

APPENDIX 1:

Our Final Stand on Shari'a

Zamfara State Government¹

The Government of Zamfara State of Nigeria wishes to draw the attention of our fellow country men and women to very important issues pertaining to the implementation of its Shari'a programme as follows:

A. What is Shari'a?

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

We would also like to quote a highly placed Reverend Father and Methodist Minister from the North Eastern part of this country who says "I understand the word Shari'a itself to mean, literally, path or way. Its religious connotation is that it is the path chosen by Allah for Muslims to follow. Legally, the Shari'a is said to be a comprehensive set of rules which regulates every aspect of human existence, and prescribes punishments for all crimes committed by Muslims." This is exactly what Shari'a is all about as defined by the Reverend Father.

B. What is the Position of Islam with Regards to Shari'a?

Allah (SWA) has clearly stated in the Holy Qur'an that any Muslim leader or follower who does not accept Shari'a to govern his life is an unbeliever. The Government of Zamfara State therefore must govern Muslims in the state according to the provision of Shari'a.

C. What are the Constitutional Provisions in Support of Shari'a?

1. Section 38 (1) of the 1999 Constitution of the Federal Republic of Nigeria states that "Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance." Based on this provision, therefore, the Muslims in Zamfara State are guaranteed the freedom to manifest and propagate their religion or belief in worship, teaching, practice and observance (whether

¹*New Nigerian*, 9 Nov/99, p. 18.

alone or in community with others, in public or in private). This is why we must have Shari'a.

2. Section 6 of the 1999 Constitution of the Federal Republic of Nigeria dealing with judicial powers states as follows: (4) Nothing in the foregoing provisions of this section, i.e. Section 6 shall be continued as precluding:

- a. the National Assembly or any House of Assembly from establishing courts, other than those to which this section relates, with subordinate jurisdiction to that of a High Court.
- b. the National Assembly or any House of Assembly, which does not require it, from abolishing any court which it has power to establish or which it has brought into being.
- c. such other courts as may be authorised by law to jurisdiction at first instance or on appeal on matters with respect to which a House of Assembly may make laws.

This is why we established Shari'a courts in Zamfara State with jurisdiction to administer Islamic Law for Muslims.

3. Section 4 (7) of the 1999 Constitution of the Federal Republic of Nigeria dealing with legislative powers states that "The House of Assembly of a State shall have power to make Laws for peace, order and good Government of the State or any part thereof with respect to the following matters, that is to say:

- a. any matter not included in the Exclusive Legislative List set out in Part I of the Second Schedule to this Constitution.
- b. any matter included in the Concurrent Legislative List set out in the first column of Part II of the Second schedule to this Constitution to the extent prescribed in the second column opposite thereto; and
- c. any other matter with respect to which it is empowered to make laws in accordance with the provisions of this Constitution.

This is why Zamfara State House of Assembly passed Shari'a Bill into Law for peace, order and good governance in the State.

D. Is Zamfara State Violating Section 10 of the Nigerian Constitution?

NO! Because Section 10 states that "The Government of the Federation or of a State shall not adopt any religion as State Religion." We are not adopting Islam as our State Religion. If we were to do that, there wouldn't be Magistrate Courts or High Courts and even Churches in Zamfara State. But we now have two legal systems. Shari'a Courts to administer Shari'a Laws for Muslims and Conventional Courts (Magistrate and High Courts) to administer Common Law for non-Muslims. There also exists about forty-five Churches for about 9,000 (Nine Thousand) Christians living in Gusau, the State Capital, according to the State Chairman of CAN.

E. What is the Position of Islam with Regards to Non-Muslims?

Islam guarantees the rights of non-Muslims to practice their Religion without hindrance and prohibits injustice of any kind against non-Muslims. The government of

Zamfara State will therefore ensure the security of lives and properties of all people residing in the state irrespective of their Religion or Tribe and will ensure Justice and fairness to all.

Signed
Ahmad Sani (Yariman Bakura)
Executive Governor
Zamfara State

APPENDIX 2:

Saturday with Ibrahim Suleiman

Beyond the Caliphate: Towards a Vision of The Future

Ibrahim Sulaiman¹

(A letter from Sultan Muhammad Bello, the architect of the Sokoto Caliphate, to the Muslim Ummah of Nigeria on the occasion of the Bi-centenary of the Sokoto Caliphate)
Our Imam, Shehu Usman Dan

Fodio, taught us that the

Sharia under which our Caliphate was being administered imposes on us, the duty to safeguard, preserve and defend the “six universal principles”: namely, faith, life, lineage, intellect, honour and property. The most important of these principles, he emphasizes in *Bayan*, is the preservation, defence, protection and propagation of the faith, i.e., Islam, because, the preservation of life, lineage, property and honour are predicated solely and purposely upon the preservation of the faith. The defence of Islam, our way of life, is according to Shehu Usman Dan Fodio, the most important duty of our Caliphate, and indeed of every Muslims. No other task or endeavour is greater or more critical, or yet more strategic.

