

THE NATURE OF SHARIA

▲ INTRODUCTION

Though the title of this chapter almost naturally would lead to a discussion of definitions and history, you may be glad to know I will not subject you to a second treatment of these topics. Those are covered in Volume 6 from the Muslim perspective. Christians know those materials and have discussed them in various publications. Here we get a potpourri of Christian reactions to various aspects of sharia, mostly popular, some more professional.

In order to help you develop a feeling for the atmosphere at the time Zamfara made its declaration, I reproduce Dele Omotunde's comments in *TELL* magazine:

Tick-tack! A time bomb, code named "Sharia," is ticking away in Zamfara State. The rest of the country is holding its breath, because its eventual explosion may shatter the dreams and aspirations of the neo-nationalists.... Their fears may not be unjustified.

Since Ahmed Sani Yerima, Executive Governor of Zamfara, put the whole country on notice concerning his intention to enforce sharia in the state, many Nigerians have been wondering what his motives were. While some readily dismissed him as a rabble-rousing religious zealot, others were quick to read between the lines and decipher a “grand design” to upset the apple cart of President Obasanjo’s seemingly progressive administration.

Interestingly, not all Muslims are in support of the Zamfara gamble, because of the political undercurrents. In fact, the implications of Yerima’s action are too glaring to be ignored by critical observers. The first implication is that, henceforth, no Christian or any other non-Muslim can ever become the Executive Governor of Zamfara for as long as the supreme law there is that of sharia. Critics say this is unconstitutional. The second implication is that Zamfara has indirectly excised itself out of the federal laws of the country by standing alone as a “sovereign state” within a republic. The third and, perhaps, the most eye-opening is the fact that Zamfara has successfully “restructured” itself within the Nigerian federation and that whichever state wants “self-autonomy” or “self-determination” is free to adopt its own strategy to achieve the same, provided it is through non-violent means.

There is no doubt that the Zamfara debacle has reawakened the people’s consciousness to the need to have a sovereign national conference to resolve the primordial riddles that have negated every progressive move to make Nigeria regain its bearing in the march towards civilisation. But ours is not to pass judgment but to report events and views as they relate to the sharia issue in Zamfara. Thus, we assembled a team of reporters to monitor the “Gusau Declaration” and report back.... Osa Director, who monitored the events in Gusau, Zamfara State’s capital, was so overawed with the turnout of

ordinary Muslims and religious extremists, that he tactically took up accommodation in far-away Sokoto... from where he was daily commuting to Gusau. Why the trouble? Director confessed, "It was to enable me to buzz off into Niger Republic, in case the event spun into sectarian strife." His fear was misplaced. The launching was without any mishap and he even secured an interview with the "Sharia Governor."¹

With this introduction to the atmosphere surrounding the year's "Mother of all Events" at the end of the second millenium, you are ready to plunge into the environment of Christian resistance.

▲ ACCUSATIONS OF IGNORANCE, PREJUDICE AND INTOLERANCE

Readers of Volume 6 and of Chapter 2 in Volume 8 will learn about the strong Muslim insistence that opposition to sharia cannot have a rational basis. It must have its source in ignorance, prejudice, intolerance or even plain hatred. Just to remind you of this common Muslim opinion, listen to what Aminu Binji of Raji Special School in Sokoto had to say: "Currently the issue of sharia has come under a cacophony of lampooning and an avalanche of sharp, baseless, myopic and irrational criticism. Most of these attacks are manifest signs of ignorance and false phobias about sharia."²

Some Christians agree somewhat with these claims, at least with the misunderstanding and ignorance part of the thesis. One is Justice Rahila Cudjoe, Kaduna Chief Judge. She declared that "the resentment against the sharia in Zamfara is spawned by people's ignorance of the history of sharia in the North. Sharia has always been there. The issue is that people have not invoked it." Readers of Volume 3 may remember that this lady has a history of greater sym-

pathy for the Muslim side of things than is common among Christians.³ John Akume also is of the opinion that “the growing tension between Christians and Muslims is because of the lack of knowledge and understanding of the two religions by their adherents.”⁴ Whereas Akume thinks of adherents who are ignorant of their own religion, Jacob Olupona feels that “our ignorance of the beliefs and practices of *other* people’s religions is at the root of religious crisis” in Nigeria. This ignorance is fed by academics who “advocate that if you do not belong to a particular religion, you have no business studying it, nor even teaching it.”⁵ Emmanuel Kana Mani, the Anglican Bishop of Maiduguri, the capital of Borno State, felt that the reason for Christian opposition in many cases was “fear of the unknown.”⁶ Musa Gaiya suggested that most Christians “are ignorant about sharia,” but he does not further explain himself.⁷

The charge of ignorance is old but not widely accepted among Christians. A 1989 editorial in *TC* disposed of it as “pedestrian and untrue.” A year earlier, Danjuma Byang, a writer of whom we will hear a lot in these pages, rejected it as well. Christians are not as ignorant of the history of sharia and its sources as Muslims make them out to be. In his 1988 book he demonstrated a high degree of knowledge and understanding of the subject.⁸ It is because of their experience with sharia that people reject it. People know that sharia everywhere divides citizens into distinct classes and treats them accordingly with differences in rights and status. Christians become second-class citizens. Non-Muslims in the North, including the indigenous *Maguzawa*, “have had first-hand experience with sharia for more than a century now, starting from Usman Dan Fodio’s *jihad*.” They have discovered for themselves just “how tolerant Muslims are, and how just sharia is.” We all know that sharia is part of the strategy to Islamize Nigeria. This is not ignorance or any other negative cause; this is concrete and long-term experience.⁹

