religion.” When lawyers practise sharia, they are engaged in an act of worship.<sup>11</sup> Abdullahi Mustapha affirmed, “For Muslims, the traditional Islamic socio-political order is firmly rooted in the Divine revelation.” The truth of that revelation “is verified by Islamic history.” The history to which he refers is the “Muslims’ glorious past—the vast expansion of the first Islamic centuries and scientific traditions.”<sup>12</sup>

When you touch upon the subject of sharia, you touch the very

heart of Islam. Khalid Rashid introduced the subject as follows: “If there is anything which is characteristic of and fundamental to Islam and Muslims, it is sharia.” He immediately added, “Muslims of Nigeria, particularly in the north, were totally governed by Islamic Law in the past.”<sup>13</sup> The main terms in these two sentences are “sharia” and “Islamic law,” and these are synonyms.

Justice Abdulkadir Orire, Secretary-General of *Jama’atul Nasril Islam* (JNI), a major national Muslim umbrella organisation, explained that “sharia means a highway or a way to water in an oasis in the desert. Legally, it is the divine law for all believers to follow. Just as water is dear to a man in the desert, so also is sharia to sincere Muslims, who can never live without sharia. There can never be true Muslims without sharia.” Orire reminds me here of Psalm 1:2-3, where the person who “delights in the law of God” is compared to “a tree planted by streams of water.”

Orire further explained the reason for sharia. For one thing, God is the Creator “who knows His creations better than they themselves.” Furthermore, man is “not perfect.” That being the case,

*he cannot make perfect laws. Every man in every age does not by himself know what is good or evil, what is beneficial and what is harmful. The sources of human knowledge are too glaringly limited to provide him with the unchanging truth. That is why God Almighty has spared man the risk of trial and error and revealed to him the law which is the right and complete code of life for the entire human race to follow.*<sup>14</sup>

However, law here must not be associated with the legal systems of secular countries. Lateef Adegbite, now Secretary-General of the Nigeria Supreme Council for Islamic Affairs (NSCIA), declared, “Sharia is not just a legal system or a set of laws. Sharia is about a way of life for Muslims that Allah has commanded [and] which is set out in the Glorious Qur’an as well as in the practice, the traditions and sayings of the Holy

Prophet Mohammed.” Adegbite again: “Sharia should not be restricted to law or legal system. It is very much wider, extending to all facets of life—social, economic and political. Thus, while we are saying Islam is a way of life, we have in mind sharia as a vehicle for the fulfillment of the goals of the faith.” Adegbite spoke about the “inevitability of the application of sharia in Nigeria,” given the fact that it is “too central to the Islamic religion and too deep-seated among the Nigerian Muslims that it cannot be wished away.”<sup>15</sup>

Abubakar Gwandu affirmed, “Sharia is part and parcel of Islam. It is inseparable from it.” It is only when it is accepted *in toto* that Muslims will “properly feel that their freedom of religion is granted without qualification.”<sup>16</sup> As Lateef Owoyemi put it, faithful Muslims cannot enjoy “religious freedom without their lives being largely regulated by sharia.” He added, “there is no halfway practice.” And hence, he declared, “the sharia issue will not rest until justice is done.”<sup>17</sup> That is to say, till sharia is fully established in the land and Muslims be freed from the secular system imposed by colonialists, the country will not come to rest. If that sounds like a threat, it is one commonly heard.

Baba Ejiga stated,

*The sharia is God's will. The sharia is God's law. Unfortunately, when people hear of sharia, they think only of its effect on the culprits, i.e., those who contravene the laws, rather than the will of God for you to be good and do good always. Even the effects of sharia, like amputating limbs and stoning to death; if you do not steal or commit adultery, such calamities will not befall you. The sharia is you and God's will in your life. The sharia is for man, if he must succeed in the world and the hereafter. Islamically, everything you do is governed by sharia. Once you neglect sharia and do otherwise, the result is chaos and bitterness for which man must suffer.*<sup>18</sup>

The Special Advisor on Religious Affairs to former Kano Governor Rabi’u Musa Kwankwaso, Muhammad Tahar Adamu, in answer to reporter Azare, explained the sharia as follows:

*Sharia is simply the complete way of life of a Muslim. Allah (SWT) created mankind and asked us to worship Him. He stipulated the do’s and don’ts; strict following of the rules is what we call sharia. It may interest people that sharia is nothing but obeying the injunctions of Allah and His messenger Prophet Muhammad (SAW). It deals with the economy, science, arts, business and everything, including one’s mode of dressing.*