It must be emphasized that there is nothing unusual or extraordinary in Shehu Usman’s suggestions. The political climate in the era in which you live indicates clearly that nations value their way of life so seriously that they are ready to sacrifice all they have and expend all their energy to defend their “way of life.” Some go to extra-ordinary length. Look at what some nations are doing to defend their way of life. They have built such weapons as could wipe out the whole of the human race in order to be able to confront whoever wishes to tamper with the way they live or the principles they stand for. They regard it appropriate to make themselves rich and prosperous so that they can maintain that way of life, even if they are required thereby to intimidate, blackmail, invade or destroy other nations and take over their resources. In order to be able to defend their way of life more effectively, every moral principles is worthy of being sacrificed, every part of the world is a legitimate target of attack and destruction and every other race of humanity is dispensable and destroyable. Every weapon is a legitimate weapon in their war to defend their way of life and such weapons may include rape, murder, plunder, and pillage wholesale destruction of property and genocide.

Indeed so committed are they to the defence of their “way of life,” that they are determined to maintain and perpetuate a world order in which their nations alone are armed and dangerously armed, they alone are powerful; they alone are rich and skilful; they alone can do as they will anywhere and everywhere; they alone possess the world and its resources; all the other nations are merely bye products of their whims and caprices, and must remain unarmed, defenceless, poor, hungry, debt-ridden, colonized. The world they want to create is one in which the order of Allah’s creation is perverted and reversed. The stance of those nations is not so much dissimilar to that of the nations

¹www.dailytrust.com/weekly/Saturday.htm 20 Aug/2005.

of our age, or indeed of any other age. It is in the nature of advantaged nations to seek to perpetuate their advantage, however much the less privileged ones will be hurt.

The way of life we Muslims are asked to foster, promote and defend is a universal system, not parochial, not racist, not white, not black, not western, not eastern, but simply one bestowed by the One, Universal God, who hold the whole human race as His Family. The values we cherish, imbibe and propagate are transcendent values, not pedestrian, not profane, not immoral, not sinister, but values of utmost benefit to human beings - benevolent, compassionate, sincere and sincere.

Shehu Usman told us that in the defence of Islam, we must “mobilize all human potentials.” We understood that to mean first of all the harnessing of our intellectual potentials to build our society and our Caliphate and make them strong and unassailable. Then we must harness our natural resources in order to equip our society with all that life required, so that our people could enjoy a life worth living for, and worth dying for - abundant, decent, clean, noble. Thirdly, we should make our Caliphate militarily strong, able to defend itself against those who would wish to attack our way of life, or subject us to plunder and genocide. We were to spare no effort in establishing and strengthening the Islamic way of life, and make it prevalent and predominant. We therefore must preserve and enhance the dignity of Islam and defend the sanctity of our faith, our principles, our values, our homeland. We reckoned that people who have no values to defend and no way of life to protect are people who have no cause at all to live, and deserve no respect whatsoever. I am sure you are seeing many examples of such people. Nations abound today that live as if they don't live. Their people are in millions yet they are incapable of generating, even from Allah's infinite bounties around them, such resources as would guarantee to them the kind of life Allah envisages for them. It is sad that one hundred and twenty million Nigerians put together, for example, cannot generate wealth that can match the wealth of Bill Gates. Surely something tragic, something fundamental has gone wrong in that kind of nation and that kind of society. Similarly, Providence has accorded every people languages in which they express and identify themselves as well as cultures, values, norms, nuances and character, which give them distinction and identity. Some nations today are so thoroughly subdued to the extent that they no longer have courage or will to speak their tongue, let alone contemplate the exercise of those inalienable rights conferred on them by Allah: the right to their way of life, the right to exist independently and with their heads raised high, the right to be different, the right to say “I am!” They live anonymously, sometimes as “democrats” as “secular” as “liberal,” but never as themselves. These are people and nations the Qur'an calls ghusaaun. Allah has given them everything He has given to other nations, but they want to live and exist as subordinates, as slaves who serve others even at their own expense. They trample under their feet their own distinctiveness, their own way of life, their own history their very existence.