Addressing a NIREC seminar, Catholic Archbishop John Onaiyekan bluntly rejected the notion that Christian opposition to sharia is out of ignorance:

*We do know what the sharia is all about, especially as it affects Christians who find themselves under its influence. Although it is good and useful to have this kind of seminar, it would be futile for anyone to hope that after many seminars and workshops, after a lot of explanations, Christians will finally settle for and agree to the sharia. Indeed, when they say, "NO," it is a position taken out of full knowledge and often bitter experience of the implications for Christians.*¹⁰

A conference of women NGOs suggested the very opposite. People have *accepted* sharia in the past out of ignorance, fear and sleepiness, especially Christians. Hence the ladies called upon "the public not to be intimidated into accepting retrograde decrees, simply because they are done under the guise of religion. If we do not all protest now, we may find ourselves in the midst of another bloody civil war as well as having our rights violated."¹¹

Charges of ignorance and intolerance also bedevilled internal Muslim relations within the world of Muslim legal professionals. Kukah described a clash that developed between Western-trained lawyers, many of them Muslims, and sharia judges. It was much the same as between Western-trained medical doctors and practitioners of traditional medicine. A flood of contempt flows from the "modern" professionals towards those trained in the traditional. In both the legal and health sectors, the former tend to declare the latter as obstacles to either justice or health. This causes clashes along with the anger and embitterment that have come to characterize many proponents of sharia and led to the barrage of accusations of pride, elitism and of the inefficiency of Western courts. Western-

trained lawyers and judges were said to practice a voodoo foreign to the people, too expensive, too drawn out and too obscure. Turf wars developed between Chief Justices and Grand Khadis, respectively representing the Western and Muslim legal traditions. And much of it was true—on both sides! Remarked Kukah, “All courts in Nigeria are legal gymnasia.”¹²

▲ INCOMPETENCE AND CORRUPTION

One reason for the oppressive nature of Sharia Courts to which Christians do not pay much attention is the incompetence and corruption of the judges that came out of the old dispensation. Authorities were often aware of this problem and sometimes took reasonable measures to overcome it. In Volume 6, there is mention of that situation and the efforts some governments expend on testing these judges, re-training them and even laying them off.¹³

Christians do not pay much attention to this internal Muslim struggle. They ascribe the resulting oppression to the nature of sharia and Islam itself. Once again, Gaiya is an exception. He reports that two judges in the Amina Lawal case were declared unqualified by the Katsina State Sharia Commission. That commission tested all of the area judges and found most of them wanting. The results were even worse when such screening was done by the Centre for Islamic Legal Studies at ABU. “The rest were found unqualified and were to be laid off. Abdulraham Dodo was one of these judges. He told us that the disqualified judges took the commission to court, challenging their unilateral retirement. They won and all of them were retained.”¹⁴ Such are the birthing pains of a new system. In the meantime, it makes it even more difficult for those subjected unwillingly to a system that is poorly operated or even understood. When we put all the pieces together we do indeed get a fatal combination of oppression made worse by inexperience, incompetence and corruption.

▲ SHARIA IS AGAINST SECULARISM

One of the first reactions to sharia by Christians was that it is against Nigeria's official secularism. The Nigerian Christian attitudes towards secularism are discussed fully in Volume 5 and do not need repetition here. Danjuma Byang is typical in that one of the first points advanced by him in his book is the classic secular argument. "The voice of reason prevailed" against the infringement on secular-ity. It saved the nation's stability.¹⁵ That remains a major Christian concern about sharia: It is seen as an infringement of Nigeria's secularism that Christians believe to be the salvation of the country.

One of the things secularism has in common with other belief systems or religions is its tendency to see its dogmas as having universal validity. To that it adds the claim of neutrality. Well, I have dealt with that in Volumes 4, 5 and 6. It was these secular claims that underlie the various declarations of human rights and freedoms, including that of the United Nations (UN). Because these documents fly in the face of Islam, Muslims are not fond of them and deny their neutrality and universal validity. Musa Gaiya is particularly sympathetic with that perspective. He concurs with Muslims that historically the Universal Declaration of Human Rights, for example, "was forged by the then superpowers, when Nigeria was yet to achieve its independence. Thus Britain must have signed... on Nigeria's behalf." Gaiya wonders "how such a document would have 'universal validity,' when Muslims have their own declaration of human rights. Muslims consider the Declaration not only secular but individualistic and contrary to Islam's understanding of religion in society. Islam holds that an individual's rights are those bestowed on them by the community." Furthermore, the UN Declaration, in keeping with its secular foundation, reduces religion to "a personal matter, which is the basis of Western privatisation of religion." That perspective goes against the grain of all African religions. Religion is wholistic, com-

prehensive, permeating life everywhere. Gaiya brings in the African theologian John Mbiti to support his notion of comprehensive religion. He brings in R. Scott Appleby, because of his recognition that the international human rights conventions all “impose post-Enlightenment ways of knowing and Western cultural assumptions and ideologies..., which are no more universally binding than any other culturally determined set of principles.” Yet, according to Gaiya, colonial dominions, including Muslims among them, “were made to sign these international charters and some, like Nigeria, adopted them into their constitutions without much reflection....”¹⁶ In other words, Gaiya is one Christian who has at least some sympathy for the Muslim rejection of these international conventions that have been forced on them. Sharia is not as irrational as many secularists and Christians charge—or as the advocates of the Zamfara version have made it appear!