Azare continued his questioning, “Is sharia restricted to court cases alone?” Adamu responded,

*Because of the ignorance of our people, the majority believes that court cases are what sharia entails. In fact, even at that, a number of people view it as only cutting off the hands and stoning to death of a married person who commits adultery. They consider these as the only entity called sharia, but they are mistaken. You see, court cases represent less than 10 per cent of the whole sharia. Many people in their lifetime may not go to court, not even as a witness or a plaintiff, so placing high premium on court is a complete misnomer.<sup>19</sup>*

Musa Umar from Bayero University asked the same question: “Does sharia only mean punishment?” On his way to answering what he called his “rhetorical question,” he defined and described sharia. I refer you to Appendix 28 for his full discussion. Building on the various Arabic meanings of “sharia,” he described the Muslim law as “an all encompassing concept which regulates the relationship between man and his fellow human beings, his Creator, other creatures and the rest of the universe.” He agreed that sharia does include the controversial *hudud* punishments, but that these are only a small part of it. “Some people ignorantly view

sharia as ‘only punishment,’” he explained. This truncated view has led to “another disheartening development” in that the yardstick many Muslims—the “ignorant” ones—use to measure the success of a sharia government “is through the number of thieves whose hands have been amputated, the number of adulterers who have been given 100 lashes of cane.... This yardstick is fundamentally wrong, because punishment only constitutes one-seventh” of sharia. Herewith I have given you a preview of issues that are debated hotly in the upcoming chapters.

Based on this view of sharia, Umar advised Muslims to strive “hard to Islamize our hearts and acts as well as our omissions.” In support he quoted the following hadith: “Truly in the body there is a morsel of flesh, which if it is good and healthy, all the other parts of the body will be good and healthy. If it is bad and diseased, all the other parts of the body will also be bad and diseased. Truly, this is the heart.” He added, “Islamizing our acts and omissions will take us to what Islam is. Islam really signifies total, unreserved and complete submission to the part of Allah.”<sup>20</sup>

Ibrahim Sulaiman blesses us with a description of sharia that is so well put that I can only pass it on to you in one piece. In other words, as an appendix. However, herewith one excerpt:

*The sharia imposes on us the duty to safeguard, preserve and defend the “six universal principles”: namely, faith, life, lineage, intellect, honour and property. The most important of these is the preservation, defence, protection and propagation of the faith, i.e., Islam, because the preservation of the others is predicated solely upon the preservation of the faith. The defence of Islam, our way of life, is, according to Shehu Usman Dan Fodio, the most important duty of our Caliphate, and indeed of every Muslim. No other task or endeavour is greater, more critical or more strategic.*<sup>21</sup>

## ▲ CONTRAST BETWEEN SHARIA AND NON-SHARIA PEOPLE

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In the course of the discussion, Sulaiman wrote about the mighty and rich among the nations and their destructive policies in the service of defending their own way of life. He also described nations that humiliate and destroy themselves through the negation of their histories, Nigeria being one of them.

*We reckoned that people who have no values to defend and no way of life to protect are people who have no cause at all to live and deserve no respect whatsoever. I am sure you are seeing many examples of such people. Nations abound today that live as if they don't live. Their people are in millions, yet they are incapable of generating, even from Allah's infinite bounties around them, such resources as would guarantee to them the kind of life Allah envisages for them. It is said that one hundred and twenty million Nigerians, for example, cannot generate wealth that can match the wealth of Bill Gates. Surely something tragic, something fundamental has gone wrong in that kind of nation.*

Sulaiman then presented a description of the duties of a proud, robust Muslim people that stands upright in this world and is a force to reckon with.

