

MUSLIM CRITIQUE AND OPPOSITION

“Preventing Muslims from sharia is more dangerous than preventing them from breathing.”

—Sheikh Abubukar Tureta, Kaduna¹

There has been considerable critique as well as outright opposition to the Zamfara initiative from many quarters. In this chapter we deal exclusively with Muslim critique and opposition. The critique is often, though not exclusively, from Muslims who may approve of sharia in principle but disagree with the way it is carried out.

This chapter does not cover all disagreements and forms of opposition. The critique and opposition from human rights quarters is dealt with in Chapter 7. This community is a mixed bag of Muslims, Christians and secularists. Christian opposition is the subject of Volume 7, while the Muslim reaction to that opposition will be found in Chapter 2 of Volume 8. Lots of friction and argumentation, lots of emotion and lots of heat ahead for you. Try not to get burnt yourself.

▲ TONE, ATTITUDE, ATMOSPHERE

I begin by alerting you to the tone and attitude many Muslims display towards those critical of or opposed to either sharia itself or aspects of the issue. Already back in 1989, Juwariyya Badamasuyi asserted that “sharia is indispensable to Muslims and humanity at large. Those who do not understand the Muslim mind and express surprise at the insistence of Muslims to be governed by sharia, should take note of this background.”² May Nigerian and other opponents stand up and take notice. It is a veiled threat: Don’t mess with sharia!

There are many motives or reasons for Muslims to oppose sharia. However, proponents often interpret such opposition in dark, murky ways and in intolerant terminology. They are sure that there is something deeply disturbing about such Muslims. It is never conceded that they may have legitimate and genuine reasons for their opposition. Abdulmalik Mahmud, for example, commented on this feature in the late 1980s and thought it a pity. He was not surprised that non-Muslims hate and condemn the sharia, but for Muslims to hold the same attitude is “a very respectable pity.” There are Muslims who “are doing their best and using all the means at their disposal to disrespect, tarnish the image of sharia and discourage and prevent its application.” Some of these are “judicial officers,” who out of “their selfish interests or their ignorance” have participated in this campaign. Such officers have been appointed by the authorities for the very purpose of undermining good order and oppressing the people. “Illiterate Muslims have been misled” by the media “to believe that the legal systems of non-Muslim countries are better than that of their own.” It is sometimes “Muslims themselves who condemn sharia so as to gain acceptance from the enemies of Islam.”³

Safianu Rabiū represents another aspect of this common unhappiness with critiques and opposition. In a previous setting we

saw that he is enthralled with the historical achievements of Islam and its culture. For that reason, he is dumbfounded about opposition to the glorious sharia. "Those who do not share in these values or prefer other ideologies ought to be able at least understand us." Taking into consideration these profound contributions of Islam to society, "it is clear that the campaign is not against anything but against Islam. What the Nigerian antagonists of sharia are doing is nothing but aping anti-Islamic rhetoric from other misguided people who are determined to mislead the world."⁴ Added to a veiled threat we now have an attitude of contempt for antagonists, who are merely misled apes of imperialists.

M. Mustapha treats us to some rather vile accusations. He writes bitterly about "the deliberate distortion, misrepresentation and invention of falsehood about sharia" and suggests that people do so for religious, ideological or political reasons. There are historical reasons why some groups have deliberately lied about sharia and distorted some facts associated with the system. Some of these have their origin in the distant past; others are more recent. The lie that the punishments being meted out under sharia are notorious and barbaric is usually the result of looking into the system in isolation (i.e., looking at a part of Islam aside from the whole). Some of the claims put up by the antagonists of sharia are baseless and lack evidence to back up their opposition against the barbaric nature of sharia as [it is] being argued. He suggests that such opponents dislike the fact that Islam does not allow adultery and crime!⁵

Saleh Maina is one of many who praise Governor Sani highly for the steps he took. He "deserves to be congratulated not only for his pioneering efforts toward the fulfillment of the aspirations of every true Muslim, but also for calling the bluff of non-Muslims, nominal Muslims, hypocrites and other enemies of Islam who have mounted a vicious opposition to the adoption of sharia."⁶

The operative words are "enemies" and "hypocrites," and from there the language descends into the abyss of the darkest and,

sometimes, vilest of language. The aggressiveness that generally typifies Nigerians surfaces frequently in these pages. When someone describes his opponent “as a wobbling underdog suffering from delusion, schizophrenia and megalomania,” well, then the gloves are off. The sharia issue can degenerate into personal vendettas. Abubakar Muhammad is another example, as he describes sharia opponents—in this case, “Christians”—as “unrepentant evildoers, mean spirited with terrible hatred of Muslims and Islam.”⁷

Sanusi is one Muslim writer who attracts such violent language.⁸ He has more than the normal share of detractors. Their public communications with each other often deteriorate into personal insults and vendettas. For a typical exchange I invite you to turn to one of Danladi Mohammed’s Gamji articles. He accuses Sanusi of “making very sweeping statements.” He is offended that Sanusi accused him of “intellectual dishonesty.” Sanusi allegedly eulogized Britain as a welfare state, while he dismissed Muslims disdainfully as nations of *Kuffar* (unbelievers).⁹ Sanusi referred to another article by Danladi Mohammed as a “prolixious tirade.” Allegedly, “most of the time” Sanusi “engages in ego trips to respond to his critics by quoting bizarre groups.” Sanusi is said to think “everybody should be a philosopher before he reads what he (Sanusi) writes.” In addition, “He wrote that he could afford to be arrogant.” “Sanusi is proud of something, but ego will not allow him to cool his emotion and then approach it from a position of maturity.” Sanusi claimed that he was in “intellectual engagement with the intellectually challenged.”¹⁰ Hope you’re enjoying the ringside seat!

Sanusi sees himself a critic of the current sharia campaign but as basically favouring sharia itself. However, Ja’far Adam regards him an outright enemy of sharia. Their disagreements have inspired a number of sharp, not to say “vicious,” articles by the two as well as by other writers who took sides.¹¹ While Sanusi aligns himself with certain Muslim scholars on sharia and does not reject sharia per se, Adam, through sermon and radio presentations, allegedly sought to

incite the Kano population against him, labelling Sanusi “a hypocrite, lover of Christians and enemy of sharia.” “My first crime,” recalls Sanusi, “was to let Muslims know that the conviction of Safiya Hussaini and her sentencing to death by stoning was not Islamic nor even Maliki law,¹² but a complete travesty thereof.” And then, “a final word,” dripping with contempt: “There are people who can be cowered, bamboozled or intimidated by glorified *al-majirai*. I am not one of them.”¹³ The contempt is mutual.

Isa Muhammad Inuwa, a Kano-based correspondent for the German radio station *Deutsche Welle*, was so angry at Sanusi’s treatment of Ja’afar that he published a rejoinder that expressed red hot anger, using the vilest terminology. He described Sanusi “as a wobbling underdog suffering from delusion, schizophrenia and megalomania; desperately seeking cheap recognition through heretic discourses, fictitious arguments and all sorts of bunkum”—and that is only the beginning.¹⁴ Well, I warned you!

Muhammad Sarki’s comment is to the point: “I can’t understand why certain individuals do not appreciate the superiority of truth and objectivity over emotional outbursts and slander in their writings. Why is it difficult for us to be articulate and civil in our public writings?”¹⁵ I recall the lines of a hymn based on Psalm 122, “How good and pleasant is the sight, when brothers make it their delight to dwell in blest accord.” Sharia seems to render such Muslim brotherly accord difficult to maintain as did theological differences among Christians some centuries ago.

▲ SHARIA IMPLEMENTATION AUTHORITY —————

There are some who deny politicians like Governor Sani and his colleagues the authority or right to initiate sharia campaigns. El-Zakzaky declared that the Governor is not in a position to establish a sharia regime, since he is himself under the authority of the secular constitution.¹⁶

In the context of Kaduna State with its large Christian population, Obassa chimes in:

Sharia is not for politicians to implement as they have a specific tenure. It is the brevity of their tenure that has made them the most unfit to champion sharia. The Zamfara experiment still remains what it is—experimentation. It has just been started with the government putting the cart before the horse and people are already shouting “Hooray!” Until Zamfara state succeeds in making sharia a success after four years of the initiator, Ahmed Sani, it will be very risky for other states to take a cue from his (mis)adventure. For it may turn out to be a flash in the pan.¹⁷

Kano State illustrates Obassa’s point. Sharia was started by Governor Kwankwaso, but the 2003 elections saw him replaced by Shekarau. Such a short time in office. So little time to achieve anything or set direction. Both of them supported sharia but in almost opposite ways that will be explained later. I wonder what Obassa would say today in January 2006, six years later. The yeast of the sharia has been working its way through the cultures of some sharia states. Chapter 4 shows us some of the results so far, but it remains to be seen whether it is more than a flash in the pan. The jury is still out.

Abdulrazaque Bello-Barkindo asked, “If sharia and democracy had a baby, what would it look like?” No doubt, like Zamfara. Because of sharia, Zamfara is a popular state. It is the “poster state of sharia.” However, if you listen carefully to both rulers and ruled, “it is high time that the ‘game’ give way to the truth.” And what is this truth?

The governor’s hands are up in frustration, soliciting help from wherever. He fears that reversing his October 20th, 1999, decision will hurt his pride. The record of most leaders of the sharia states shows that their faith in their ability to run sharia states is

mainly fantasy. This is because there is never a dull moment in the sharia states. They are lurching from crisis to crisis major and minor and they are hitting the headlines with sickening frequency. When they are not having a tough time explaining a legal lacuna, they are explaining an uprising and when they are not doing so, they are battling other Muslims who do not believe in their convictions. From the purchase of arms or an executive aircraft for a sharia governor to the purchase of limousines for traditional rulers, to the victimization of political opponents and the unjustifiable creation of local government councils for political reasons, these people do not give us any reason to count them as serving Allah in the way they run our affairs. After all those actions that seem incongruent with the Qur'an, we dare ask where to draw the line between the bluff of those who claim to be sent by Allah to govern and those other twenty-four "heathen states" and Abuja. One is left to wonder if Ahmed Sani has ever considered studying other sharia democracies around the world. If he had looked at the way things are in Iran today...¹⁸

So, while there are many supporters and admirers of Governor Sani for his bold move, there are others who deny him any favourable status. He is a politician with all that entails. That status disqualifies him in the eyes of some for such radical religious measures. He and his ilk simply do not have what it takes.

▲ CAUTION, OPPOSITION TO AND DISAGREEMENT WITH SHARIA IMPLEMENTATION

1. PRE-ZAMFARA CAUTION

Disagreement about and opposition to sharia in its various forms has existed among Nigerian Muslims for at least two centuries. It surfaced during the days of Usman Danfodio in the early 19th century. One sheik wanted the Egyptian and Syrian models

considered for the new Sokoto Sultanate. Danfodio rejected foreign models and insisted on basing his enterprise on three sources: the Qur'an, the *Sunnah*, and—note well!—"the circumstances of his time and place." In one of his books, Danfodio wrote that the decision of reformers "may not necessarily be the same in every age, because judgment emanates from the circumstances underlying it." These statements would place him on the side of the contextualists we will hear more about. The Danfodio version of Islam has always favoured the oppressed and opposed the oppressor and delinquent. Danladi Muhammed concludes therefore that "the content of the tradition is radical and dynamic."¹⁹

Prophetic warnings were uttered already back in the late 1980s that putting the sharia back in place would raise up many hurdles both from within and without. Muhammad Asad warned, "We should not underestimate the difficulties that will confront us should we decide to give to our polity the contents and forms demanded by Islam. For one, thing, it is no easy task to achieve a truly Islamic polity after the centuries of debasement and slavery which have sapped the strength of the Muslim community and undermined its social morale." He then proceeded to forecast problems that have in fact emerged from Westernized Muslims, from conservative Muslims and from the West itself.