▲ SHARIA IS BACKWARD

Christians tend to view sharia as behind the times, especially the *hudud* punishments like stoning, amputation and lashing. Agekameh wrote, “Some of the modes of punishment have, over the years, become archaic and mundane.” Amputation and beheading “have largely become outdated. The fact is that, at the threshold of a new millennium, the apparatus of government in Zamfara has not been able to decipher appropriately between the mundane and the spiritual.”¹⁷ As John Gangwari put it, the new sharia is “offensive to modern civics,”¹⁸ terminology not far removed from the language of repugnancy, which offended Muslims already in 1900. Gaiya’s perspective in the previous paragraph provides a healthy corrective to this provincial view. Those of you who have read previous volumes will remember the strong and reasonable Muslim objections to the dualism and provincialism that underlie Agekameh’s and Gangwari’s statements.

▲ WHOLISM, THEOCRACY AND TOTALITARIANISM

Christians are well aware of the wholistic nature of sharia, as described in Volume 6. Ambassador Tanko Yusuf wrote of Muslims who “maintain that sharia requires the government to supervise all aspects of Nigerian lives, no matter how trivial.” It covers “mode of dress, relationships, attitude towards work, and the way Muslims enter their houses! Anything contrary to such regulations is tantamount to rejection of an important aspect of Islam. Thus an Islamic government that follows the provisions of sharia will govern all aspects of human life.”¹⁹ Vice Admiral M. Nyako wrote that sharia “implies a total adherence to God’s injunctions in the Qur’an and the practices of the Prophet.” “There is never a moment when a Muslim sets aside the implementation of the sharia and it is nonsense for anyone to say otherwise.” I do not need to further document this awareness. Almost every Christian writer on the subject acknowledges it.²⁰

Nyako also makes the interesting observation that, man being a sinner, “Muslims have tried over the years to find a way out of the punishments spelt out in the sharia which were felt to be too severe or archaic.”²¹ Nyako was not a professional student of Islam as far as I know, but he was knowledgeable enough to be invited to give a lecture to an audience of Christian and Muslim scholars and leaders. Unfortunately, he does not further explain himself on this matter. What he is suggesting, I think, is that the wholism of Islam is often considered too difficult or too severe so that in many Muslim communities the scope of the religion is reduced in practice. It is true, of course, the *hudud* punishments are hardly adhered to in any Muslim country. Many sharia proponents would argue that this situation arose due to the colonially-imposed secularism with its reduced sharia. Western non-Muslim scholars of Islam point this out frequently but give different explanations.

From these Christian comments on Muslim wholism it also becomes clear that sharia is not just a “religious problem,” now understood in its reduced Western sense. A choice for sharia is also a political and even an economic choice that affects the entire political system. Wholism, we overheard Yusuf explain above, also means wholistic Muslim government. That is to say, an authentic Islamic government is totalitarian in that it involves itself in every detail of life. Dele Agekameh of *TELL* magazine holds to the equation: The declaration of sharia means that an Islamic state has been declared. He is aware of the Muslim controversy that to do so properly, “there must be an Islamic environment in place.” For sharia to be possible or effective, “the state must be able to cater for the needs of its citizens. This is because sharia is not only about punishment, but also about the reformation of the society. Punishment comes in only as a last resort.”²²

For the benefit of Western readers I repeat this important consideration: *The choice for sharia is not just a religious choice; in Nigeria it also implies a political choice for a certain type of government.* Secularists and people influenced by it tend to see religion subservient to politics and economics. They often are blind to that part of the dispute. Sharia theology leads directly to totalitarianism. If you have read Volume 6, that issue should not have escaped you.

Onaiyekan emphasizes that Muslims are not the only ones with a wholistic religion. Muslims may think Christians separate religion from politics, but that is not the case. The two religions agree that “even politics must be under God’s injunctions. The Caesar passage of Luke 20:25 cannot be interpreted to mean that government has nothing to do with God or Christianity with politics.” The passage “is addressing a totally different issue. Both Caesar and his coins belong to God.” Christians also are guided by God in everything they do. “I think we should thank God that we live in a nation where all the citizens want to be ruled by God’s will.” At this point Onaiyekan turns to Canon Law as an example

of Christian law,²³ but for that subject please turn to Chapter 3. In the meantime, in view of the Christian emphasis on secularism as explained in Volume 5, we can forgive Muslims for the mistake Onaiyekan points out.

It is more than unfortunate that such a pious concern that represents the best impulse of both religions should lead to such bloodshed and animosity. If such a noble impulse can lead to such disaster, then we surely have clear empirical evidence of the depth of evil to which fallen man can succumb and of how our race is capable of turning even the most beautiful into the most ugly. So much for the vaunted human goodness as advanced by both Muslims and Humanists—and even Catholics. The fault lies not with religion per se but with distorted religion, nor with the religious impulse of man, but with his fallen state. In addition, there is the complicated nature of multi-religion cum multiculturalism that is far more complex than many of its advocates seem to realize. It remains to be seen whether it is possible for man to handle a situation where various wholistic worldviews with their different definitions and goals can really coexist within a single society without any one of them suppressing the others. We may be creating a situation that, we will eventually learn after much unpleasantness and hurt, we simply cannot handle. It is too complicated for our fallen race. Even Canada, that self-appointed champion of multiculturalism, is full of deep tensions and hostilities caused by a secularism that tries to force its view of religion on others. The jury is still out. The experiment has only just begun, with Nigeria being one of its more volatile laboratories.