*We acknowledged that we were Muslims. We proclaimed our Islamic character and identity. We made it clear to all who we were, what we stood for, what we could take, what we would never take, what we could tolerate, what we would never tolerate, where we stood on issues, how we wanted to be treated, how we should be judged, where we wanted to be. People and nations approached us as Muslims—they knew our faith, our religion, our culture and our moral values—our way of life. We were not a nebulous, shapeless, colourless society. We were*

*defined and definable, spiritually, ideologically, morally, culturally, emotionally, linguistically and intellectually. We exist! We live! We were a people, a nation, a civilization. So it was easy for others to relate to us, on the basis of our principles and values; it was easy for us to relate to others in accordance with the sublime law that governed our life. They know who we were and respected us for what we were.*

Sulaiman closed his article with what amounts to a list of fourteen commandments. For these you do have to turn either to Appendix 2 or to the Web site listed in the Bibliography.<sup>22</sup>

## ▲ MAN AS GOD'S TRUSTEE

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It is impossible to discuss the essence of sharia without reference to the human position of *khalifa*, God's vicegerent, deputy or trustee on earth, terms I explained previously.<sup>23</sup>

In Qur'an 2:30, Allah declared His intention: "I will create a *Khalifa* (vicegerent) on earth. That is the human position, role and definition, its essence." Usman Bugaje, Director of the Islamic Trust of Nigeria, Zaria, wrote that the human race is "to represent Allah's Will on earth and to conduct ourselves according to the laws of his Creator." To achieve this, He provided us with His guidance that we call sharia. "It is in the upholding of the sharia that man completes the fulfillment of his mission on earth." He further explained that "the sharia contains [both] a *divine* component which stipulates the limits and the principles and a *human* component which translates the latter in practical terms at different times and in varying circumstances. The sharia is thus a living and dynamic law comprehensive in its scope; it ensures the attainment of justice and equity in society at all times and circumstances." Bugaje's subject being political, he adds that the "fundamental goal of the Islamic political system" is "to make

possible the full application of the sharia.” A society is judged in accordance with its compliance to the equitable laws of Allah and it is given a “stable code [that is] free from the kind of confusion we in Nigeria suffer.”<sup>24</sup>

In the same compilation, Umar Makarfi, a lecturer in mathematics at ABU, emphasized that humanity’s role as vicegerent is fulfilled in so far as it maintains justice, justice in “each and every aspect of human endeavour,” including “both animals and vegetation.”<sup>25</sup>

Thus, to be fully human and fulfill the role of *khalifa*, human society needs the guidance of sharia. Where society is prevented from adhering to sharia, it is prevented from exercising its full humanity.

## ▲ OF JUDGES AND JUSTICE

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However, sharia by itself is no panacea for social problems. Its implementation must be an expression of its very nature, that is, of justice. Abdulmalik Pappa Mahmoud, a judge himself, wrote a series of articles on the subject in *The Pen* during the pre-Zamfara days. He began as follows:

*We are all aware of the respect and honour accorded judges by the people. Whoever adjudicates between people discharges the ordain [will?] of Allah. It was for this reason that Abdullahi Ibn Masoud (may God be pleased with him) said: “I prefer spending a day giving justice than shipping for seventy years.” He made that statement bearing in mind the abundant reward that awaits those judges who are just.*

The Prophet is said to have asked his companions, “Do you know who will be the first to enjoy God’s mercy on the day of judgment?” It is those who, “when they come to adjudicate between Muslims, they do it as if it were between themselves.” Mahmoud commented, “There is no post which is more honourable than that liked by Allah. And that is a judicial post.”

However, the reverse is also true. "Allah the most High reserves severe punishments against those judges who are not learned and for those who are learned but are oppressors." Hence, "an important institution like the office of judge cannot be neglected by Islamic authorities. It is due to such importance that certain established rules, regulations and code of conduct have been laid down for judges."

Unfortunately, Mahmoud observed that "adherence to those rules, regulations and code of conduct is becoming less emphatic, due to changes in the socio-economic system and the materialistic tendencies prevailing in the society. But whenever a judge disregards any of the rules, it will result in his losing the respect of society."

Among those regulations is the provision that "all cases are to be tried in open court." The Prophet "never tried a case in secret," not even when security was at stake. The Prophet also warned against bias or favour. He warned his people that the pre-Muslim society was destroyed, because they favoured the powerful in the courts and convicted only the poor. He also forbade exerting influence on a judge so as to affect his judgment. "He should be left alone to judge in accordance with the Qur'an and Sunna or what appears to him as right." He warned against *hudud* punishments, the very kind of punishments that are at the core of the attack on sharia today, for crimes committed unintentionally. "It is better to acquit a guilty person by mistake than to convict an innocent." This rule, of which the Western advocates of democracy are so proud, "was provided by the Prophet about 1400 years ago." Trials should not be dragged out but "started immediately after the commission of an offence and should continue up to the time of delivering judgment. Judgements should not be delayed and they shall be given in open court. It is preferable to execute *hudud* punishments in public and on Friday, immediately after the congregational prayer."<sup>26</sup>