As to Westernized Muslims, they

have lost their cultural self-confidence. Many of them find it difficult today to avoid thinking in Western terms of "state" and "nation" and to think in Islamic terms instead. They blindly follow Western patterns of thought in the naive belief that everything which comes from the West must be more "up-to-date" than anything which Muslims could produce out of themselves. This conviction leads them to an irresponsible application of Western political concepts.

The problem with conservative Muslims is that they "insist on

the maintenance of all traditional forms” that are based “not so much on the real values of Islam as on the social conventions evolved in the centuries of our decadence.” They hold the “assumption that Islam and the conventions of Muslim society are one and the same thing.” Thus,

everything that implies a departure from the conventions evolved in the course of our history, both with regard to our social habits and our approach to the problem of state and government, goes against Islam. Therefore, it would be the duty of an Islamic state to give permanence and legal sanction to all the social forms in which we have hitherto been living. In other words, these conservative elements seem to take it for granted that the survival of Islam depends on the maintenance of the very conditions that, because of their sterile rigidity, now make it impossible for Muslims to live in accordance with the true tenets of Islam.

Their unwillingness to concede the necessity of any change in our social concepts and habits drives countless Muslims to a helpless imitation of the West. Their insistence that a modern Islamic state would have to be an exact replica of the “historic precedents” of our past is apt to bring the very idea of the Islamic state into discredit and ridicule.²⁰

We will meet up with all these types as we move along. You will readily recognize them.

The sharia task is seen as formidable. Replacing common law with sharia involves a total overhaul of society and its structures. Different writers call for the removal of all colonial vestiges, which would include the entire imposed legal system, the capitalist economy and the secular framework within which the country operates. And, of course, there is the need for radical reorientation of the Muslim ummah itself away from secularism. The hurdles and the extent of the task must indeed not be underestimated.

2. OPPOSITION TO THE ZAMFARA INITIATIVE

By “Zamfara initiative” I mean the entire sharia establishment as it has spread over twelve northern states. Muslim opposition to those sharia regimes takes several forms. It is found in every layer of society, sometimes in surprising nooks, including many members of the elite, teachers of Arabic and the poor, the very ones who initially clamoured for it.

Some very prominent personalities expressed their reservations at an early stage, if not about the sharia itself, then about the way Zamfara has pursued it. Shehu Shagari, a former civilian President, warned that the multi-religious nature of Nigeria should be taken into consideration. Mohammed Maccido, Sultan of Sokoto and president of the Nigeria Supreme Council for Islamic Affairs (NSCIA), spoke of the danger in the way Zamfara was pursuing the issue, without defining the danger.²¹

Justice Sabo Suleiman Darazo, chief judge of Bauchi State and holder of many high legal positions in the state over the years, was asked what he thought of sharia courts “clamping death sentences on convicts of offences like adultery.” His response was that this had never been the case in Bauchi state before. He definitely was not in favour of the practice. “It is due,” he explained, “to not applying the law properly. Islamic laws have procedures which are very strict and it is very difficult to prove most of these offences.” Besides, as both a lawyer and a Muslim, he felt that “we have passed the time that death sentences should be given for such offences.”²² We have here another hint that the issue of context and timing are among the determining factors when applying sharia, a point we will hear more about.

3. POLITICAL MOTIVATIONS

There is a variety of alleged and actual political motivations on both sides of the sharia fence. Some insist that Governor Sani and others have gone into the sharia business primarily for political

reasons and that those are their only reasons. It could be that they judged that pushing sharia would help them win elections. It could be an effort to destabilize a government at either state or federal level. Destabilizing theories have been around for long, not all associated with sharia. There was talk in the air of an attempt to topple Obasanjo by Nigeria's mafia,²³ a group of Kaduna-based political and business elite. Others allege that some critics oppose sharia for political reasons, even as they accuse sharia proponents of politics!

The accusation that Sani's motivation is primarily political is frequently heard. He experienced general opposition from various quarters right from the outset, from Muslims as well as Christians, from politicians and even from his northern colleagues. Some of the latter was latent. Hear his story:

Even in the northern states, when I started this programme, some people tried to hijack it for their own political goals, instigating trouble. There was trouble simultaneously in my state and in Kaduna.²⁴ Unfortunately for them, nothing happened here, because we have been living in relative peace with the Christians before. The troubles were instigated with a view to blaming the sharia for them. All the governors in the north, except Zamfara, were pushed into implementing the sharia by their own people and not necessarily by their convictions. They came out totally against me initially and so they find it difficult to come to me or to accept any suggestions that may be helpful in their own programme. They do not want to copy from our own programme lest they be accused of copying from us. It is not possible for me to try and advise the Kaduna State Governor or the Sokoto State Governor, because they will try to show that they know a better way of handling their own situation.²⁵

It seems the Governor exaggerated the situation. Niger State had been careful: It had sent delegations to Zamfara, Sokoto and Kano "to compare notes."²⁶ The Kano State Government sent

Aminu Inuwa, the Director General of the state Public Complaints and Anti-Corruption Directorate, to visit his Zamfara counterpart. The purpose was “to see for himself how far Zamfara Government has coped in the fight against corruption and protection of the people’s rights.” It was also to determine whether Kano State could adopt its methods. Apparently there is a greater willingness to learn from each other than Governor Sani had expected earlier.²⁷ The fact that Kano elected a governor in 2003 who belongs to the same political party as does Sani may have helped break the ice.

In spite of Sani’s disclaimers, sharia opponents continue to claim that it is primarily a political rather than religious project. This has been heard from President Obasanjo down to the rank and file. Aliyu Atta, a former Inspector General of the police, said that “the clamour for sharia is no more than a political gimmick. They are just trying to make political noise. The governors are only campaigning for a second term in office.” Suleiman Salawu, a politician from Kwara State, believed that “for people like Sani, it is essential for Nigeria to remain in crisis for them to be relevant.”²⁸ Hmm...

Yakubu Hassan, Chairman of the Kaduna State branch of the Izala group, gave a more sinister kind of motivation. Commenting on the 2000 sharia riot in Kaduna, he claimed that it was perpetrated not by true Muslims or Christians, but by “enemies of the sharia.” “Some of these officials were part of the campaign for the actualisation of sharia many years ago, but now that they are in government, they have abandoned the struggle.” In other words, this is opposition to sharia on the part of Muslim politicians and officials, former advocates, for their own political and economic benefit.²⁹

Though Abdullahi Bego does not appear to adhere to the destabilization theory, he does agree that there are serious “political undertones.” The struggle for and against sharia has “largely been a contest for political space. The Amina Lawals and Jengebes³⁰ “are merely symbols of the struggle among elites and contending political forces to win the day.” The ordinary people “remain at the receiving end of

this contest.” The sharia governors merely use sharia as “a tool for gaining new or lost political grounds.” In spite of all that, opponents “should be honest enough to admit the outpouring of popular Muslim support throughout the sharia implementing states when it was introduced.” Judging from the tumultuous welcome it received from the people, it was a democratic development that “cannot be dismissed as unpopular or barbaric.” “If Muslims want to be governed by sharia, then they should be allowed in a democratic state to have the right to their religious practice.” The problem is that so much of the movement does have these political undertones.³¹

The destabilization theory also had currency down south. Chigozie Ndulaka of *The Guardian* reported the following:

The sharia question yesterday got a royal frown, as Oba of Ikorodu Alaiyeluwa Oba S. A. Oyegusu said the introduction of the Islamic legal code was a gimmick to confuse and destabilize the nation. Speaking at the weekend during a press conference to mark his 30th anniversary on the throne, the Ayangburen of Ikorodu disclosed that he had thwarted a move by an influential Abeokuta man to introduce sharia in Lagos State, adding that he did not want people to bring confusion in the state. “We will refuse any action to introduce or bring confusion in Lagos state,” he stressed. Oba Oyegusi, who likened the introduction of Sharia to flogging a dead wood, also said: “Sharia is only meant to destabilize the government which is being headed by a Yoruba person.”³²

The year 2003 was an election year. With the Christian presidential incumbent Obasanjo running again, the BBC predicted that the north would be a major battleground and that the sharia would be a major focus during the exercise.³³ In an interview with Yaya Abubakar, who was running for President, Jide Ajani asked him about “the albatross of sharia” that was seen hanging around the neck of Buhari, another presidential contender. A candidate’s reputation

vis-à-vis sharia, it was thought, was determinative for many votes. Certainly, Paul Odili, in his lengthy state-by-state preview of northern elections, attributed much weight to the sharia factor.³⁴

During the same election period, Don Etiebet, Chairman of the party fielding Buhari for President, was interviewed by senior editors of *Vanguard*. The interview was largely concerned with the sharia question. Etiebet had to make it very clear that his was not a sharia party and that, if the party were to be voted in, it would not enthrone sharia. Bashir from *Vanguard* insisted that it was a burning question to many voters. Thus, even if a party did not make an issue of sharia, the media and the people still were anxious enough to need reassurance. And so we found Buhari assuring the electorate that he would not impose sharia on anyone, even though sharia is constitutional. Furthermore, he believed strongly in the supremacy of the constitution, one that allows sharia but not as an imposition. He reminded his audience that during his time as military head of state “nobody was taken before a sharia court” and no sharia judge appointed to the Supreme Court.³⁵

Similarly, the party supporting Obasanjo condemned “the use of religion in politics.”³⁶ Such language in that particular context referred especially to sharia. However, Habib Yakoob wrote in *Vanguard* that “the north has gone beyond this era of sentiments. I think they are tired of having to be used through the exploitation of religion.” Likewise, Tanko Yakassai, former advisor to former President Shagari, denied that sharia was still a contentious issue for voters.³⁷

Abubakar Muhammad reacted to the political interpretations. Opponents claim that “re-enacting the sharia is something the Muslims have ‘concocted’ for political reasons.” Obasanjo has called it “political sharia, whatever that means.” Muhammad exploded, “Never mind all this crap is happening in a country, where the fact remains the constitution has fully endorsed and allows Nigeria the freedom of choice, freedom of expression, and

above all the freedom to practice one's religion without fear or hindrance." He then delved into pre-Nigerian sharia history that far predates even the Danfodio revival and that sharia opponents "deliberately refuse to understand."³⁸

And then there were those who magnanimously suggested that Sani may have somehow been overwhelmed by forces over which he had no control and from which he could not extricate himself. One source indicated that Sani "may have meant well, but the sharia project has been hijacked."³⁹

Governor Shekarau of Kano had his own sharia struggle. Part of it was a difference of opinion about the nature of sharia and its implementation. That part will be treated in its own section further on in this chapter. But he was also plagued by ugly political turmoil. Yakasai described the parties that opposed Shekarau. They included—and remember now what I wrote about vituperative language—"parasites," "retrogressive elements," "remnants of the decadent class" from the previous administration. There is a tradition in Kano of the elite's dogged determination to "bring down all progressive governments." These were the anti-sharia forces that have always opposed "poverty alleviation."