Muslims deny several Christian affirmations regarding sharia. No, sharia is not associated with violence. No, the new sharia regime does not constitute an Islamic state. And, no, it does not constitute a theocracy either, though some affirm it does. However, to Christians, the new sharia creates theocracy. Bee Debki, a member of *Ekklesiyar Yan'uwan Nijeriya (EYN)*,²⁴ insists, “Any state

that claims to be governed by a God is known as a theocracy, a government in which God Himself is the ruler.”²⁵ And according to Emmanuel Oyelade, theocracy is the goal of Fundamentalists: “The revival of theocratic states has been one of the goals of recent Fundamentalist movements.” In Africa, according to him, this applies to both Sudan and Nigeria.²⁶

▲ STATE RELIGION AND ISLAMIC STATE —————

The relationship between sharia wholism to state religion and an Islamic state is very close in the minds of Christians. In fact, often they are identified. Governor Sani and almost all sharia supporters deny that the adoption of sharia means the adoption of a religion, but Christians do not buy into the artificial way in which Muslims make seemingly forced distinctions here.²⁷ To Christians, the adoption of sharia is equivalent to adopting a state religion. Dele Agekameh holds an unspoken assumption that the declaration of sharia means that an Islamic state has been declared.²⁸ Oyelade has a heading in his 1992 paper that reads, “Islamic Theocracy/Islamic state.”²⁹ Christians understand that the adoption of sharia and turning Islam into a state religion turns those states into Islamic states. The equation goes like this: “sharia=state religion=Islamic state.” For Christians it is almost a natural formula, but Muslims vigorously reject it. It takes much more to create an Islamic state, they argue.

The equation crops up in many Christian documents, often as a non-negotiable assumption without further explanation. These steps follow each other logically and automatically and need no discussion. Byang found it “childish” to deny this to be the case. The 1979 Constitution prohibited any government from adopting or patronizing one religion to the neglect of others. The intention here is not to muzzle religion but “to ensure that government does not officially patronize one religious group to the detriment of the other faiths.”³⁰

In the context of CA 1995, Minchakpu was shocked to find sharia in the draft constitution. His immediate reaction was that this was against the constitutional prohibition of adopting a state religion.³¹ To him, and most Christians, it is one and the same step.

At least two Southern states reacted to the new sharia. Though Zamfara denies it and has made no announcement to that effect, the Enugu State House of Assembly condemned Zamfara for turning the state into “an Islamic region by adopting the sharia.”³² Similarly, the House of Assembly of the largely Christian Southern Cross River State also condemned the adoption of the full sharia “in absolute terms.” Majority Leader Bassey Ewa, who raised the issue, “explained that the adoption of sharia law portrayed Zamfara as an Islamic state, which would threaten the existence of non-Muslims in that state.” The only dissenting voice came from the lone Muslim member of the House, Mikhail Asuquo, who reportedly “supported the declaration of Islam as state religion in Zamfara,”³³ thereby affirming the equation. It is likely that the reporter erred in that Asuquo supported the adoption of sharia rather than a state religion, since Muslims usually resist the equation, but the reporter would not know the difference.

Zakka Nyam, referring to “the present call for an Islamic state or sharia,” asked his own Kano government to consider “the consequences of sharia.” What if Christian states like Plateau and those in the East were “to declare themselves Christian states?”³⁴ Dodo writes that Christians oppose sharia because it is unconstitutional for various reasons, one of them being that its adoption triggers the rest of the equation.³⁵ Aminu Shittu, in an attempt to demolish the Muslim arguments, adduces the statement of George Igbokwe, an official of the Edo State Nigerian Bar Association, that “the purport of sharia is to make Zamfara an Islamic state.”³⁶ Fred Agabaje, a constitutional lawyer, states that “the local Islamic law violates portions of the Constitution that prohibit ‘the adoption of any religion by any of the states.’”³⁷

Anglican bishops of the North were in a big hurry to denounce the Zamfara move, precisely because Sani had thereby adopted Islam as a state religion. They called on the FG to “prosecute Governor Sani, because he has committed treason by declaring sharia and Islam as both the official legal system and official religion.” Archbishop Peter Akinola likened the governor to Emeka Ojukwu, who declared the independence of Biafra. He said, “Governor Sani is a rebel and must be treated as such.”³⁸

Badejo shares the general opinion that the new sharia

*is a way of making Nigeria an Islamic Republic through the back door. Some of our Muslim brothers hold that they are only asking for the full application of sharia and not that they are asking for an Islamic state. To the best of our knowledge, there is not a single country having a full application of sharia and yet not being an Islamic country. The game here is simply this: Let us start with the full application of sharia. Once that is established, then the declaration of an Islamic state is a foregone conclusion.*³⁹

Onaiyekan thinks to have identified a contradiction in the Constitution. The inclusion of sharia in the 1979 Constitution goes contrary to the provision that neither the FG nor any state government may adopt a state religion.