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

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

Now, what were our values? In the course of our revolution Shehu Usman Dan Fodio did not promise the people heaven and earth. Never did he do as your politicians do today, promising people food, water, prosperity and even those things that Allah alone can bestow simply to win support. It was not in his character to deceive or cheat. The Sharia doesn't permit it. He merely asked them to be true Muslims, confident that Allah would give them what He normally confer on those who live according to His Religion and His Law as well as every other people who abide by the "natural Law". He has established for the regulation of life in general. The principles which governed our Caliphate were the same principles which governed the first Islamic State, the "Master Ummah" established by Prophet Muhammad, and are stated in Sura Bani Israil, revealed on the eve of Prophet's hijra from Mecca to Medina. They are, as stated in the Quran, as follows: Do not set up any other god beside Allah lest you are rendered humiliated and helpless. Your Lord has decreed:

(i) Do not worship any but Him;

(ii) Be good to your parents; and should both or any one of them attain old age with you, do not say to them even 'fie' neither chide them, but speak to them with honour, and be humble and tender to them and say; Lord! Show mercy to them as they nurtured me when I was small.

Your Lord is best aware of what is in your hearts. If you are righteous, He will indeed forgive those who repent and revert (to serving Allah).

(iii) Give to the near of kin his due, and also to the needy and the wayfarers,

(iv) Do not squander your wealth wastefully; for those who squander wastefully are Satan's brothers, and Satan is ever ungrateful to his Lord.

(v) And when you must turn away from them - from the destitute, the near of kin, the needy, and the wayfarers - in pursuit of God's mercy which you expect to receive, then speak to them kindly.

(vi) Do not keep your hand fastened to your neck nor outspread it, altogether widespread, for you will be left sitting rebuked, destitute.

Certainly your Lord makes plentiful the provision of whomsoever He wills and straitens it for whomsoever He wills, He is well aware and is fully observant of all that relates to His servants.

(vii) Do not kill your children for fear of want. We will provide for them and for you. Surely killing them is a great sin.

(viii) Do not even approach fornication for it is a monstrous act, and an evil way.

(ix) Do not kill any person, whom Allah has forbidden to kill, except with right. We have granted the heir of him who has been wrongfully killed the authority to (claim retribution); so let him not exceed in slaying. He shall be helped.

(x) And do not even go orphan, except that it be in the best manner, till he attains his maturity.

(xi) And fulfill the covenant, for you will be called to account regarding the covenant.

(xii) Give full measure when you measure, and weigh with even scales. That is fair, and better in consequence.

(xiii) Do not follow that of which you have no knowledge. Surely, the hearing, the sight, and the heart - each of these shall be called to account.

(xiv) Do not strut about the land in arrogance. Surely, you cannot cleave the earth, nor reach the heights of the mountains in stature.

The wickedness of each of that is hateful to your Lord. That is part of the wisdom your Lord has revealed to you. So do not set up any deity beside Allah lest you are deity beside Allah lest you are cast into Hell rebuked and deprived of every good.

Abu Ala Maududi suggests that those principles enshrined in the Quran with such absolute clarity are not mere exhortations but they constitute the eternal directive principles of policies for Islamic dispensation and Muslim societies. Maududi elaborates his taught on the matter in his Towards Understanding the Quran and Islamic Law and Constitution.

APPENDIX 3:

Women NGOs Oppose Theocracy

Ayesha Imam¹

We, Nigerian NGOs concerned with women's rights are aghast at the recent moves in some states to compulsorily introduce laws purporting to be "Islamic" or "Christian." We note that in Zamfara State so-called "Islamic law" has been instituted. We also note that in Cross River State there are threats to introduce "Christian laws" while in Kano State and other states there are suggestions that "Islamic law" will again be introduced.

These moves to restrictive laws in the name of religion are completely unconstitutional and their provisions violate our rights (see *ss.* 13-24 and *ss.* 33-43 of the 1999 constitution). They violate women's basic human rights, and those of non-Muslims (in Zamfara) or non-Christians (in Cross River) whether indigenes of one of these states or other Nigerians.

Laws – whether religious or otherwise – are too serious in their effects and implications to be passed without the opportunity for full discussion and debate. The texts of bills should be published. The public must have an opportunity to consider the actual provisions, discuss them and their long-term implications, suggest amendments or rejection and to communicate their concerns to their elected representatives.

In a largely non-literate country with poor communications – such as Nigeria – a democratic debate cannot be done by announcement and *fiat* in a couple of weeks. This is a military-like and authoritarian "decree." It is not the democratic society that Nigerians have been fighting for during the past decade and more.