The opponents also included "disgruntled Wahabist Ulama" who were dissatisfied with Shekarau's sharia strategy "because of their extremism and intolerance and the fact that they have not been given permanent appointments in the sharia bodies." Their concern was that the "punitive aspects of sharia" were not carried out to the degree they demanded. This development should be noted, since it is often alleged that the push for sharia comes from the ulama and from Wahabism. In Kano, it would appear, the ulama and Wahabist extremists were marginalized. They joined the opposition by aligning themselves with unhappy politicians to create "virulent campaigns of hatred."⁴⁰

Muslim opposition is often said to arise from the elite and power-brokers. Bappa Abdulkadir, an insurance professional from

Kaduna, wrote an article on the subject. Though the quality of the article leaves much to be desired, he did explain this type of opposition quite extensively. There are those who oppose Governor Sani by hook and by crook for their own political and other advantages. Abdulkadir calls these attempts a “campaign of blackmail,” “crude blackmail” at that. They criticized Sani for misspending money. They suggested that federal funds have disappeared and that others are spent in the attempt to establish the sharia instead of on development projects for the people. Theirs, he alleged, “is a calculated attempt to dent the image of the governor”; they “are out to incite people against the government.” They accuse Sani of using sharia “as his political weapon to destroy people or any person who tries to oppose the corrupt tendencies of the government.” Sani is also alleged to be using sharia as a diversionary tactic from his failures. They further allege that the Governor has not sufficiently prepared the state and its people for the new regime and they tune in to the wider circle of critics who insist the new sharia regime is unconstitutional. Some try to destroy his reputation by calling him “fundamentalist.” These “new breed politicians” are only interested in publishing “imaginary lies” without checking their facts. They are more interested in themselves and their issues than in the welfare of the people. Abdulkadir concludes, “We all know that the sharia project may not go down well with the Zamfara elite or the so-called power-brokers.” He suggests they should be ignored. They will soon get tired and then “they will find something else to shout about.”⁴¹

One example of opposition typical of opposition parties is that of National Vice Chairman (North West) of the Peoples Democratic Party (PDP), Senator Bala Tafidan Yauri. I reproduce his highly unfavourable comments as reported:

While speaking on the Islamic legal system at the weekend in Zamfara, Senator Bala Tafidan Yauri flayed the manner of implementation of the Islamic law in the state. According to the

PDP chieftain, the type of sharia being implemented in Zamfara is adulterated and full of deceit. He said the state government ought to pay serious attention to the provision of basic amenities, to avert a situation where people would be easily tempted to run foul of the law. Tafida said, "PDP as a party is not against sharia, but not the so-called sharia as being implemented in Zamfara where reports said that it is easier to get a gallon of petrol in Gusau than a clean bottle of drinking water." He explained that "water supply in Gusau has been non-existent. Look at destitutes everywhere. People hardly get three square meals."⁴²

Osa Director of TELL magazine tells of another Zamfara politician who pleaded anonymity. He described Sani's actions as "diversionary," but claimed he could not openly say this, for he would be regarded as anti-sharia. He feared for the economic future of the state, for business is in the hands of non-indigenes, who are likely to leave if sharia is enforced strictly. There were already rumours of some banks preparing to leave the area. Akinkuotu reported that in Kano and Kaduna this process had already started with southern-owned businesses closing and banks experiencing a run.⁴³ Sani's response was that he would transfer his money to Habib bank that promised to stay and to start Islamic banking practices.⁴⁴ Actually, the business people in question are mostly southern Christians.

One popular opinion had it that the sharia was a gimmick to dethrone President Obasanjo by causing confusion and violence. Some called it Obasanjo's "time bomb." Shettima rejected this theory as nonsense. Obasanjo does not need the sharia to undo him. His time bomb is the country's "endemic corruption and crushing poverty." He then referred to the scandal of a federal minister who merely "honourably resigned" after he could not account for N320 million earmarked for roads and subsequently became the deputy coordinator for the campaign to re-elect Obasanjo. He also rejected those "who stay put in some cosy countries" and speculated on the

basis of media reports and “some unfounded assumptions” that sharia states must be “havens of violence and conflict” by definition.

In his interview with Adegbite, Mumuni asked Adegbite to comment on the alleged “political undertone to the adoption of sharia” and on the destabilization theme of a “grand design by some powerful interest groups in the North to derail the administration” of Obasanjo. Adegbite dismissed this charge. “People who are saying that are trivialising a very serious matter. The application of sharia is an obligation on every Muslim individual and community. It has nothing to do with politics.”⁴⁵

Kumo similarly rejected this charge. He called it “a preposterous and mischievous proposition” that probably Obasanjo himself does not believe. In fact, he suggested that the “Muslim elite, whose leadership in the matter has been unedifying, have made only feeble efforts on its behalf,” precisely “because there is not too much political mileage in it.”⁴⁶

According to Kurawa, a different kind of opposition to sharia is being practised in Yoruba land. Some Muslim governors allegedly “have been pursuing anti-Islamic agenda.” Bola Ahmed Tinubu of Lagos State has returned mission schools to their original owners. Lamidi Adeshina has adopted a “clearly anti-sharia posture.” Why have these Muslims pursued such policies? The reason is that the political power in their states resides with anti-Muslim Christians. These governors are thus forced to placate their Christian populations.⁴⁷

Sanusi foresees that, after all is said and done, the solution to the sharia turmoil and debate will eventually be found “not on the basis of theological arguments, but in the realm of politics and the political,”⁴⁸ with politics in this context seen as a legitimate and positive arena.

4. CORRUPTION

Corruption has infiltrated every aspect of Nigerian life. There is hardly an edition of a newspaper, magazine or Nigeria-oriented

Web site that does not feature one or two stories of corruption. If I had included all of them in the "Corruption" folder on the *Companion CD*, it would have to be a separate disk altogether. Nigerians have come to expect every person in authority to be corrupt. Thus it could only be expected that the charge of corruption would be raised early in the sharia game. Indeed, it was commonly believed and said that sharia governors show no "benchmark for probity and commitment to the provisions of sharia laws themselves." They have not used the billions of nairas received from the Federal Government for the benefit of the people.⁴⁹

During May 2005, the Zamfara State branch of PDP, the party in national power but in opposition in Zamfara, talked as if it had been politics as usual under Governor Sani. The PDP Zamfara secretary, Bala Bello Maru, announced plans "to stage a million-man multi-party march to protest the neglect of the state, looting of public treasury and grossly ineffective leadership." "This misrule and the squandering of our resources are totally unacceptable to our people and must be stopped. We will no longer stand by to watch Yerima run Zamfara State as a private enterprise." Sani allegedly "embarked on a bogus project known as Zamfara State Integrated Development Programme in order to pull wool over the face of our esteemed citizens and facilitate the diversion, misappropriation and reckless spending of our resources through bogus and nonviable projects." He is also said to have presented "fat cheques" to local government chairmen for roads and other projects that never materialized. However, the funds "have been withdrawn from the banks."⁵⁰

Jazuli Lawal calls Sanusi his mentor who alerted him to problems with the current sharia campaign. He sees the campaign as an attempt "to gain acceptance from the teaming electorate, who were deprived of western education, resulting in a poor understanding of the concept of true democracy." Lawal admires the late Aminu Kano, a Muslim politician who long opposed the "criminal attitude

of our ruling class,” to which, according to Lawal, Sani belongs. Referring to Sani, Lawal writes,

How can we reconcile the behaviour of an ex-civil servant who, out of greed and selfishness, enriches himself and after retirement joined a political party as well as won an election to claim the implementation of Islamic sharia without declaring all the [funds he] accumulated illegally or returning the looted funds back to the public treasury. Under Islamic law, we agitate for the amputation of hands, while we do worse than an ordinary thief. Does that really portray our sincerity of intention and the adoption of the right attitudes among us?

Broadening his accusation of corruption and mismanagement to the entire northern Muslim elite, Lawal refers to the mismanagement of funds collected for the renovation of the national mosque in Abuja. “Their acts of indecency prompted the [Christian!] President to take over the management and rehabilitation of the mosque.” What gives such leaders the credibility needed to establish a sharia regime? In times of economic hardship, states Lawal, a “true proponent of sharia” should first address the economy and the “massive corruption.” As it is, the Muslim elite engages “in diversionary propaganda” and makes a “hypocritical commitment to sharia while mismanaging the economy in such a way “that would make the implementation of sharia unjustifiable.” He agrees with Sanusi, El-Zakzaky and others who hold that “full application of sharia succeeds, rather than precedes,” the necessary conditions.⁵¹ He echoes numerous Muslim writers, who, over the course of some decades, repeatedly make the same allegation.⁵²

Dahiru Maishanu, a Nigerian living in London, published a commentary about the combination of corruption, power and religion, including sharia, that is simultaneously both very humorous and very sad. He writes it in the form of a personal letter to an

imaginary cabinet minister in the government of Tony Blair of the U.K., named David Blunkett. You need to know that Blunkett keeps an imaginary mistress by the name Kimberly. The writer pretends to be a core member of the Nigerian elite, sometimes referred to as the Mafia. He explains to Blunkett how Nigerian power-brokers operate:

Let me introduce you to a few of our divide-and-rule tactics that have managed to see us in firm control over the decades. It is simple: We use religion, ethnicity, tribalism, nepotism, resource control, politics and many other issues to do this.

Don't be scared when I mention religion, for here in Nigeria we have perfected the method of using it to turn people against people to our benefit. We have over the years systematically created inter-religious crises between the followers of the two main religions and sectarian, intra-religious strife (as you have in Northern Ireland) with enormous human and material casualty and consequences to our advantage.

Did I hear you use the word sharia? This is one aspect where you will salute our genius. When you come to Nigeria, I will take you on a tour to all the states of the federation including the so-called sharia states. I will not only take you to one of those sharia states, I will also provide you with booze unlimited and as many Kimberlys as you and members of your entourage would like to have and nothing will happen. We have introduced a lot of ingenious strategies to ensure that only the downtrodden in the society are sharia-compliant, while we, the leaders, satisfy our kleptomaniac, immoral and sexual desires without hindrance.

We use government houses and offices to give contracts and public funds to our selves and our cronies. We use government facilities to sleep with our mistresses; some of us even use government facilities and funds to sponsor gay relationships

whether in sharia or non-sharia states. My dear Blunkett, no policeman or hizbah operative will dare come to the government house to enforce sharia no matter what atrocity is being committed in that house. They only do as directed by us and disturb the poor masses like Safiyah.⁵³

We have created a lot of rifts, acrimony and deep suspicion between the followers of the two main religions and the many tribes in the country. We have also created dangerous flashpoints in the country where we remotely control the occurrences of religious and tribal clashes at will. It is only we, the leaders, that have the ability and tools to ignite trouble in Kaduna, Kano, Kafanchan, Lagos, Ife, Modakeke or Jos and we are always ready to do this at the slightest of provocation.