Even some Muslim religious experts have told us clearly that it is only within an Islamic state that the sharia can function fully. To retain sharia while claiming that there is no official state religion is becoming more and more clear as a contradiction. How do we resolve this contradiction? That is the question before us. It is important to know too that the vast Christian populations of Nigeria have made it clear that they do not intend to live under an Islamic state. Nor is it obvious that all Nigerian Muslims want such an Islamic state. We

*have reached the stage now where we can no longer continue to pretend that we can live comfortably with this clear contradiction.*⁴⁰

In a paper delivered at a conference organised by a “Committee of Concerned Citizens,” Ben Nwabueze conceded that “the enforcement through the courts of the civil aspects of sharia does not involve the support, promotion or sponsorship by the state of the Muslim religion in preference to other religions.” But it is different in criminal law, for here “the state invokes its coercive powers” to arrest, detain, prosecute, punish. Here, according to Nwabueze, “state enforcement of sharia would constitute aiding, supporting and sponsoring the Muslim religion in preference to other religions.” This would go contrary to the Constitution with its demand that all religions be treated equally without any preference. Any state action “intended to or does in its practical effect, advance, foster, encourage or inhibit any religion” constitutes such favouritism. Hence the state should not “get involved at all in religious matters by providing aid to religion, even on the basis that all religious sects are treated equally.” “Complete separation is best for the state and best for religion.”⁴¹

Christians are also aware of the controversy within the Muslim community that Nigeria is not ripe for the expanded sharia. People like Ibrahim El-Zakzaky insist that the declaration of the full sharia is to take place at the *end* of the process of Islamisation, not at the beginning. It is supposed to represent the culmination, not its commencement.⁴² As Baiyewu and Mwadkwon, quoting from other authors, put it, for El-Zakzaky “the adoption of sharia is a misnomer, because its application should be the last stage in the process.” El-Zakzaky said, “First of all, you have to remove the present government, which is not Islamic. The next thing is to consolidate Islamic principles and provide a pure Islamic environment.” This situation, commented Baiyewu and Mwadkwon, does not obtain

in Nigeria with its diverse population and secular Constitution.⁴³

Musa Gaiya is of the opinion that the sharia states have the constitutional right to make laws for the improvement of their constituents, but that right runs into a snag when it comes to religion and, thus, sharia. Hence, when sharia opponents accused them of going against the Constitution by adopting one religion as state religion, Muslims responded “that applying sharia for the sake of good governance does not amount to adopting a state religion.”⁴⁴ In other words, Gaiya was suggesting that this denial was a superficial gimmick to get around the constitutional issue. A few months later, he posed the same question: Is the Zamfara sharia move “tantamount to adopting Islam as the state religion?” He rejects a glib “yes” or “no” for an answer. He cautioned that the definitive answer should be left to the Supreme Court of Nigeria.⁴⁵ That’s where he leaves it, and that’s where I leave it for now—but on the surface all the evidence points to a “yes.”

▲ TRADITIONAL PLACE OF CHRISTIANS UNDER SHARIA

Christians are deeply aware of the traditional place sharia ascribes to people of other religions, including Christians. There is a pattern Christians recognize not as mere historical contingency but as belonging to the very nature of Islam and its sharia. Christians understand very well that the only really acceptable political scenario for Muslims is for them to be in control. If you have read previous volumes, you will have come across several such demands on the part of Muslims. Byang quotes the well-known Ibrahim Sulaiman, who wrote an article that appeared in a number of publications, including at least one of international stature. “*The most important of all,*” he wrote already back in 1987, *is that “Muslims must be masters, not servants, and outlawing subservience and dependence. It is from this perspective of the goals and functions of*

the sharia that Muslims in Nigeria should press for their demands."⁴⁶ What else do you need to know? If you want the short story, here it is!

Dodo explains that the *Dar-al-Islam*, the "House of Islam," "is the only legitimate community" as far as Muslims are concerned. Muslims *must* rule. The situation where others are in control happens, but it is an unfortunate state that is often seen as the result of unfaithfulness on the part of Muslims, and Muslims must "work within the political machinery to bring about the rule of Allah." It is basically tolerated only as a temporary situation that must be overcome as soon as possible. Under Islam, Christians and Jews are protected, but they must not try to rule Muslims, for that would be "to commit a treasonable offence." In a mixed community, "Muslims have a religious and political obligation to strive so that the political leadership should be held by a Muslim" as well as all other key positions. Appealing to J. J. Saunders' *A History of Medieval Islam*, Dodo traces these religious socio-political divisions back to the time of the Prophet and he states they were "never to be obliterated"; that is, they are a permanent part of the Muslim scheme of things. He also quotes the former Muslim E. N. Adamu, who affirmed that the way Muslim jurists have divided the world into three states or houses is still operative. It has never been rescinded. It holds also for today's Nigeria. Such arrangements are totally against the Constitution. "It is theoretically and practically impossible to implement the full sharia without trampling on the rights of Christians." This Muslim worldview, says Dodo, is the reason "Muslims are always striving to rule Nigeria." If the full sharia is adopted, Christians will have to sign a covenant similar to the type described below.⁴⁷ *It is very significant that none of the Muslim representatives at the NIREC conference where Dodo's paper was presented challenged the truth of his presentation, at least not in their papers.*

The one word that comes to the mind of every educated

Christian is that of *dhimmi*. A *dhimmi* is a Christian or Jew living in a Muslim-majority country whose status is best described as that of protected second-class citizen. For Christians one of the most popular books on the subject is Bat Ye'or's *The Dhimmi: Jews and Christians under Islam*. Muslims always proudly boast about how in their history these people have been protected, tolerated and assigned their recognized place, while in the past, Western Christians were totally intolerant of other faiths. It is true in so far as it goes. Compared to the historical intolerance of Christians, Muslims shone.

However, Muslims tell only half the story and suppress the more ugly half, the half that Bat Ye'or tells and of which Nigerian Christians are acutely aware. Tanko Yusuf, Danjuma Byang, Yusufu Turaki, Bee Debki and other writers—all of them are acutely aware of the place and role of *dhimmis*. No one is impressed or wants any part of such an arrangement.