Mahmoud listed a number of characteristics that befit a proper sharia judge. I will list only a few of the more pertinent ones. The

lifestyle should be characterized by modesty; nothing pompous, ostentatious or opulent. He is not to receive presents, except from close relatives, since a gift can easily turn into a bribe. He should not befriend many people or receive many visitors.<sup>27</sup>

All these rules and characteristics belong to the essence of sharia. Disregard of those elements of sharia culture means its negation. History has shown time and again that sharia is in fact often negated. The resultant sharia is a sham and not the real thing. Muslims recognize that this has frequently been the case. *That* is a potential serious point of dialogue between Muslims and Christians, for *that* is precisely a major reason for Christian opposition to sharia. Muslims, you *know* this history. Acknowledge it openly and we may get a breakthrough. Who knows what God will do.

## ▲ WHOLISM

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If you have read Monograph 4, you will know how fond Muslims are of the idea of wholistic or comprehensive religion. In the previous section on definition, I could hardly find any definition or description of sharia that did not immediately speak of wholism. Wholism is really part of the definition and hence I have left some of those descriptions stand even if doing so violates the divisions of this chapter. In this new section I am not really moving to another topic so much as concentrating on this one aspect of the definition.

Discussions about comprehensive religion frequently lead to thoughts of theocracy, a concept that is often ill-defined. It tends to instill fear in the minds of some, revulsion in the minds of others, especially among secular people, while it represents the ideal for many Muslims. Usman Owuna of the University of Jos claims that “Islam advocates for a theocratic system of government” in the sense that all aspects of life are to be subjected to sharia. Theocracy means that “both the rulers and the ruled are collectively responsi-

ble to Allah.”<sup>28</sup> Another pre-sharia writer defines it differently and rejects it. Ahmad Falaki of the ABU Department of Agriculture, while fully supporting sharia, rejects the notion of theocracy. He describes it as a political arrangement where power is in the hands of a clerical class that assumes divine right and imposes itself on a people without accountability.<sup>29</sup> Similarly N. Raji: The Muslim political system is “not theocracy, whereby a certain class of people assumes divine rights, hereditary or otherwise, and poses above other citizens, beyond accountability.”<sup>30</sup> Ayesha Imam wrote an article entitled “Women NGOs Oppose Democracy.” She neither defines the term “theocracy” nor uses it in the article, but she makes clear that she defines it in terms of the new sharia laws that, according to the twelve Nigerian NGOs she represents, spell oppression and lack of human rights for women.<sup>31</sup> Kurawa is not quite clear on the issue of theocracy and the Sokoto Caliphate. If I understand him correctly, he admits that the Caliphate was a sort of theocracy, but this was an innovation, since there is no theocracy in the Islamic tradition. He quotes from the Western Islam scholar, Bernard Lewis, “In the sense of a state ruled by the church or by priests, Islam was not and could not be a theocracy. Classical Islam had no priesthood, no prelates who might rule or even decisively influence those who did.”<sup>32</sup> In arguing that the sharia regimes do not turn those states into Islamic states, Warisu Alli asserts that the notion of Islamic state suggests theocracy, which is a situation “where religious and political powers are fused.” That is nowhere the case in Nigeria.<sup>33</sup>

The wholistic nature of sharia received its share of attention during pre-Sani days. A pre-sharia publication by Sulaiman and Abdulkarim is a good example. Not only does it argue from the wholistic perspective, but its range of subjects is its very embodiment: legal system, political theory and foreign policy, women, religion and politics, economics, education, military.<sup>34</sup> Abdulmalik Mahmud, another pre-sharia writer, similarly emphasized the com-

prehensive reach of sharia. It helps regulate man’s “religious, political as well as social affairs. It also regulates the relationship between an individual and his Creator, and between this individual and his fellow citizens and even animals. It is so comprehensive that it takes care of every aspect of human endeavour.”<sup>35</sup>

Wholism is the major characteristic of sharia. That means it “is not simply ‘Law’ as understood by the West.” According to Ibrahim K. Sulaiman, it includes the attributes of God and His relationship to mankind, worship, all of human life and society. “It provides guidance in all aspects of life and it is thus the most comprehensive legal system known to men. It is an organic whole which accepts no division of life into private and public, secular and spiritual. It seeks to regulate that life in a systematic, orderly and perfect manner so that neither contradiction nor confusion could creep into the life of the people.” Sharia “is the life of Islam itself.” Without it there is no Islam, while mere partial application is nonsense. It is all or nothing. Anything short of all is un-Islamic, asserted Sulaiman.