A few paragraphs further, Maishanu continues:

Honourable Minister, look around you in north and central London; you find our loot scattered all over the place. From Victoria to Kensington through the West-end, properties owned by “us” are too numerous to count or value and they are on the increase continuously, thanks to your accommodating system. In my country today, one must own a property in a choice area of London and have foreign bank accounts before he can truly count himself as one of us. Again thanks to your accommodating system, money laundering rules are bent to the floor in order to accommodate our smartly (ill-gotten?) acquired wealth in your banking and financial systems. Let me use this medium to ask you to thank whoever is responsible in your country for this act of magnanimity and co-operation. You can see your economy is better off with us! In it?

On the political front, I will like to report to you that we have just completed the comprehensive desecration of the polity after stealing virtually all the mandate there is in our

*electoral system. I can also promise a photo finish action of electoral thievery and fraud never seen before, come the year 2007. The constitution would have to be rewritten if need be in order to accommodate our wishes and ambitions. Our Head Boy may even borrow your parliamentary system for a while in order to achieve his ambition for a third term of office. For us politics is a means to the end; it is the shortcut to riches, fame and power.*⁵⁴

5. SECULAR MUSLIMS

Ibrahim Sada of ABU observed at the Jos Conference—see further down for conference details—that among Western-educated Nigerians it has become “axiomatic” that “religion ought not to interfere with political life. While the principle of ‘secularism’ is automatically identified with ‘progress,’ every suggestion to consider politics and socio-economic planning under religion is dismissed out of hand as reactionary.”⁵⁵

The now late Muslim-Marxist Yusufu Bala Usman, formerly a historian at ABU, was a straddle figure between the pre- and Zamfara periods.⁵⁶ From earlier volumes in this series, we know that he put much stock in the manipulation theory of religious riots in Nigeria.⁵⁷ This held also for the sharia issue. Commenting on the Kaduna riots of 1987,⁵⁸ thus during the “pre” period, Usman wrote,

Our experience of the current events and all the evidence available to us, have convinced us that the violence and arson of the last seven days was not the brain of the hooligans. It is, however, believed to be the latest stage of a campaign which started about ten years ago, in the so-called “Sharia Debate,” in the Constituent Assembly in 1976-77. At that time it [the sharia debate] was aimed at creating political constituencies for political leaderships, whose records showed that they had nothing to

*offer our people. This strategy failed and therefore they now turn again to the manipulation of religious sentiments and religious symbols to cover up their complete bankruptcy and failures.*⁵⁹

For Usman, political considerations, especially manipulation, were prior to all else in the sharia debate of his days. This, it should be clear, was his observation of the actual situation. It was not a recommendation of a desirable practice. That is merely how religion in fact is usually used. For him Islamic religion spelled justice above all other social concerns.

Returning to the Zamfara era, during the course of personal e-mail correspondence between Ajetunmobi, whom we met in earlier chapters, and myself, he indicates that he has done some “deeper thinking.” He does not absolutely object to sharia, but in today’s multicultural situation neither sharia nor any other religious law can possibly manage the confusion. In this context, he concludes that “it is not possible for any country to adopt religious law as the law of that country.” This conclusion is based on the oft-stated Muslim rejection of compulsion in matters of faith. How can this rejection stand if “one religion imposes its law on a society where people of other religions and denominations also live?”

There is a second Muslim principle that must also play a role here: Islam demands absolute fairness and justice. Thus, if Muslims adopt sharia in Muslim-majority countries, then they have also to allow countries with other majorities to impose theirs on those countries. That’s a notion of fairness on the part of a Muslim I have not come across before. This, he suggests, will cause endless “confusion and anarchy.” He writes, “In view of the overriding concept of there being no compulsion in matters of faith, my own position now is that most of Islam and most of Christianity and most other religions in the world can be practised without their religion being the law of the country. A believer of any religion can practise his beliefs even under secular law.” A religious person

can abide by truth without any state law interfering with his ability to speak the truth. He can observe his prayers and perform his acts of worship without the need of a specific law being passed by the state to permit him to do so. The 'us versus them' vision of Islam, exponentially exaggerated by Osama Bin Laden's demented Wahabism and others, derives not from the Quran but from a world view that is ten centuries out of date.

In response to my challenge to his optimistic expectations of secularism, Ajetunmobi explains that his optimism with regard to secularism is based on his view of the human origin of sharia:

The freedom to profess, propagate, practise and exercise, or to denounce or to cease to believe or change one's belief is protected absolutely under secular law. In my view, the very essence of secularism is that absolute justice must be practised regardless of the differences of faith and religion, of colour and group. Therefore, if a society is permitted to live according to its own religious aspirations, why should the religious law concerned be made the law of the land?

Islam does not promote intellectual paralysis but respect for the use of the mind. So, I do believe that time will convince many a Muslim that sharia has a human basis that developed gradually, and therefore that our understanding of it must be compatible with and affected by the knowledge of our time, and that it is there that we will find healing answers to our problems.⁶⁰

In all Muslim countries, according to Kurawa, "the most articulate opponents of the sharia" are Muslim secularists. In the case of Nigeria, they demand that governments give more priority to lift up the poor than to sharia implementation. They accuse sharia governors of ignoring the living conditions of the poor. Secularists often quote Usman Danfodio in their arguments, but wrongly so,

says Kurawa. Islam is balanced: it emphasizes the material and the spiritual. Secularism, including its Muslim adherents, “elevates material fulfillment” over spiritual needs. However, Danfodio “did not postpone the sharia until all material needs had been satisfied. He never elevated the material over the spiritual needs.”⁶¹

Aisha Isma’il was Federal Minister of Women Affairs and Youth Development in 2000. The *NV* ran an interesting story about her that I reproduce almost in full.

Hajiya Aisha Isma’il Thursday denied a National Concord (NC) lead story which quoted her as having predicted that “sharia will fail” in Nigeria. According to the NC, the minister said at her press briefing in Abuja Tuesday that sharia’s legal system would fail in most of the northern states, “because of the high rate of poverty, greed and disease in the country.” The minister was also reported to have described sharia adoption as “an unnecessary development capable of destabilising democratic governance in the country.”

But in a statement in Abuja Thursday, Aishatu Isma’il clarified that “sharia has been in the Islamic north in the last 100 years or so, since the time of Shehu Dan Fodio. You must have noticed that the people clamouring for sharia are the poor and oppressed members of that society. My understanding is that those people are clamouring for reforms of the implementation structures within a society that has become exploitative and oppressive.” According to her, “Sharia has actually given women their rights, over four hundred years before. But Nigerians should concentrate right now on serious and more threatening issues facing this country, which I believe are absolute poverty, illiteracy, disease and insecurity.”

“Rather than dissipate energy on sharia that has been in existence for a long time and in the constitution, a more engaging exercise should be a focus on removal of poverty, disease,

illiteracy and insecurity, without which the constitution that defines our relationships cannot effectively operate. Neither can our hard-won democracy thrive or even operate, nor can sharia be properly implemented."⁶²

Sa'adatu Ahmad from Zaria was in "total dismay" upon reading Isma'il's original letter in *NC* and promptly sent an article to *NN* with the title "No, *Hajia*,⁶³ No!" Since Ahmad's is a well-written article that covers a wide range of sharia concerns, I have included it as Appendix 29. Ahmad wrote that it is "unfortunate" that this letter was written by a Muslim. It represents "the height of illegality and ignorance." In short, the sharia is the very instrument needed to achieve the purposes Isma'il thinks more necessary. Our man-made laws have only let us down and created our present crisis. "I am sure," wrote Ahmad, "it is only those people who want the old order to continue despite its proven fruitlessness that are condemning the introduction of Islamic law. I don't want to believe that Hajia is one such person." How can Isma'il consider sharia a threat to democracy? Unless, of course, "she is afraid of losing her ministerial appointment on account of sharia implementation. The only ones that may suffer from its application are those self-centred individuals whose only motive is to loot the public treasury, enrich themselves, build gigantic, tastefully furnished apartments and drive around in flashy cars. I don't want to believe that Hajia is one such person."⁶⁴

You may remember from earlier in this chapter how Muhammad Asad described Westernized secular Muslims as obstacles to sharia. You may wish to reread them in this context. I am not so sure his description would apply to Bala Usman.

6. DISTORTED AND PARTIAL IMPLEMENTATION

One problem that continues to arouse critique and opposition to the current sharia regime is that of distorted and partial implementation. It is meant to be wholistic and to reach into the very

roots of the society, but in fact it is often left at the surface. Furthermore, it assumes a society that is Islamic in all its structures and practices, but in fact is reduced to sensational practices such as amputation and stoning.

Abdullahi Bego, a Nigerian living in Tehran, approves in principle of the new sharia regime. “On its own merit, an Islamic society governed by sharia is the desire of every Muslim,” he writes. That is the reason it was so enthusiastically welcomed by the people. A number of good things were immediately accomplished, like “the closing down of beer parlours and brothels and the reformation of many women of easy virtue.” But—and this is a serious “but”—“the practical promise of sharia for an egalitarian society still remains a concept.” Bego quotes from one Egbal Ahmad, who described the reality of the sharia enterprise “as an Islamic order reduced to a penal code, stripped of its humanism, aesthetics, intellectual quests and spiritual devotion.” In spite of all the hoopla of sharia-related committees and the noisy *Hisba*, “the base is left largely untended, so that the beauty of sharia in reordering the political economy is masked for its penal justice.” He charged that the sharia governors, by having portrayed

a universal religion as limited only to the penal code, have done Islam incalculable damage. Islam is far more comprehensive and its world view far greater than merely concerned about cutting off the hand of Jengebe because he stole a cow. As a religion revealed for mankind, Islam aims to guide humanity to all imaginable levels of progress and perfection and to make man a true vicegerent of God on earth.

These governors have reduced the grand religion and have thereby “given up Islam to ridicule.”⁶⁵

Kabiru Saleh of Kaduna is spurred on by the case of Safiya, one of the women sentenced to stoning, to insist on a wholistic approach. Sharia must be applied in the context of sharia *siyasa*, Muslim poli-

tics, a term already explained in Monograph 5. “What we have today is just the legal aspect of sharia, which constitutes a very insignificant percentage of sharia, whereas *siyasa* is exceedingly wide as it encompasses matters not only of concern to law but also to the whole of government.” He wonders whether “the legal aspect of sharia we are implementing today is possible or whether it can even exist in isolation without *siyasa*.” “The legal aspect of sharia cannot exist in a vacuum. It has to exist in a system and if that system is contrary to divine law, there will naturally be chaos and disharmony.”

Saleh displays a tendency found in many other writers as well, namely their insistence that sharia will work only in a utopia, in a near perfect society, though the term “utopia” is not used much. Referring to amputation, he writes:

This injunction is meant to be promulgated in a full-fledged Islamic society, wherein the wealthy pay zakkat to the state and the state provides for the basic necessities of the needy and the destitute; wherein every township is enjoined to play host to visitors at its own expense for a minimum of three days; wherein all citizens are provided with equal privileges and opportunities to seek economic livelihood; wherein monopolistic tendencies are discouraged; wherein people are God-fearing and seek pleasure with devotion; wherein the virtues of generosity: helping the poor, treating the sick, providing for the needy prevail to the extent that even a small boy is made to realize that he is not a true Muslim, if he allows his neighbour to sleep hungry, while he has taken his meal.