Tanko Yusuf wrote that Muslims make treaties with non-Muslims, but the unbeliever or “infidel” now becomes a second-class citizen called “dhimmi.” He is not a full citizen and has many restrictions placed on him, burdensome and humiliating restrictions. Some of these are the wearing of identifiable clothing, living in a clearly marked house, not possessing any “good thing enjoyed by Muslims” and not bearing arms.⁴⁸

Byang wrote:

It is common knowledge that in any Islamic state, where sharia has unlimited jurisdiction, the citizens are divided into two distinct classes, the Muslim umma and the dhimmis. In such states, the dhimmis do not have the same rights as the Muslims do. One of such differences is that a dhimmi cannot be trusted with the responsibility of leadership, especially over the Muslims. The basic fact here is that as a dhimmi he is, at best, a second-class citizen in his own country. At worst, the dhimmis are levied a special tax called “jizyah.” There is no

*non-Muslim that will want to be treated like a second class citizen in his own country.*⁴⁹

Debki is aware of some more positive aspects of the protected status of Christian *dhimmi*s and summarizes them. He warns that the guidelines offered by the Qur'an and the Sunna are not consistent. There are negative ones as well as positive. In history, the treatment of *dhimmi* has varied, depending on which of these guidelines are followed and how they are interpreted.⁵⁰ However, in view of our concentration on Nigerian objections to sharia, I here merely acknowledge that positive side and move on to what primarily preoccupies Nigerian Christians.

Debki asks us to imagine what life would look like for a Christian in Nigeria under sharia. He presents a really dismal picture of which I can only give you a little taste. Only one-way conversions are allowed. Conversion *from* Islam ideally leads to execution. No crosses or Christian books to be displayed where Muslims pass. No evangelism. No music in churches, but Muslims will be free to broadcast their calls for prayer at any time, day or night. No leadership positions for Christians. Marginalization of Christians at all fronts—politically, economically, educationally, legally. Your taxes go to support Islam. Special tax to be paid. You will be tried by sharia court if the case is between you and a Muslim. Certificates of occupancy have been withdrawn from churches with music. No public celebrations and mostly no restoration of church buildings.⁵¹

There is a whole raft of more restrictions that in their totality are very humiliating. They take the form of a pledge or contract that Christians have to accept if they wish to live somewhat peacefully under the *dhimmi* arrangement. These include:

We will not build in your cities or in their neighbourhoods any new monastery, church, monk's cell or hermitage.

We will not restore such buildings which fall into ruin, neither by night nor by day, especially when they are surrounded by Muslim compounds.

We will keep our doors open to people passing by and to travelers; moreover, we will give food and lodging for three days to Muslims who stop at our places.

We will not harbour spies in our churches or houses.

We will not hide from the Muslims any plot to hurt them.

We will not teach our children the Qur'an.

We will not display our religion, or invite anyone to join it.

We will not prevent any of our relatives from joining Islam if he wishes.

We will respect Muslims and give them our seats if they wish to sit down.

We will not in any way imitate their way of dressing, such as wearing a cap, a turban, sandals, or parting the hair.

We will not speak as they do or use their surnames.

We will not use saddles in riding.

We will not wear swords or possess or carry arms.

We will not use Arabic letters in our signet rings.

We will not sell alcoholic drinks.

We will clip our hair from covering our foreheads.

We will keep to the same dress wherever we are and will wear a belt.

We will not display our crosses or books in any way in roadways or markets of the Muslims.

We will play our musical instruments only very lightly in the churches.

We will in no way read the lessons loudly in our churches when Muslims are about to pray.

We will not hold processions on Palm Sunday and Easter.

We will not pray loudly while bringing our dead to the grave.

We will not at all display processions of lights in the roadways or markets of Muslims.

We will not bury our dead near Muslims.

We will not take possession of any slave who belongs to a Muslim through the division of booty.

We will not have places where we can look down into Muslim houses. The house of a Christian should not be above that of a Muslim.⁵²

There is no way that any Nigerian Christian could ever imagine allowing such insulting restraints. Though this *dhimmi* status is not applied in its pure form in any Muslim country, it is there on the books and it is partially practised by the citizens of many such countries. In the minds of Nigerian Christians, the picture of sharia unfailingly conjures up these arrangements. Understandably, they will have none of it.

A related aspect of Muslim tradition is that there are only three alternatives “for dealing with unbelievers. First, infidels must be converted. Second, if not converted, they must be subjugated. Third, if they are neither converted nor subjugated, they must be eliminated.”⁵³ All the things that Sabiya and Turaki complain about in their chapters actually have a legitimate place in Islam. “Infidels are to be humiliated, denied due process of law, employment in key places, and social justice; and ultimately killed if they refuse to convert to Islam.” All of this is justified, insisted Tanko Yusuf, in the *Sunnah*, an authoritative collection of the teachings and sayings of Prophet Muhammad. This Muslim tradition has been burnt deep into the psyche of Nigerian Christians and is quoted over and over again. It overrides everything else Muslims may say and it, together with Christian experiences of Muslim practices, constitutes the deepest reason for Christian resistance to sharia.

Moderate Muslims, according to Yusuf, do leave room for non-Muslims. For example, the Emir of Ningi, Bauchi State, pleaded that sharia governments should “protect the interest of non-Muslims in their communities as required by the Holy Qur’an.”⁵⁴ The question is, of course, which Qur’anic passage and which tradition you pick.