*Therefore, any society in which the sharia is not applied in toto cannot be said to be truly Islamic, even though all its members claim to be Muslims. The test of the Islamicity of any society is the extent of its application of the sharia. No amount of salat [ritual prayer], zakat [tithing], saum [fasting] or Hajj [pilgrimage] alone can make a society truly Islamic, if the sharia is not applied as a complete, comprehensive legal system. This is because to submit to a law other than that prescribed by Allah is to submit to another god beside Allah, which amounts to a rejection of Islam.*

*Similarly, to apply certain aspects of the sharia to the exclusion of others, amounts to a rejection of Islam, as Allah did not reveal Islam to be applied half-way. Thus if those who claim to be Muslims see no need to enforce the sharia in toto, there is no need whatsoever to seek its application in a fragmentary manner,*

*for doing so is more harmful to the sharia than leaving it alone.*

Sulaiman then quotes from Abul Maududi, a Muslim scholar of international repute, who explained that sharia

*is a complete scheme of life and an all-embracing social order where nothing is superfluous and nothing is lacking. The entire scheme of life propounded by Islam is animated by the same spirit and hence any arbitrary division of the scheme is bound to harm the spirit as well as the structure of the sharia. The sharia can function smoothly and can demonstrate its efficiency only if the entire system of life is practised in accordance with it and not otherwise.*

The language and claims are strong. The sharia deserves to be accepted not simply because Muslims believe in it, but “because it is the only system that elevates and purifies human conduct, brings peace and harmony among people and gives unity and cohesion to human life.” Furthermore, any restrictions upon its application are “tantamount to submission to colonialism.”<sup>36</sup> Indeed, as observed earlier in this chapter, the terms “Islam” and “sharia” are really synonyms. To most Nigerian Muslims they are inseparable, one seamless whole.

Sulaiman’s enthusiasm for Islam’s wholism never flags. Islam, he wrote, “has its legal, economic, political, administrative, social institutions, meant to regulate human life in its entirety.” Neither does he ever relent in his anger at having this beautiful Muslim system relegated to secondary status. “What is the justification,” he thundered, “for superimposing European laws as the law of the land and relegating the Islamic law to a second rate legal system, even though Islamic law commands larger adherents and broader appeal?”

*To a Muslim, the type of law which should govern his life is of crucial importance, as it touches not only on his daily life, but more vitally, his faith. A Muslim is one who believes in Allah and follows His Law, as embodied in the Sharia—the*

*corpus of laws and injunctions contained in the Qur'an and Sunna. Failure to live by the Sharia is tantamount to a rejection of the Islamic faith, as the bond between a believer and Allah is anchored on the former obeying the dictates of his Lord. This injunction of Allah to the Believer is contained in the Qur'an 45:18-22. It is injunctions such as these that influence Muslim attitudes to law. The foremost obligation of the Muslim is to follow the dictates of Allah to whom alone he owes his creation, life, nourishment, existence in this world, and above all, his life in the hereafter.*<sup>37</sup>

In this context of wholeness, Sulaiman emphasized frequently that sharia is not merely a catalogue of laws, each with its set penalties. What does it take to make it work, he asked. “We need to create a socio-economic atmosphere that will guarantee everybody the chance to live within the law.” “We should not allow euphoria and emotion blind our vision and perception. If we reduce our march to the ideal Qur'anic state into mob action, terror and violence against one another, we will end up doing more harm than good, more so in the exalted name of sharia.”<sup>38</sup>

When Ray Nweke asked Governor Sani about the advantage of having sharia in addition to common law, Sani immediately turned to Islam's wholistic nature. He referred to the personal part of the system and indicated that it governs all “relationships and how an individual operates, from questions of how you treat your elders to how you sleep and eat; everything is catered for under this system. This constitutes over 90 percent of the sharia. This aspect does not require the courts to enforce.”<sup>39</sup>

Muhammad Bello, former Chief Justice of the Supreme Court, expressed it thus: “In its generality, sharia covers all aspects of human endeavour, be it economical, political, social, theological and is the way of life of a Muslim from his birth to the time he will be buried in a grave. It prescribes the prayer for receiving him as a

baby at birth; it also specifies the size and the dimensions of his grave, how to wrap his corpse and how to lay it therein.”