Rather than engaging in promulgating divisive and restrictive laws in the name of religion, why are state governments not focusing on the tasks for which they were elected? State governments should ensure above all that social welfare provisions are instituted – free and compulsory education, a decent minimum wage, health care services, potable water, reliable electricity and telephone services in every part of every state in Nigeria.

In Zamfara, women are to be prohibited from traveling in the same public transport as men. The practical implication of this is a denial of women's rights to movement, and, as a consequence, women's rights to freedom of association.

Already, women who are being refused access to public transport in Zamfara State, taxi and bus drivers are deciding whether or not women (both Muslim and Christian) are dressed according to their ideas of what women in purdah should wear. This is also being policed by some so-called "Islamic" organizations (*Guardian*, November 3, 1999). Purdah itself is not compulsory in law or in religion. Again, this is a violation of basic human rights to impose on women what kind of clothes they must wear. It is completely unconstitutional.

The governor of Zamfara state is quoted as stating that he is instituting these draconian so-called "Islamic" laws in order to fight prostitution, gambling and other

¹*New Nigerian*, 9 Dec/99.

social vices (*Post Express*, October 28, 1999). Violating women's rights will not do that. Furthermore the existing constitutional provisions for Shari'a courts already cater for those Muslims who wish to have Muslim personal law applied to their marriages, inheritance and other family issues (see Chapter VII of the 1999 Constitution).

In addition, the long-term consequence of such unconstitutional restrictions on women's movements will mean that any woman (Muslim, Christian or other) working, trading or simply being in the public sphere will be accused of being a prostitute or a gambler. This is totally unjust.

Not all the whims of conservatives are really Muslim laws or Christian laws. If Zamfara State wishes to learn from laws from other Muslim countries and communities, there are other laws to consider which promote rights, rather than violate them. Why do we not learn from the law in Iran whereby a man who wishes for a divorce must compensate his wife economically for the years of housework and domestic responsibilities she has put in during the marriage, before he can divorce her or marry another wife? Why not consider the law in Tunisia, which prohibits men from marrying more than one wife and safeguards the rights of wives? Why not duplicate the laws in Turkey which protect women from domestic violence? Why not appropriate the *nikanama* of Muslim communities in India and Egypt, where the marriage contract is written so that husbands cannot renege on promises that their wives may go to school or work?

We women's NGOs are shocked that those who have the responsibility of ensuring that our constitutional rights are not violated have not taken action to protect our rights. Why has the National Commission on Human Rights not criticized what is happening? We call on the president, state attorney-generals to speak out and take action against these unconstitutional acts.

We also urge that the public not be intimidated into accepting retrograde decrees simply because they are done under the guise of religion, whether Muslim or Christian. 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.

Agreed by the following NGOs: EMPARC – Empowerment, Action and Research Committee (Lagos), CLO – Civil Liberties Organisation (Lagos), CECODEC – (Lagos), WISSEA – Women for Self-Sufficiency and Economic Advancement (Kano, Adamawa), CWAE – Centre for Women and Adolescent Empowerment (Adamawa), BAOBAB for Women's Human Rights (Kano, Katsina, Kaduna, Adamawa, Taraba, Edo, Oyo), WHON – Women's Health Organisation of Nigeria (Lagos), IRRRAG – International Reproductive Rights Research and Action Group Nigeria (Kaduna, Edo), WJP – Women, Justice, Peace (Lagos), LRRDC – Legal Research and Resources Documentation Centre (Lagos), CIRDDOC – Civil Resource Development and Documentation Centre (Enugu), CDP – Community Development Project (Jos).

Imam signed on behalf of 12 NGOs in Nigeria.

APPENDIX 4:

Culture, Books, Films in Shari'ah

Sulaiman Ibrahim¹

Alhamadu lillahi for the gigantic steps *A Daidaita Sahu* is taking to sanitise film and other cultural industries in Kano state. Kano is, if you like, the flag bearer of the I-lausa-Fulani-Kanuri states. Kano is to these states what the United States is to the world — a cultural trendsetter. Therefore, *A Daidaita Sahu* in particular, and Kano State Government in general, shoulder a heavy responsibility.

Though the effort so far is commendable, it is obvious a lot remains to be done. Not only because Kano is so vast a state, and that bad practices are so prevalent, but also because of possible resistance due to the lucrative nature of such practices.

I think apart from the desire to make money on the part of those writers and filmmakers, for example, there could also be a leadership gap that *A Daidaita Sahu* is now filling. Perhaps, no government, in Kano or elsewhere in these states, has taken the initiative to provide guidelines as to what is desirable and what is not.