In other words, it is not meant for a corrupt society where you cannot get a single penny without having to pay interest; where there are implacable money lenders and banks which, instead of providing relief and succour to the poor, treat them with contempt and where the guiding motto is “everybody for himself and the devil take the most”; where there are great

privileges for the privileged ones, while others are deprived even of their legitimate rights; where the economic system is propelled by greed and piloted by exploitation and only leads to the enrichment of the few at the cost of crushing poverty; where the political system serves only to prop up injustice, class privileges and distressing economic disparities.

Under such conditions, it is doubtful if theft should be penalized at all, not to speak of cutting of the thief's hands! Because to do so would amount to protecting the ill-gotten wealth of a few bloodsuckers, rather than awarding them adequate punishment!

Similar is the case of punishment for adultery and fornication. Islam prescribes a hundred stripes for the unmarried and stoning for the married partners in the crime. But, of course, that applies to a society wherein every trace of suggestiveness has been destroyed; where mixed gatherings of men and women have been prohibited; where public appearance of painted and pampered women is completely non-existent; where marriage has been made easy; where virtue, piety and charity are current coins; and where the remembrance of God and the hereafter is kept ever fresh in men's minds and hearts.

These punishments are not meant for that filthy society wherein sexual excitement is rampant; wherein nude pictures, obscene books and vulgar songs have become common recreation; wherein sexual perversions have taken hold of semi-nude parties that are considered the acme of social progress and wherein economic conditions and social customs have made marriage extremely difficult.

Over against such an unfriendly society, according to Saleh,

Islam aims at creating a society in which none is compelled by force of circumstance to steal. For in the Islamic social order, apart from the voluntary help provided by individuals,

the states guarantee the basic necessities of life to all. But, after providing all that, Islam enjoins a severe and exemplary punishment for those who commit theft or adultery as their action shows that they are unfit to live in such a just, generous and healthy society and would cause greater harm to it if left unchecked.

In such a society, few people commit such sins as the society is characterized with faith and righteous actions. A guilty person usually flees from justice. The only force that can make a human being to voluntary submission to punishment or to confess his crime is faith. In Islam punishments are abandoned with the slightest doubt. Islam does not compel a judge or governor to seek out a guilty person. Rather, it places an urge within a guilty person to come forward for punishment.

To further buttress his case, Saleh brings up a number of stories from early Islam, a common practice among Muslims. These are stories that hold a kind of exemplary authority that people are expected to respect and obey. They lend a kind of situational ethic to Islam. Saleh asserts that the bedrock objective of sharia consists of “justice, equity, preventing corruption and promoting virtue.” However, “the specific application is situational. Islam does not demand scrupulous and immediate application of its ruling.” For example, Caliph Umar Ibn Khattab suspended the prescribed punishment for theft in a year of famine. Caliph Uthman “validated the right of inheritance of a woman whose husband had divorced in order to be disinherited. In these and other cases, prescribed procedures and penalties were suspended because of the extenuating circumstances.”

Other opponents and critics also describe the applied sharia as exceedingly strict, unbending, legalistic. Jamilu Lawan addressed this issue. Unlike the Bible, the Qur’an insists on certain conditions and restrictions before a suspect can be punished. An adultery case requires witnesses. No one can be punished for theft until the

age of the accused is determined along with the amount stolen and the conditions that drove him to the offence.⁶⁶

True, it is in fact often applied in strict and legalistic ways that ignore the conditions and circumstances. Few judges are learned in the sharia way. Most of them have been trained for and have practised in the old sharia regime that was characterized by ignorance, corruption, legalism and discrimination. Many Muslim supporters of the new regime recognize that. It leads to bad and cruel sentences and to discrimination, especially of the poor. It also leads to subjecting non-Muslims to its judgments. No wonder that opponents often refer to this side of the story and dismiss sharia with a sleight of hand.

Hassan-Tom confessed that “most of us were deceived into believing that Sani and company were acting on sincerity and love for the Islamic law.”

*We supported Governor Sani, not knowing that he will go against what the Khalifa did during hard times: suspending the chopping-off of hands for theft and ensuring the just collection and distribution of zakat. Governor Sani rather took interest in the cutting of hands of rural petty thieves, while to the knowledge of the whole world, he tolerated corruption in his ministries.*⁶⁷

That is hardly the full sharia Muslims boast of.

After three years of sharia, Hassan-Tom asked what benefit sharia has been to Muslims, “apart from exposing the dubious leaders we have in our midst. God intends for Muslims through sharia the highest standard of love, moral decency, equality, social justice and, above all, spiritual development.” He then went on to a litany of wrongs committed by sharia governors. In this “attempt to use religion to achieve some worldly objectives, we need to be careful not to draw Allah’s wrath.” “The point here is not the application of sharia, which we all cherish and that is why we are Muslims, but

rather the one-sided un-Islamic way in which the law is being implemented.” The method of implementation “has done more harm than good, because their attempt is not at all focused on and is not even based on the foundation of which Allah prescribed sharia.” To non-Muslims, “it confirmed their otherwise ignorant and unjustifiable thinking that Islam is oppressive and retrogressive.” “The governors preferred to tread the path of insincerity and selfishness to the detriment of popular demand. It is now clear that all the sharia governors wanted to achieve is to capitalize on our sincere desire and love for sharia to achieve their self-centred agenda.” Partial implementation of sharia amounts to no implementation. It goes against the grain of the sharia, for

*there is no halfway practice of religion in Islam. Our sharia governors should be mindful of the fact that sharia is not just about punishment, rather it is more about providing a conducive atmosphere for coexistence; it is about education; it is about employment creation; it is also about the provision of basic social services and above all, it is about peace. Our sharia governors should be mindful of the fact that before you implement any punishment under sharia, there are certain conditions for you to meet. For instance, before you chop off a man's hand for theft, you have to satisfy yourself that the thief in question is gainfully employed and is not stealing just to satisfy his hunger.*⁶⁸

A major Muslim critique of the Zamfara-type sharia is that the conditions in the north are not conducive to an extended sharia regime. M. S. Mustapha argued that social and economic conditions have to be conducive to sharia. That is, justice must prevail so that no one has reasons to commit crime. For example, “The amputation of a confirmed thief would not be just, unless the state has provided the convicted thief with no excuse.” A thief is to be punished only when he has no legitimate reason for his action.⁶⁹ In

fact, these conditions did not prevail in Zamfara when the move was taken, but Mustapha only implies that shortcoming. Hopefully, the utopia is just around the corner.⁷⁰

Baba Ejiga also favours an extended version of sharia, but he is unhappy in the way Governor Sani applies it. In fact, he refers to “some mistakes” and to “the unintelligent ways” of the governor. He lists a number of steps the governor should have taken prior to taking the plunge—and they are biggies!: (a) Systematic elimination of corruption; (b) Eradication of illiteracy; (c) Educating Muslims and others about the sharia; (d) Elimination of oppression and cheating; (e) Provision of social amenities and infrastructure in all localities.⁷¹ Wow! How many years is Ejiga prepared to give the governor?! Does he really want sharia? This amounts to asking for the sky! Once again awaiting something akin to a utopia lurking around the corner.

Saleh has a grandiose vision for a wholistic sharia. It should be used “to carve ourselves a place in the field of science and technology, in the economic sector and even social.” In this century, instead of cutting the hands of petty thieves and punishing ignorant prostitutes, we can engage in human development and even put pressure on the Nigerian government to take certain political steps, both national and international, in the interest of peace.⁷²

All of these are great ideals, but can the human race climb such heights? Is it capable? What is the difference between these hopes and utopianism? Or the Marxist hope? That is not immediately clear to me.

7. CLASS ORIENTATION AND ECONOMIC MOBILITY

Among the problems identified with sharia were those of class. Many complain that only the poor are brought to sharia courts and sentenced, while the wealthy and powerful go scot-free. As Hassan-Tom put it, Sani and his cohorts have established many courts to condemn the poor for petty theft and adultery, while the elite commit all sorts of atrocities without any fear of being

caught. Islam is portrayed as an instrument of oppression.⁷³

It is probable that the sharia judges themselves do not bear primary responsibility for this skewed situation. If no one accuses an erring official, how will he appear in court? We have heard of some exceptions in previous chapters. A member of Kano's elite took his wife to sharia court. Governor Turaki of Jigawa was brought to sharia court by his political opponents. These are at least two examples where a sharia court faced a challenge of judging members of the elite. But, yes, in general this is a serious problem that has turned many against sharia.

Ali Ahmad is much disturbed by this strong trend. He wrote,

The sharia that I know is one that thrives on scholasticism,⁷⁴ one that seeks to create an atmosphere of peace as well as heightened spirituality for those that want. The sharia in which officials and governments feel encouraged or obliged to provide succour for the poor and the vulnerable and to protect the legitimately earned property of the wealthy. It is one that provides justice for all. I do not see this initiative working toward that direction. Ordinary people had longed for a sharia that will guide their whole lifestyles, which includes but is not limited to the criminal aspect that bugs it down. A sharia that will address the immediate fitnah on their soil: indecency, social injustice, and corruption by public officers. Something is just wrong with a system that is adept in convicting cow thieves but unable to book in two years [even] one public office holder in a sea full of those who betray public trust. Hadd crimes⁷⁵ must be sent back to the drawing board.

Ahmad agrees that if the people want sharia, then the government should adopt the system. However, if it means that it can only be applied to peasants and not to the rich, "then it better not be applied at all and should be suspended completely." He concludes his article with a loud call "for the suspension of the Zamfara initiative on

hadd crimes, until the relevant issues are fixed.” “The Zamfara initiative is commendable, but the people are still waiting for sharia.”⁷⁶

Abdulrahman Saketa, “a leading Islamic scholar in Zamfara state,” demanded “some amendments” to the Zamfara implementation. He said, “It lacks focus and direction since only the common man suffers its consequences.” The real sharia, according to Saketa, ignores the status of a person and applies to every one, but not so in Zamfara, where most of the offences are by “top civil servants and political stalwarts,” but they are not charged in court. Sharia “is meant to protect the dignity of the people, not to insult them, especially now when the majority of its victims are common men.” “It is very disheartening about what is currently going on now in this state. You can see these offenders, whose offences can be seen glaringly, but because of their relationship with the government, they go scot-free. This is not the real sharia.” The sheikh emphasized that the government must “remove its hands from the implementation of sharia, if justice is to prevail.” I do wonder what prevents people like Saleh and Saketa from taking these corrupt elite to court? Why don’t *they* take the bull by the horns? Why does it always have to be someone else?