The Danfodio University of Sokoto held a conference in 1989 that was a classic expression of wholism. The conference invited papers on a whole range of subjects like “Islamic theory of knowledge, Islamic concept and philosophy of knowledge, Islamic concept of educational curricula,” and other educational issues.<sup>40</sup>

About that same time, Rabi Abubakar Wali, one of the few women participating in these discussions, presented a typical description of the comprehensive nature of sharia. After treating us to some distinctions within sharia, she wrote,

*the sharia prescribes directives for the regulation of individual as well as collective lives. The directives affect subjects such as religious rituals, personal character, morals, habits, family relationships, social and economic affairs, administration, the rights and duties of citizens, the judicial system, the laws of war and peace, and international relations, etc.*

*Thus, the sharia is a complete way of life and an all-embracing social order which transcends geographical boundaries and barriers of race, colour and language. It is appropriate for all parts of the world...<sup>41</sup>*

Banu Az-Zubair’s comments are far-reaching and thus are attached as Appendix 58. Though sharia “is not a law in the Western sense, it is a very important aspect of a Muslim religious world view,” he affirms. He then continues:

*Sharia governs and determines what is right or wrong in any act, spiritual or non-spiritual matters, as well as all aspects of a Muslim’s personal and inter-personal, private and public, ethic, social, political, national and international relations. It has as its basic objectives, the protection of the religion, life, mind, ownership of property, commerce, family, and society of*

*Muslims. The sharia, then, comprises all that might be positively called law and occupies the central place in the Islamic system of final authority and ordering principle.*<sup>42</sup>

Zubair Kazaure asserted that “sharia is an essential ingredient of Islam.” It is much more than “just a legal system.” It was established to redirect a rebellious human race back to the ways of its Creator. Man has “proved that he could not be at peace with himself and his fellow men without guidance backed by force to help man to overcome his weaknesses.” He continued,

*It helps us to have faith in Allah, prescribes rules for worshipping Him, and sets standards of our moral conduct and manners in private and public life. The sharia, if it is faithfully adhered to, regulates society, its politics, economy, legal system, physical environment, cultural values and concepts. It is a source of attainment of happiness in this world and the hereafter. Following the sharia faithfully gives us a sense of spiritual fulfillment and internal peace that we are on the right path. Disobeying it or being subjected to non-Islamic rules of conduct would make us miserable.*<sup>43</sup>

In short, M. S. Mustapha stated, “Sharia means the whole of Islamic injunctions or teachings. It is spiritual, moral and legal law or the ‘source of Islam law,’ i.e., the injunctions and principles from which laws are derived and applied to solve societal problems.” “Sharia is not separable from ethics or morality,” hereby rejecting the western notion of law devoid from morality and ethics.

*The aim and objective of sharia is to guide both individuals and society towards peace and justice and also to prevent crime and deter criminals. In sharia, the state has to cater and protect the rights of citizens (i.e., provision of employment, social welfare through zakka, etc.) ban whatever can aggravate crime, like alcohol, prostitution, etc., before it has the full*

*right to give the specific or prescribed punishments. In fact, the Islamic legal system is the only and will remain the only system that takes societal considerations into account before the application of punishment.*

*For example, the family is the most important social institution responsible for the upbringing of the next generation of a society. The family has the greatest influence on the morality of any generation. The sharia is therefore very strict with regard to the protection of the family. There is severe punishment for adultery, but before the law can be enforced, it is the responsibility of the state to make marriage easy for the poor, ban prostitution and pornographic materials.*

*Islam provides a complete and detailed, justly balanced legal system that complements its moral teaching. Punishments under the sharia are not administered in the spirit of vengeance, but are aimed at reforming the society and deterring future vices.<sup>44</sup>*