We have met Ibrahim Yaro in previous volumes. Thinking in terms of Nigeria’s potential destination as a Muslim nation, he warns that “in Islamic states, the non-Muslims hardly have a space to breathe in the common air, as they are regarded as subhuman beings who do not need even an iota of freedom.” He then pro-

ceeds to describe the fate of an “infidel’s” life under a treaty that will spare his life and property. He is declared a *dhimmi*, a subjugated person of secondary status in society, with all the restrictions imposed on him already described above and more. The process is already underway, he points out, in that many Muslims hold major government posts and millions of public money is spent on unilateral Muslim causes. All of this is involved in and is a result of the push for sharia.

The *dhimmi* is a second-class citizen with restricted rights. As far as I know, no nation currently has many of these laws on the books. It would isolate them from the international community. However, aspects of the position of *dhimmis* are nevertheless reality in a non-official way. Nigerian Muslims may write all they want about rights and freedoms, but Christians have not noticed. Volume 3 is strong testimony to the partiality Christians have to cope with in Muslim states. Things have not changed much with the coming of sharia. Some would say they have deteriorated.

Yusufu Turaki described the Muslim classification of people as follows:

The Qur’an defines four categories of people according to their response to Islam: (1) the Ta’awal/Muminai. These are the true believers. They are those who (a) subscribe to faith in Islam and (b) work with what the apostleship of Prophet Mohammed has revealed. (2) The Kafirai. These are infidels or non-Muslims. They are devoted to their unbelief. Nothing can be done about them, because God knows that they will never be converted into Islam. (3) The Munafukai. These are the hypocrites who accept Islam by word of mouth, but their hearts are still on unbelief. (4) The Shai’anu or devils. These are Jews who knew the truth about the prophecy of Mohammed and his apostleship, but envy stopped them from following him. They have tried to spoil what he brought. For this reason, they were called devils. Anyone who

*knows the truth but becomes arrogant in the course of following it, is the devil.*⁵⁵

▲ ACTUAL EXPERIENCE OF CHRISTIANS WITH SHARIA

Nigerian Christians have written extensively of the actual situation during the BZ era. They have a lot of BZ experience with sharia and related issues that is the main cause for their opposition to these developments. They are only too aware of the New Testament truism that you know a tree from its fruit [Matthew 7:15–20; 12:33–35; Luke 6:43–45]. It could be argued, as Muslims do, that this experience is not part of the nature of sharia. Given the above truism, Christians insist that this experience is a reflection of the actual sharia or, at least, as Nigerian Muslims operate it and Christians encounter it.

A *TC* editorial, probably written by Danjuma Byang, since he was editor at the time, forcefully rejected the long-standing Muslim promise—that sharia would not affect Christians—as false:

The truth is that sharia does affect non-Muslims. There are well-documented and incontrovertible evidences to show that sharia indeed has been used to victimise and harass non-Muslims. When a man is casually informed by a Sharia Court judge that on religious grounds he is no longer the father of his twenty-two-year old daughter, does that not affect him? When a man has his marriage arbitrarily terminated by a Sharia Court because he is a “kafiri,” does that not affect him? When a girl is subjected to cruel persecution because she wants to marry a non-Muslim and Sharia Court sees nothing wrong in the persecution, does that not affect her? When a man loses a case simply because, based on sharia, his evidence is intrinsically inferior to that of a Muslim, does

*that not affect him? Are the numerous non-Muslim illiterates who are daily dragged before Sharia Courts without their due consent not affected?*⁵⁶

Matthew Kukah asserted that, in spite of the wholistic claims for sharia and in spite of the fact that it was applied more widely in Northern Nigeria than anywhere else during the colonial period, with the exception of Saudi Arabia,⁵⁷ the situation was not really that wholesome. It was more like this:

A skeptical colonial officer, reflecting on these courts, noted that “the only book used is the Qur’an, on which litigants swear to speak the truth and from which, in delivering judgments, the Alkali purports to read a text applicable to the case before him, so covering the most glaring injustice by the announcement that it is the judgment of God.” Keay and Richardson, two British legal experts who have undertaken extensive studies of the system, came to the conclusion that though “many of the courts and administrators were corrupt, they also offered poor standard of justice....”⁵⁸

Moving on to the late colonial period, Jude Aguda reminds us that Northern Christians as early as 1957 were expressing “fears of Islamization, pointing to instances where they were either forced into Islam or were forced to undergo trials in Sharia Courts.”⁵⁹ Joseph Bamigboye, a Christian lawyer, told an audience of theological students that at a pre-independence CA in 1953, “a large percentage of the Northern Muslim delegates fought for the abolition of *Alkali* Courts and for a total withdrawal of their criminal jurisdiction.” The reason was the “raw abuse” of power by the judges who were actually agents of the Northern Muslim party, the Northern People’s Congress (NPC), and using their authority “to suppress opponents and voices of dissent.” Political opponents would face trumped-up charges and be humiliated with the cane or imprisoned.