Abdulrazaque Bello-Barkindo declared sharia in Iran a failure. It is a failure there because of “incompetent clerics.” The reason for sharia failure in Nigeria is different. Here you have “insincere leaders who are making one law for the common man and another for themselves and their families. It is not enough to tell the people what to do, what to wear, how to speak and yet hide and break those laws regardless.” In essence, sharia regulates only the lives of the poor. “The message is gradually coming into the open in sharia states. The last three years have glaringly proved that the only alternative is to either find leaders, as General Buhari mentioned, who have the fear of Allah at heart or to get a non-devotional government which does not intimidate the people with a false use of the name of Allah.”⁷⁷

Early in 2006, the high society ladies of Zamfara State shocked the ordinary people as well as some Muslim scholars. “Hundreds of drummers and singers” were apparently invited by Hajiya Karima, the wife of Governor Sani, “to come to the state and display their talents” before a group of wives of numerous highly placed politicians and civil servants in the state. They performed many acts that earlier sharia legislation had banned, such as “immoral activities” like drumming, singing, spraying big money and dancing by the women, including Hajiya Karima. Some Muslim scholars strongly critiqued this event. Some suggested that “sharia might have been suspended for some hours.” One of them, Nuhu Kaura, stated that this was “an insult to both Islam and Muslims the world over.” Many people “expressed sadness, describing it as total disobedience to the sharia.” Many, especially youths, began to appeal that all the sharia restrictions prohibiting them from enjoying themselves as they used to do should be repealed. Cinema halls should be reopened, since there now was no reason they should be prohibited. One unnamed scholar said, “this government has failed us and failed the entire Muslim ummah. The immoral activities taking place in the state now are surprising and that is why many people from the beginning refused to support it because they knew that really it was a political gimmick and we are now realising it.”⁷⁸

Well, yes, the class nature of sharia had been brazenly displayed. Sharia was quite obviously meant for the poor to observe, while the elite publicly ignored and practised all that the public had been forbidden. The people had been made unmistakably aware of it.

8. LITERAL VERSUS LIBERAL INTERPRETATION

A major point of controversy is the nature of sharia. How did sharia come about? There are at least two major positions in Nigeria. One emphasises its divine origin, while the other, without denying the divine role, also takes seriously the human and historical that are part of its development. The first emphasis tends to lead to a static

view of sharia as an unalterable document and to both a literal interpretation and legalistic implementation. These, in turn, frequently lay behind so-called *hudud* sentences like whipping, amputation and death by stoning. Emphasis on the humanness and historicity of sharia usually leads to a much broader interpretation of the purpose of sharia that takes circumstances and changes into consideration. The first emphasizes punishment; the other, sharia as guide and vision for a just and moral society. These differences can have a profound effect on the course of events. The factors that have produced international hues and cries are those derived from the literalist interpretation, which is more dominant in the sharia states, though not in all. That dichotomy within the Muslim community continues to produce sharp disagreements not only about theories but also how in practice to operate a sharia-friendly system and how to create a sharia-based society. That distinction forms the basis for the following discussion.

Less rigid Muslims point to the reason for the negative developments pictured in the previous sections as well as to the solution. Ali Ahmad of Bayero University suggests that Muslims must learn to apply scholarship and certain technical kinds of traditional judgments known as *ijtihad* that will free them from faulty legalistic judgments. If they cannot do so, “then we have no business running a sharia show. If peasants like Amina⁷⁹ are the only ones that a government can arrest, if private citizens of Bauchi State are the only ones that can be convicted, our leaders cannot claim to be applying sharia and they are doing irreparable damage to the sharia enterprise.”

According to Ahmad, the problem with the “Zamfara initiative” is that it ignores the totally new modern situation that is so different from the original setting in which sharia emerged. Among the new factors are the nation-states, an international human rights regime, globalism, pluralism, the DNA factor, and a colonial “non-Islamic apparatus” running the country.

Thus, when you have all these circumstances that were not contemplated when the classical books were written, how do we implement this law, as we are bound to, under a constitutional and pluralistic state? How do we implement this law in a manner that is capable of dealing with peasants like Amina and powerful men all around town? These contemporary issues are thrust upon our generation and we cannot shy away from it by just “cutting and pasting” what has served them so well into our statute books.

Zamfara ignores all of that.

Abdulsalam Ajetunmobi published an article in which he expressed strong support for Ahmad. He then adds his own:

Islam is not a hard and fast code of laws, for it does not lay down rigid injunctions regarding minor and ever-changing details. It affords sufficient scope for individuals to exercise their judgment in order to adapt an injunction of a general nature to meet a new and changed situation. And, though the basic principles are unchangeable, as details continue to change, Muslims are not supposed to limit their discretion or fetter their judgment or bind themselves to unnecessary and irksome legislation.

He adds, “Of course, I know that this position may not always be welcome among certain sections of the Muslim community.” Ajetunmobi thinks of this approach as a better alternative to conspiracy theories that forever seek a villain and always blame America for their troubles. “An insightful Muslim must offer a better way of articulating the Qur’anic point of view—intelligibly, intellectually and convincingly.”⁸⁰

In his comments published by BBC, Muhammad Loquitor writes that those who think of sharia exclusively as God’s law that has had no human input are “completely ignorant of Islamic his-

tory.” There are, he points out, various versions and interpretations of sharia. It was first developed some 100 years after the birth of Islam and was not implemented anywhere till a few hundred years further. Only a few of the laws come from either the Qur’an or the *hadiths*. As long as Muslims do not “understand their own faith and history,” they will continue to be manipulated by extremists who use false versions of the religion to gain power and influence. The problem, he suggests, is two-fold: extremism among Muslims and intolerance on the part of secularists. Nigerian Muslims have not done enough to assert their rights.⁸¹

More than a decade earlier, Muhammad Asad wrote in similar vein. Bringing in his discussion will not only help clarify the issues further but also to indicate once again that the topic, so hot during the Sani years, was already current over a decade earlier. In principle, Asad wrote, “Islam offers us a definite, clear-cut outline of a political law of its own, leaving it to the *ijtihad* of the time concerned to elaborate the details.” Among the Muslims there are “conservative elements” who think

that the survival of Islam depends on the maintenance of the very conditions which, because of their sterile rigidity, now make it impossible for Muslims to live in accordance with the true tenets of Islam. Their unwillingness to concede the necessity of any change in our social concepts and habits drives countless Muslims to a helpless imitation of the West. Their insistence that a modern Islamic state would have to be an exact replica of the “historic precedents” of our past is apt to bring the very idea of the Islamic state into discredit and ridicule.

A few paragraphs further he wrote,

By insisting that the political forms and procedures of a contemporary Islamic state must strictly follow the patterns evolved in the early period of Islam, an insistence for which

there is not the slightest warrant in either Qur'an or Sunnah, these self-appointed 'guardians' of Islam make it impossible for many educated Muslims to accept the sharia as a practical proposition for our time.

Asad insisted that "particular care must be taken to differentiate between ordinances intended by the Prophet to be valid for all times and ordinances which were obviously meant to meet the needs of a particular occasion or time." So, not everything out there in the traditions is to serve as guidance for us today. "Only Traditions which meet the highest standards of historical and technical criticism are to be considered, while Traditions which leave the slightest opening for legitimate objections regarding their authenticity should be excluded from the outset." "The true sharia," he wrote, "was never intended to cover every detail and every possible constellation of our lives, but is only a framework within which we are expected to unfold our creative powers and in the light of which we have to regulate our daily affairs. If we remember this, we realize at once how immense the field is within which we must exercise our independent reasoning." We are here, it seems to me, some distance removed from the more rigid descriptions of the sharia found in Chapter 2, as, for example, that of Gumi.

An example of rigidity is the current popular notion of *jihad*, holy war. "By representing the idea, in clear contradiction to all Qur'anic injunctions, as an instrument of aggressive expansion of Muslim rule over non-Muslim territories, they sow fear in the hearts of non-Muslims and fill many righteous Muslims with disgust at the thought of the injustice which such a tendency so obviously implies." Another example is the notion that "the sharia imposes on us the duty to discriminate, in all social aspects of life, between the Muslim and non-Muslim citizens of an Islamic state to the detriment of non-Muslim minorities." This notion "makes it impossible

for the minorities to bear with equanimity the thought that the country in which they live might become an Islamic state.”⁸²

Kano Governor Shekarau eventually found himself in a bind between these two schools of thought about sharia. He has argued the legitimacy of his administration on basis of his “faithful implementation of the sharia.” And, indeed, according to Garba Isa, he has “put in place one of the most elaborate frameworks for sharia in Nigeria: The establishment of a Sharia Commission, the *Zakat* Commission and the *Hisbah* Board”⁸³ and more. And yet the cry is heard that there is no sharia in Kano. Why? Shekarau sees sharia in a comprehensive way as social transformation and applies it accordingly, while others want to see the “tangible traditional manifestations” such as separate buses for women, absence of women on motorcycles, elimination of beer parlours, gambling, cinema houses and prostitution. They also expected to see the caning of fornicators in sharia courts and the amputation of the hands of thieves. The Ulama are preparing for a confrontation with the Governor over these issues. Prostitution and other immoralities are still happening openly.⁸⁴

El-Zakzaky is a major opponent to the Zamfara version of sharia and of the timing. The Zamfara government is not Islamic, he argues. That being the case, “how do you expect a government which is not Islamic to operate an Islamic law? Islamic law should only be operated by an Islamic government in an Islamic environment after an Islamic atmosphere has been created.” Since Nigeria has a secular constitution, “the sharia will always come into conflict with the constitution, which in today’s Nigeria is supreme to the sharia. With such conflicts, the proponents of sharia in Zamfara will come face to face with the reality that natural processes have to be pursued to achieve an Islamic state.”⁸⁵ This is an argument that is repeated by many opponents.

▲ THE JOS CONFERENCE

In January 2004, a major sharia conference was held at the University of Jos (UJ). It was organized by a group of scholars from UJ and the German University of Bayreuth. Its basic inspiration was from Westerners, with my friend Philip Ostien, an American in the Law Department of UJ, being the chief organizer. The main financial source was the Volkswagen Foundation of Germany. In keeping with the plan for this monograph, I will review with you some of the Nigerian Muslim attitude(s) towards the conference itself as well as their analyses of some of the speakers. Most of it was quite predictable. Some of it could have been pre-empted by an organizing committee more in tune with the Nigerian situation.