Orire discussed the scope of sharia, its breadth. Speaking to an audience of Christians that fear sharia, he emphasized the issue of rights. Those rights are many and varied, covering God Himself, members of the human race, including yourself and your neighbour, the varied rights of men, women and children, of Muslims and non-Muslims, even the “rights of creatures and objects.” “The ultimate objective is the universal common good of all created being.” “No species or generation may be excluded from consideration in the course of planning, administration and the issuing of rights which belongs to every segment.” Historically, “it was sharia which laid down right from its inception that man is born free and innocent.” Man is also accountable, but when accused, the offence must be “proved beyond all doubt.” Sharia further taught mankind rules such as non-discrimination, equality of all before the law with one law covering both poor and rich. “All what is now known as principles of

fair hearing had long been respected and honoured by sharia.”<sup>45</sup>

It is one thing to talk about the principles of wholism, but quite another to actually see it realized in practice. Sulaiman insisted that wholism was actually practised—until colonialists untangled it. Institutions embodying this idea “were in operation in the larger part of Nigeria, in Borno and Sokoto Caliphate to be precise, before they were suppressed by colonialism and replaced with Euro-Christian institutions. Indeed, in one form or the other, the Islamic precepts, which form the basis of these institutions, still govern the lives of millions of Muslims in Nigeria.”<sup>46</sup>

Often, of course, it does not go beyond principle. At other times application is at best partial. That is of concern to Bello Sakkwato. His concern really constitutes a critique of the way Zamfara is going about sharia so that the following material could just as well be placed under critique in Chapter 6. “What parts of the sharia shall be applied?” he asked. The answer, in short, is the whole of it. After all, Islam is wholistic in its nature and expectations. “It would be wrong to say that one aspect of the sharia shall be used and the other aspect be laid to rest till later, perhaps for a reason which is not necessary.” “Why should Zamfara State, a total Muslim society that has chosen to be ruled by Islam, apply the sharia in part? This is not advisable.” To prevent neglect or partial application of any part of the sharia and its justice, “the possibility of its application (for example, the punishment to be meted out to a thief) must not be allowed to occur. This can be done if the ruling class is willing to allow justice to prevail. The weak must not be oppressed and the strong must be weak.” The leaders must therefore demonstrate “sincerity of purpose and action.” They “must be willing to be judged and ruled by the sharia, stand firmly for justice.” If they live by the sharia, the people will follow suit and “the desired peace, tranquility and progress” will be ushered in.<sup>47</sup>

Sagir Mohammed, Waziri of Ringim and chairman of the outlawed Arewa People Congress, took this wholistic application seri-

ously with a vengeance and wanted it applied in areas where it never will be. President Obasanjo had visited Nasarawa State. During that visit, Governor Abdullahi Adamu reportedly said at a dinner that “God has Himself endorsed our argument when the President was not sure which way to go. He asked God and God said to him ‘Go ahead.’” Sagir Mohammed described this statement as “high blasphemy.” “As a Muslim,” said Mohammed, “Adamu knows that God does not speak to people directly, not even prophets.” He “speaks only through a veil.” The governor has “three days to renounce that statement or he should consider himself as having renounced Islam, in which case he should be beheaded in line with sharia provisions.”<sup>48</sup> No one, to the best of my knowledge, beheaded any governor! Adamu survived the election of 2003 and in February 2006, he still sits firmly on his throne.<sup>49</sup>

## ▲ CONCLUDING REMARKS

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You have been treated to a subject very precious to the heart of the average Muslim but far from the heart of the average secularist. The latter observes the Muslim passion and shakes his head in the conviction that in due time it will all evaporate and cooler heads prevail. It won't happen for a long time to come—not in Nigeria, not in Iraq, nor anywhere else. Wholistic religion in general and Islam in particular is on the rebound everywhere. I advise secularists to take note soon, lest they find themselves spinning their wheels in a futile struggle to retain, let alone regain, control. Over against much of Christianity that has allowed itself to be kowtowed by secularism into an impotent paralysis, in today's revived Islam secularism has found its match. In that process, sharia is the central focus. This is the perspective of today's robust Islam.

## ▲ NOTES

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<sup>1</sup> J. Lawan, 9 Nov/99.

<sup>2</sup> The Muslim Institute, 1990, p. 2.

<sup>3</sup> Zamfara State Government, 9 Nov/99. Appendix 1.

<sup>4</sup> See J. Boer, 1979, pp. 478-482; 1984, pp. 142-145.

<sup>5</sup> A. Alkali, 13 Nov/99.

<sup>6</sup> A. Sodiq, 1986.

<sup>7</sup> I. Ado-Kurawa, 2000, p. 22.

<sup>8</sup> A. Sodiq, 1986, p. 109.