As the years rolled by, needed reforms failed to materialize, mainly due to a very conservative and intransigent interpretation of sharia. Land reforms were blocked by arguments that existing arrangements were based on an immutable sharia. Area Courts—for all intents and purposes, Sharia Courts—continued to serve as bastions for the interests of the elite. They were used for personal vendettas between them and for oppressing the grassroots. When in 1987 some Northern governors, all Muslims, disbanded them because of corruption, a man of the stature of Abdulmalik Mahmud, whom we met in Volume 6 as a champion for sharia and its justice, decried the move as the work of hypocrites and enemies of Islam! It is indeed becoming difficult to ferret out the true hypocrites from the fake! Christians against sharia have used the experience of corruption as a strong argument against it. Muslims have also recognized it and many seek to correct it till this day.⁶⁰

There are countless reports and stories how Muslims “have insisted that they [Christians] must go to Sharia Court. Thus non-Muslims have been compelled to bow to a system of justice that is repugnant to their faith,” encounters that “have been most disastrous for them.” Byang filled nine pages with reports of various Christians forced to submit to Sharia Court with “most disastrous” results. He did this “to disabuse readers’ minds of the fantasy that sharia does not affect non-Muslims.” The cases he cited “are only some among many other cases that have been compiled by the Arch Deacon of the Anglican Church in Bida, Niger State, J. A. Yisa.” These were recorded in a petition by Yisa to the Chief Judge of Niger State as far back as 1984, with copies to the Governor and other high officials. Those summarized by Byang include a Muslim traditional ruler giving a Christian girl to a Muslim in marriage without the consent of her parents; the case of Keturah Matthew vs Matthew, 1982–1984; that of Daniel Ndakotsu vs Yakafa, 1982–1983; that of Jonathan vs Mohammed Gana, 1984; that of Matthew Sheman vs Fulani. Byang claimed he could cite cases

from “virtually every part of the north,” with “some of them hardly printable!” He concluded, “It is therefore only an attempt to place blinders on the eyes of non-Muslims to say that they won’t be affected by sharia.” He strongly denied that these are “just isolated cases” or anomalies of Muslim justice. The testimony of other Christians throughout the period covered by this volume and from throughout the North fully support Byang’s stories. In fact, virtually throughout the North, the most of the supposedly neutral Area Courts during the BZ era applied only sharia in their civil proceedings, according to Byang, though he recognized exceptions for Plateau and Benue States.⁶¹

Byang’s assertions were backed up by TEKAN. Area Courts were not supposed to be Muslim, but an unnamed Attorney General of the former Northern Region wrote to his counterparts in the then six Northern states that, though “the word ‘*alkali*’ is not used in the Area Courts Edict..., it is still essential that persons appointed as sole judges in Muslim areas should be persons learned in Muslim law.” The letter’s author was from the then Gongola State, where “56 out of the 63 sole judges are persons learned in Muslim law, while 10 of the 12 Upper Area Court judges are persons learned in Muslim law.” The Gongola Chief Judge swore in eleven Area Court judges, all of them Muslims. “In the administration of the Area Court there is not a single non-Muslim. The administration is completely closed off to non-Muslims.” When the state’s House of Assembly passed a law that would make it necessary to include Christians in the system, “the Chief Judge and the AG defied the law and refused to establish that court. It is obvious from the activities of the Chief Judge of Gongola State that the state is one of the areas he considers to be Muslim.” The TEKAN report then proceeds to document a number of cases where Christians had sharia law imposed on them.⁶²

Mijinyawa Labbo recalled a sharia court case in Kafanchan between a Christian indigene and a Muslim over land. The judge

awarded the land to the Muslim with the remark, “*Yaya kafiri zai sami gona, Musulmi bai samu ba?*”! He heard a Muslim radio preacher utter this provocative statement to the amusement of his listeners: “*Yadda aka yi wa su Gomwalk da Dimka, hakka za a yi wa kafirai.*” Labbo then asked, “*Who would not nurse fear of the future in regards to the sharia in this country with such examples?*”⁶³

▲ CLOSING COMMENTS

As a closing comment to this chapter, I emphasize that to Christians these experiences reflect the true nature of sharia and of Islam. They are not merely the result of corrupt officials or intolerant and ignorant judges. Nigerian Islam with its sharia cannot really tolerate another system in the land.

Dogaraje’a Gwamna leads us to some deep food for thought at this point. He sympathizes with the interest of sharia advocates in fighting social ills. Christians need to cooperate with Muslims at this front. *However, the social battle needs “more fundamental weapons of warfare. Christians believe that genuine transformation proceeds from the heart and that only Jesus can truly transform one into a ‘new creature’ (2 Corinthians 5:17, Acts 9:1ff).”* There is an “inherent defect in the sharia advocacy in Nigeria. A change of religious attitude does not necessarily arise from imposition. Rather, it must emanate through sound religious teachings and nurturing into maturity.” Gwamna claims that the imposition of sharia has not yet helped Iran conquer corruption. “This may be the reason countries like Turkey, Syria, Egypt and Iraq have not embraced sharia.”⁶⁴ He touches here upon a basic reality central to the Christian faith, insisted on by Jesus Himself: To enjoy life to the full, you must be born again! Or in the words of St. Paul, you must become a new person by rising from the human condition which, outside of Christ, he describes as dead. You must undergo a spiritual resurrection!

From a Protestant perspective, even Gwamna does not take us far enough, since his new person seems to emerge from a process of teaching and nurturing. That sounds very Islamic with its emphasis on reason, and that Catholics perhaps share with Muslims. He has taken us into the neighbourhood of reason, the same place where Pope Benedict took us in his controversial speech for which he was berated angrily by Muslims in September 2006.

I wonder whether we may have stumbled on a similarity between Catholicism and Islam, and, at the same time, on a deep and fundamental difference between both of them and Protestantism—how one becomes a new person. Here there is both room and need for further exploration. Anyone?