Is-Haq Oloyede, Deputy Vice Chancellor of the University of Ilorin, found that the conference lacked adequate representation among the presenters of “authentic expression of the Nigerian situation.” This was a critical issue to which the organizers did not seem to have paid enough attention and that offended many Muslims. As a result, Muslims were “almost unanimous in suspecting the motives of the organisers. A little sensitivity to the feelings of the Muslims would have made the difference.” No significant Nigerian sharia proponent was given a role. While the West was adequately represented, Islam was “represented by those whose opinions on sharia implementation in Nigeria are known not to be representative of the majority of Muslims in Nigeria.” Oloyede, apparently considering Sanusi a heretic, compared his participation in the conference to having a Jehovah’s Witness speak at a conference about the Trinity!⁸⁶

The general perspective summarized in the previous paragraph is also the perspective in which Sani Tanko viewed the conference: as an extension of the colonial enterprise and its aftermath. That this perspective would have its proponents was, of course, a foregone conclusion. He disqualified the “liberal” Sanusi from addressing the

sharia issue because he is allegedly biased against it. Tanko was supported by Tani, who also disqualified Westerners, because they are foreigners. The conference, Tanko declared, could not challenge the constitutionality of the Zamfara sharia “because they are not Nigerians, in which case they will be deemed incompetent.”⁸⁷

In fact, Tanko regarded the entire conference with deep hostility as an attack on sharia and accused the foreign speakers, including Africans, of all sorts of negatives: incompetence, mischief, aggression, deceit, misrepresentation, ignoring of the Nigerian situation in favour of other irrelevant cases and of “defaming the sharia.” He especially lambasted Abdulkader Tayob, a South African at the International Institute for the Study of Islam in the Modern World, University of Nijmegen, The Netherlands, for suggesting that the violence in Kaduna in February 2000 and 2002, and in Jos during September 2001, was because of sharia. Tayob, he alleged, “intended to deceive Nigerians and the rest of the world to believe that the introduction of sharia in Nigeria was responsible for the crisis.” Tanko denied that those riots were instigated by sharia issues. Tayob must have deliberately ignored available documents. The sharia was not even introduced in Jos, he fumed. Tanko was so angry that he actually constructed imaginary faults and mistakes in Tayob’s paper. One can hardly demand, as did Tanko, that a conference and its presenters dealing with sharia discuss riots and other issues in Benue and Bayelsa states not related to sharia or other Muslim concerns, at least not directly. His argument that the Jos and Kaduna incidents had nothing to do with sharia is very thin. Some of the riots in Jos and in Plateau State as a whole have to do with land issues between nomadic and settled peoples, but some are directly the result of a perceived ongoing campaign to hijack Plateau into Islam. With sharia having been established in a dozen northern states, its ghost was felt rumbling around ominously in Plateau’s closets and attics. Nevertheless, Tayob’s description in question does seem a bit of an overkill. And Tanko does have some reason for suspicion, of course,

about ignorance on the part of the organizers, when at least one of them, John Reitz of the University of Iowa, publicly admitted his ignorance about the Nigerian situation. Another speaker disqualified himself to me privately. From the Nigerian point of view, there was indeed something dubious, if not suspicious, about inviting non-experts when knowledgeable speakers were ready to jump in.

Tanko also critiqued Abdullah Ahmed An-Na'im of Emory University in Atlanta, U.S.A. Tanko was aghast that a Muslim can view the sharia as the product of "collective interpretations of the Islamic scholars during the first three centuries of Islam, which resulted in various schools of Islamic jurisprudence." As a result, An-Na'im concluded that sharia is "theoretically problematic and practically unworkable in relation to the present Islamic societies." In fact, all states that enforce sharia "are encountering severe problems." Sharia, according to the professor, "is more damaging than a secular state for the freedom of religion and integrity of religious experience of Muslims as well as non-Muslim citizens." Why, Tanko wondered, did An-Na'im not mention the "successful" model of Saudi Arabia? His endeavour to incite Nigerian Christians to insist on their rights vis-à-vis sharia "is both uncivilised and predicated on inadequate knowledge" of the Nigerian situation. He was, Tanko suggested, "believed to be in search of greener pastures" from his native Sudan to the U.S.A. and seeking to fulfill "his American mandate to frustrate the sharia application in Nigeria."

Tanko praised other Muslim participants for behaving in "very reasonable terms of maturity." Unfortunately, the organizers were very partial in not giving Muslims from either the UJ itself or other Nigerians a fair opportunity to present their perspective. It was a lopsided affair. Furthermore, Muslims were denied the chance to respond adequately. "In the wake of clamours and agitations to contribute, the organisers terminated the proceedings with [a strong] sense of animosity, disgust and con-

tentiousness.” Unfortunately, “the organisers have systematically destroyed and have undoubtedly said goodbye to intellectual integrity, objectivity and fairness.”⁸⁸

Kurawa also commented extensively on the conference. He sharply criticized Saudatu Mahdi’s keynote speech for approvingly quoting a “Muslim Secularist, who believes in subjecting sharia to Western notions of human rights and equality. Furthermore, her categorization of Muslim nations is faulty.” In short, she failed to “present the ideal Muslim perspective.”⁸⁹

If Mahdi was critiqued for not toeing the line of tradition, then An-Na’im, the one considered “the jewel” by the organizers, did not have a ghost of a chance. Especially offensive to Kurawa was his

impolite tone when he stated that the audience had turned the place into a political rally with shouts of “Allahu Akbar” and that he was not going to be engaged in rhetoric. His most bizarre statement was that there was never an Islamic state in history, whatever the state means to him, because he made no clear definitions of any terms in his presentation. He also asserted that the sharia was only implemented during the time of the Prophet. Therefore, Muslims cannot implement it now, and any attempt would lead to civil war as was the case in his native Sudan. These statements were insensitive and an invitation to anarchy, hence giving credence to the allegation that his sponsors are more interested in destabilization than the promotion of academic discourse.

Kurawa asked, “How can somebody who is sponsored by those who control global political power and economy reform Islam for the Muslims? Elementary understanding of power relations demands Muslims question his motive. This is because he believes in the abolishing of the public law of sharia.” His mission is to secularize Muslims “by historicizing Qur’anic injunc-

tions so that Islam could be abolished from the public sphere as Christianity was abolished as a result of the Protestant Reformation, which laid the foundation for its own demise.” An-Na’im and others are trying to find ways to become secular without losing faith in Islam. He knows secularism is unpopular amongst Muslims. So he proposes to reform Islam so as to transform its relation to public life. Subsequent discussion in the conference led An-Na’im to say that Muslims have themselves chosen the sharia. “This,” concluded Kurawa, “closes the argument.” It shows that Nigerian Muslim interpretation of sharia “is valid,” while “his own contradictory but intellectually convenient definition of the sharia as the one that breeds civil war in pluralistic societies is invalid.” “In the end, his intellectual intimidation was resisted and he was unable to convince this writer and others.”⁹⁰

Kurawa was deeply suspicious about Western involvement in the conference. Western interest in sharia is from the perspective of human rights, he explained. He appreciated the concern of non-Muslims on the sharia issue, but rejected attempts by some to dictate to others how they should live—the very thing Westerners constantly insist on doing. Westerners, he wrote, “only pretend to care for the human rights of others. History has shown that they are the most brutal to human beings, whenever there is a clash of interest.” Samuel Huntingdon, at one time working for the U.S. National Security Council, confessed that

they never contemplated human rights in Saudi Arabia, because they had other interests. The concern of the EU and their corporations is not for the so-called victims of sharia but how to ultimately make European libertarian values universal values. So that religiously-inspired laws will become obsolete and, for example, same-sex marriage will become acceptable. People will become Europeanized and eventually justify western

*domination and looting of the resources of Africans. Volkswagen Foundation and the U.S. Government supported the conference not for academic reasons but for ideological reasons.*⁹¹

As to the conference itself, when they heard about it, various sharia states, including Kano, Jigawa and Bauchi, announced it over the radio. They encouraged their Muslim citizens to attend the event in order to “make positive contributions to defend the cause of sharia, as many people had developed moral suspicion,” even before the meeting. They feared “that something wrong was planned to either whittle the sharia away or set the national or international communities against its galloping rise and unprecedented expansion in northern Nigeria.” Kano State especially was active. The “Kano State Concerned Muslims” published an advertorial “to pre-empt the hypocrisies designed in the conference by America’s local agents and their house boys in Nigeria.” The Kano State Sharia Advisory Committee issued a similar statement.⁹²

Ahmad Garba represented a lone Muslim voice in his positive attitude towards the conference. He disagreed strongly with the evaluations of both Sani Tanko and Kurawa. He rejected their complaints about lack of balance and claimed that the Muslim community of the UJ was adequately represented. He called Kurawa’s complaint about research assistants “frivolous.” In fact, he considered Kurawa’s comments unfitting for a scholar of his stature.⁹³

▲ CONCLUDING REMARKS

You may remember Asad’s problem with conservative Muslims. I quote his statement a second time in this chapter. Conservatives “insist on the maintenance of all traditional forms” that are based “not so much on the real values of Islam as on the social conventions evolved in the centuries of our decadence.”

They hold the “assumption that Islam and the conventions of Muslim society are one and the same thing.”

I am hearing something similar from Ruud Peters, a Dutch participant in the Jos conference, about the current situation. The new sharia regimes claim they are returning to the situation that prevailed before Western intrusion. Peters comments, “This, of course, is illusory.” In pre-colonial days Islamic criminal law was developed not by legislation but “by referring the judges to the classical works.” Under the new regimes the practice has been by legislation. This, according to Peters, “is a consequence of modern Western ideas on the relationship between state and law that became current in the Islamic world.” This is hardly returning to the traditions of old. The result is “something new,” “a hybrid form of criminal law consisting of Islamic substantive rules in Western garb with Western type courts and Western institutions like the state prosecutor.”⁹⁴

Peters is a Westerner, but some significant Muslim scholars agree with him. Khaled El Fdal states that “fundamentalist Islamic groups are thoroughly a product of modernity...All Islamic groups, regardless of their orientation, are part of a modern reality which they, for better or worse, help shape and define.”⁹⁵ Joseph Lombard goes even further. In concert with other writers in the bundle he edited, he asserts that Fundamentalism is a “modern phenomena which...represents a complete break with traditional Islamic teachings—not a conscious development from them or of them.” “These are the least representative of its [Islam’s] traditional teachings and classical heritage, for they have no scriptural, historical, or intellectual foundations. As such, they cannot provide sustainable solutions for Muslim people....”⁹⁶

Proponents of the new sharia regime, as we have seen, generally hold very negative attitudes towards fellow Muslims who approach sharia from a more critical standpoint. They attribute all

kinds of base motives to them. This situation is not unique to Nigeria. Khaled El Fadl, writing about the global Muslim community, comments that to sharia proponents

a call for critical introspection. . . is tantamount to accusing Islam of being deficient or flawed, and understandably they take great offence at such an insinuation. Muslims who believe that Islam is perfect and immutable regard a call for introspection with considerable suspicion and perhaps even hostility. Furthermore, in the light of the historical conflicts between Islam and the West, calls for introspection are often seen as nothing more than poorly veiled attempts at appeasing the West by maligning Islam. A considerable number of Muslims believe wholeheartedly that fellow Muslims who attempt to adopt a critical stance toward the Islamic tradition are nothing more than self-promoters seeking to placate the West at Islam's expense.⁹⁷

Given the general hostility between these two Muslim camps, it is surprising that the editor of *The Pen* published such a sympathetic review of the book by Muhammad Asad, for his book was very critical of an ahistorical approach to sharia. After all, *The Pen* was an ardent supporter of the literal sharia in the pre-Zamfara era. Animosity and hostility, yes. Rough name calling, yes. Nevertheless, in the pages of that literal pro-sharia biweekly these two visions could coexist. And even if the reaction of Nigerian literal sharia advocates to their more critical co-religionists is typical, that does not make it wrong. I have done enough serious academic-level study of colonialism and its aftermath to realize that colonialists and their successors have been masters at both camouflaging their crimes against their victims and buying up the sons of the soil by turning them into their gatemen or houseboys.⁹⁸ When it came to protecting their interests and pursuing their goals, few moral scruples stood in their way. It only goes to support a point I am making throughout this series, that, with

all its unique attributes, the Nigerian struggle is representative of the Muslim situation everywhere.