<sup>9</sup> Abdulmalik Mahmud served during colonial days as inspector of native courts in Borno province. During the post-colonial era he served as Grand *Khadi* of Bauchi State. He also attended the Sixth Commonwealth Law Conference held in 1980. In other words, Mahmud is a recognized authority and thus worthy of our attention. I use him extensively, taking as my source his *A Brief History of Sharia in the Defunct Northern Nigeria*. I should also make it clear that Mahmud favoured developments in Saudi Arabia, Iran, Libya, Pakistan and Sudan, all countries that in their constitutions had adopted sharia either in totality or partially. That information may help you understand his orientation.

<sup>10</sup> A. Mahmud, 1988, p. 49.

<sup>11</sup> M. Adamu, 1986, pp. 219-220.

<sup>12</sup> A. Mustapha, 1986, p. viii. The fact that subsequently the Muslim world was subjugated to Western power and culture, a fact Mustapha readily acknowledges, does not negate the historical verification for him.

<sup>13</sup> S. K. Rashid, 1986, p. 1.

<sup>14</sup> A. Orire, 2000, p. 4. I. Okpani, 16 Nov/2005.

<sup>15</sup> M. Mumuni, 15 Nov/99, p. 16. T. Asaju, 6 Mar/2000, p. 19. L. Adegbite, "Sharia in the Context...", 2000, p. 57.

<sup>16</sup> A. Gwandu, 1986, p. 25.

<sup>17</sup> L. Owoyemi, 2000.

<sup>18</sup> B. Ejiga, 13 Nov/99. Appendix 61.

<sup>19</sup> L. Azare, 26 Feb/2000.

<sup>20</sup> M. Umar, 7 Oct/2005. Appendix 28. See vol. 5, Part 2, for a similar discussion of “heart” among Kuyperians.

<sup>21</sup> I. Sulaiman, 20 Aug/2005. Appendix 2.

<sup>22</sup> I. Sulaiman, 20 Aug/2005. Appendix 2.

<sup>23</sup> J. Boer, vol. 4, 2005, pp. 106, 184-185.

<sup>24</sup> U. Bugaje, 1988, pp. 24, 27.

<sup>25</sup> U. Makarfi, 1988, pp. 35-36.

<sup>26</sup> A. Mahmoud, 18 Nov/88.

<sup>27</sup> A. Mahmoud, 13 Jan/89, p. 5.

<sup>28</sup> U. Owuna, 8 Aug/86.

<sup>29</sup> A. Falaki, 1988, p. 20.

<sup>30</sup> N. Raji, 1989, p. 1.

<sup>31</sup> A. Imam, 9 Dec/99. Appendix 3.

<sup>32</sup> I. Ado-Kurawa, *Shariah in Nigeria...*, p. 37.

<sup>33</sup> W. Alli, “Commentary,” p. 64.

<sup>34</sup> I. Sulaiman and S. Abdulkarim, 1988. Sports is not included: Muslim theorists tend to denigrate the sector as useless, wasteful and diversionary, not worthy of serious attention. This is in sharp contrast to the Muslim *umma* who participate enthusiastically in sports as both participant and spectator. Even the Muslim GTFK gives it regular coverage.

<sup>35</sup> A. Mahmud, 1988, pp. 50, 53.

<sup>36</sup> I. Sulaiman, in Rashid, 1986, pp. 54-56, 72.

<sup>37</sup> I. Sulaiman, May/86. See Boer, 2005, Vol. 4, Appendix 6.

<sup>38</sup> I. Umar, 2 Nov/99.

<sup>39</sup> R. Nweke, 1 May/2001, p. 5.

<sup>40</sup> *The Pen*, 13 Jan/89, p. 16. the same kind of topics also dealt with in conferences and publications by Kuyperian institutions and guided by a similar wholistic thrust.

<sup>41</sup> R. Wali, 7 Apr/89.

<sup>42</sup> A. Az-Zubair, 2002. Appendix 58.

<sup>43</sup> Z. Kazaure, 22 Mar/2000.

<sup>44</sup> M. Mustapha, 16 Dec/99.

<sup>45</sup> Orire, 2000, pp. 9-11.

<sup>46</sup> I. Sulaiman, May/86. See Boer, 2005, Vol. 4, Appendix 6.

<sup>47</sup> B. Sakkwato, 5 Jan/2000.

<sup>48</sup> A. Ali, 14 Nov/2002.

<sup>49</sup> In the extended version of this chapter there is a section entitled “Creeping Sharia,” in which you will find more information about new developments in some sharia states that illustrate attempts of sharia proponents to give flesh to a wholistic expression of sharia [*Companion CD < Mono 6-2*]. For similar materials go to Chapter 4 also.