It has been made abundantly clear that the Muslim community is deeply divided on the sharia issue—and sharply! They allow little space for calm exchange of opinions or compromise. Everything tends to be argued furiously in black and white terms. If we expect Muslims to understand the Christian perspective, Muslims must first come to terms with themselves. And if Christians are called on to understand Muslims, they have an array of opinions to choose from and understand. Where is the real Muslim? Well, that's the way it is with religions. That's what we have to work with.

At this point, I am not sure where all this leaves us. But I do want to close the chapter with the challenge to sharia advocates that they better know their traditions before they impose a legal system that has no basis anywhere. Of course, hybrids and innovations have their place, but then they must be developed consciously with a full awareness of all the issues, not on basis of illusions. Sharia advocates owe that debt to both Muslims and the entire nation. A system based on ignorance will in the long run boomerang and flounder—or, as per President Obasanjo, “fizzle out.”

▲ NOTES

¹I. I. Bello, 23 Dec/88. Appendix 11. Hausa original: “*Hana Musulmi sharia ya fi hatsari da hana su numfashi.*”

²J. Badamasuyi, 1989, p. 3.

³A. Mahmud, 1988, pp. 58, 61.

⁴S. Rabi, “On Obasanjo...”

⁵M. Mustapha, 16 Dec/99.

⁶S. Maina, 4 Nov/99.

⁷A. Muhammad, “Sharia, Human Rights...”

⁸In the expanded version of this book on the *Companion CD* you are treated to a fuller discussion of Sanusi in Chapter 6 under the heading “The Sanusi Phenomon.” Space demanded its deletion from this version.

⁹This is not the only time Sanusi is “soft” on non-Muslims. In another context he wrote, “I do not believe that every Muslim minister is good and every non-Muslim minister is bad, or that we will have a good government if we fill it with Muslims. Each person is an individual with personal virtues and vices, and we must be fair in our judgement of fellow human beings.” S. Sanusi, 3 May/2005. In a situation where the demonization of Christians and the West is a popular pasttime, such comments add fuel to the already raging fire and only serve to increase his opponents’ resolve against him.

¹⁰D. Mohammed, “A Response...”

¹¹For two other articles against Sanusi, see M. Yelwa, “Sanusi L. Sanusi and Shaikh Ja’afra.” And Y. Musa, “Lamido: Between...” For a supporter, see J. Lawal, May/2005. Appendix 30.

¹²Maliki law is one of four recognized law systems in Islam. It is the one held authoritative in Nigeria.

¹³S. Sanusi, 3 May/2005.

¹⁴I. Inuwa, May/2005.

¹⁵M. Sarki, June/2005.

¹⁶O. Director, 15 Nov/99, p. 15.

¹⁷S. Obassa, 26 Feb/2000.

¹⁸A. Bello-Barkindo, “Wanted...” and “Faith Can Move...”

¹⁹ D. Mohammed, Apr/2003.

²⁰ M. Asad, 7 July/88, p. 5.

²¹ O. Director, 15 Nov/99, p. 15. The Sultan died in a plane crash the end of October, 2006

²² *Vanguard*, 14 Feb/2003.

²³ O. Director, 15 Nov/99, p. 18.

²⁴ For Kaduna, see J. Boer, 2003, vol. 1, pp. 63-78.

²⁵ R. Nweke, May/2001, p. 7.

²⁶ *NN*, 11 July/2001.

²⁷ A. Anwar, 17 May/2005.

²⁸ D. Nmodu, 6 Mar/2000, p. 24.

²⁹ *NN*, 2 Mar/2000, p. 15.

³⁰ These are those who have been sentenced by sharia courts and about whom we will hear more.

³¹ A. Bego, Apr/2003.

³² C. Ndulaka, 20 Sep/2000.

³³ BBC, 10 Jan/2003.

³⁴ J. Ajani, 21 Jan/2003. P. Odili, 15 Jan/2003.

³⁵ *Vanguard*, 27 Jan/2003. A. Bashir, 27 Feb/2003. H. Esin, 28 Feb/2003. O. Onabu, 20 Mar/2003. Buhari's claim that no non-Muslim was brought before a sharia court during his presidency is doubtful. In vol. 7 we will read that it happened frequently, but since sharia was not a burning national issue at the time, such cases would not have been brought to his attention.

³⁶ A. Madugba, 27 Jan/2003.

³⁷ H. Yakoob, 27 Jan/2003. T. Anthony, 1 Apr/2003.

³⁸ A. Muhammad, "Sharia, Human Rights..."

³⁹ O. Director, 15 Nov/99, p. 18.

⁴⁰ M. Yakasai, 21 June/2005.

⁴¹ B. Abdulkadir, 19 Jan/2000.

⁴² D. Adeyanju and A. Ahmed, 19 Sep/2000. As to the atmosphere between the two parties in the state, see E. Ochigbo, 10 Jun/2001, pp. 17-18.

⁴³ A. Akinkuotu, 17 Apr/2000, p. 16.

⁴⁴ O. Director, 15 Nov/99, p. 16.

⁴⁵ M. Mumuni, 15 Nov/99, p. 17.

⁴⁶ I. Umar, 9 Nov/99.

⁴⁷ I. Ado-Kurawa, 2000, p. 342-343.

⁴⁸ S. Sanusi, 16-17 June/2005.

⁴⁹ A. Bego, Apr/2003.

⁵⁰ K. Ologbondiyan, 24 May/2005.

⁵¹ J. Lawal, May/2005. Appendix 30.

⁵² H. Amin, *Daily Trust*, 16 May/2005. A. Fagge, *Daily Trust*, 16 May/2005. J. Boer, Volume 1, 2003, pp. 39-41, 48; Volume 3, 2004, pp. 37, 39, 108, 168-171.

⁵³ Safiyah is one of the women condemned to death by stoning by an early sharia court. Hers was one of the cases that drew much international indignation. Her story is found in Ch. 7.

⁵⁴ Maishanu, 8 Sep/2005.

⁵⁵ I. Sada, "Commentary," p. 175.

⁵⁶ Usman passed away. I met Usman at a Marxist conference in 1983. He sounded so much like a Marxist that Marxists claimed him as their own. He objected and insisted on being a Muslim. In a personal conversation with me he explained that he became a strong social critic through his reading of Usman Danfodio and of popular Hausa poetry! He was of the NEPU stripe [J. Boer, 1983]. Usman passed away in September 2005. For articles on Usman see *Companion CD*, Folder <Yusufu Bala Usman>. For my meeting him and his Marx-like Muslim orientation, see *Companion CD* file <1983 Boer>.

⁵⁷ J. Boer, vol. 2, 2004, pp. 114-116. For the full story, see Y. Usman, 1987.

⁵⁸ J. Boer, vol. 1, 2003, pp 50-55. See also "Kafanchan" in Index in vol. 2, 2004; vol. 3, 2004.

⁵⁹ Y. Usman, 1987, p. 148.

⁶⁰ A. Ajetunmobi, 25 Apr/2005. Appendix 27. My own view of secularism can be found in Monograph 5, Part 2. It is far less optimistic than

that of Ajetunmobi.

⁶¹ I. Ado-Kurawa, 2000, pp. 393, 397, 400.

⁶² *NN*, 31 Jan/2000.

⁶³ “Hajiya” is the Hausa title for a woman who has done the pilgrimage. It is the feminine of “*alhaji*.”

⁶⁴ S. Ahmad, 1 Feb/2000. Appendix 29.

⁶⁵ A. Bego, “2003 Elections...,” Apr/2003.

⁶⁶ J. Lawan, 9 Nov/99.

⁶⁷ A. Hassan-Tom, Apr/2003.

⁶⁸ A. Hassan-Tom, Apr/2003.

⁶⁹ M. Mustapha, 16 Dec/99.

⁷⁰ The term “utopia” is not used much in the Nigerian discussions. K. El Fadl is one Muslim writer who does use it to refer to false future social expectations among Muslims. See his *The Great Theft*, pp. 47, 81, 84.

⁷¹ B. Ejiga, 13 Nov/99.

⁷² K. Saleh, “*The Sharia...*,” Apr/2003.

⁷³ A. Hassan-Tom, Apr/2003.

⁷⁴ “Scholasticism” here does not refer to Thomistic philosophy. Ahmad is talking about the need for scholarship, for scholarly research and reflection.

⁷⁵ The term “hadd crimes,” in Nigeria sometimes called “*hudud* crimes,” refers to “unalterable punishment prescribed by canon law,” in this case sharia, and includes punishment for sexual sins and amputation of limbs. H. Gibb, 1961, p. 116. In Nigerian writings the term refers almost exclusively to these controversial punishments.

⁷⁶ A. Ahmad, 5 Oct/2003. Appendix 51.

⁷⁷ A. Bello-Barkindo, “Wanted...” and “Faith Can Move...”

⁷⁸ S. Maradun, 16 Jan/2006.

⁷⁹ Amina Lawal was one of the first women to be sentenced to be stoned to death for adultery. See Chapter 7.

⁸⁰ A. Ajetunmobi. Appendix 27.

⁸¹ M. Loquitor, 24 Sep/2003.

⁸² M. Asad, 15 July/88, pp. 5, 12, 15.

⁸³ Ibrahim Sulaiman explains that *hisbah* is supposed to be an institution “through which marketing and economic activities are regulated in order to eliminate fraud, ensure the free flow of goods to the general public and break the backbone of all economic saboteurs such as hoarders, middlemen and racketeers.” S. Sulaiman and S. Abdulkadirim, 1986, p. 16.

⁸⁴ G. Isa, 24 May/2005.

⁸⁵ O. Director, 15 Nov/99, p. 15.

⁸⁶ I. Oloyede, “Agenda,” pp. 293-294.

⁸⁷ S. Tanko, 7 Feb/2004. I. Ado-Kurawa, 2004, p. 16.

⁸⁸ S. Tanko, 7 Feb/2004; 14 Feb/2004. See I. Ado-Kurawa, 2004, p. 8, for similar complaints of imbalance.

⁸⁹ See Chapter 7 for a summary of Mahdi’s presentation.

⁹⁰ I. Ado-Kurawa, 2004, pp. 20-23.

⁹¹ I. Ado-Kurawa, 2004, pp. 4-5.

⁹² S. Tanko, 14 Feb/2004. Kano State, Sharia Implementation Advisory Committee, *DT*, 15 Jan/2004. See I. Ado-Kurawa, 2004, pp. 5-6, for the people sent by Kano State Government.

⁹³ A. Garba, 24 Sep/2004.

⁹⁴ R. Peters, “The Enforcement...,” pp. 127-128.

⁹⁵ K. El Fadl, 2005, p. 17.

⁹⁶ J. Lumbard, 2004, p. xiii. Lest unsympathetic Muslims reject the opinion of Lumbard and his crew, no one less than Seyyed Hossein Nasr, a respected Muslim scholar, highly recommends Lumbard and his writers, all of them Muslims, for their depth of knowledge of both Islam and Western thought (S. Nasr, 2004, p. viii).

⁹⁷ K. El Fadl, 2005, pp. 12-13.

⁹⁸ J. Boer, throughout 1979, 1984, 1992, all three, but especially 1992, pp. 116-120.