Ordinarily, a Kano indigene should know where to draw the line. But the fact is, not every Kano indigene cares. So enhancing the bodies to oversee what goes in and out of films and books would not be out of place. These bodies should consist of people knowledgeable in Shari'ah and the arts, and include the writers and filmmakers themselves. Their task would be to delineate how various issues could be treated in both books and films.

There could be a broad outline as to what the writers should have at the back of their minds when conceiving their ideas and when delivering them to the people. For example, they should promote Islam and work- ethic, and attack dependency, laziness and the flaunting of wealth.

There should be no violence, no proximity between different sexes, or the same sexes for that matter, with the wrong intentions. And creative ways should be found to deal with the singing question: to sing or not to sing? And what types of songs are to be sung and how, and how much? What music is to be played? A culture can borrow from outside to enhance and to modernise itself, but it should not go to the extent of losing its own character.

Dancing between the different sexes should definitely out of the question.

The Kano government's idea of taking upon itself the responsibility of publishing responsible books or responsible films is laudable, but the question is, could that be sustained?

¹ *Daily Triumph*, 27 May, 2005

Would not the government come to be overwhelmed one day, and then abandon the artists to their own devices?

If the government finds shouldering this sustainable, fine. If not, one thing the government could do to promote films and literature generally is to set up prizes for best films or books — good in themselves as works of art, and good in their promotion of the good things Hausa society hold dear. That could also help bring our books and films up to international standard.

For what we would not like is to dish out substandard work of art only to see it shunned by the same society it is meant for, because of its lack of artistic value. While we could use art to teach or even to preach, we must remember that its main vehicle is entertainment. And there is room for entertainment in Islam, as long as what we are entertaining with is within the bounds of Shari'ah.

In short, the artist needs education. The teacher needs the necessary patience to teach. There is the need for a lot of carrots, and also for a stick.

(Sulaiman Ibrahim is with Hausa Section BBC Bush House London)

APPENDIX 5:

SHARĪ'A AND ISLAMIC REVIVAL IN NIGERIA (1)

Anonymous¹

Sharī'a in Nigeria

In the pre-colonial period (2)

Sharī'a is as old as Islam in Nigeria. Islam followed the trade routes of the medieval empires: Kanem/Borno in the east, Mali and later Songhay in the west. Hausaland was a backwaters or transit land between these powers until the fall of Songhay in 1592. At that time the Hausa states came into prominence and entered into direct trade relations with North Africa. The first-mentioned medieval empire, Kanem-Borno, had its origins in modern Chad. In the 13th century there was in Cairo a hostel for its students of Islam. Around the late 14th century the Kanem rulers moved to Borno in Nigeria (3) The Mais (kings of Borno) professed Islam, but only during the reign of Mai Idris Aloma (1571-1603) did the majority of the leading men of the empire become Muslim. (4) The Mais had to tolerate a good deal of traditional religious practice in their domains and to a certain extent even in their courts.

Kano and Katsina were two Hausa states which were on the trade routes between Kanem and the west, and came under the influence of Muslim traders who passed through or settled there. The Kano Chronicle mentions the coming of Wangara (Malian) dâ'îs (missionaries) at the time of King Yaji around 1380, who brought books of Law and Tradition. (5) Some Fulani dâ'îs came during the reign of Yakubu, around 1460, bringing books on theology and etymology. (6) At this time Islam seems to have struck firm roots as the religion of the kings, even though the majority of their subjects were non-Muslim.

Islam in Hausaland received a strong boost from the Algerian al-Maghîlî (d. 1504), who had to flee his homeland because of his strong convictions. The adoption of Islam by the kings of Katsina seems to date from his visit in 1493. He wrote a book of advice on how to rule for King Rumfa of Kano. (7)

In spite of the long time they had been Muslims, up to the beginning of the 19th century the kings were expected to be the religious fathers or patrons of all their people, Muslims and non-Muslims. In the terminology of H. Fisher, they were "mixers". (8) That is, they observed the rituals of both Islam and the traditional religion, as the occasion demanded.

Against this background `Uthmân ²an Fodiye inaugurated his jihâd in 1804. He was not aiming so much at the conversion of pagans as at the reform of lax Muslims. (9) He challenged the Hausa kings to accept his proposals for living strictly according to the Sharī'a, and when they refused he overthrew them, setting up the Sokoto caliphate, a federation of emirates covering most of what is now the north of Nigeria.

¹ This article was circulated through various email groups. I am not able to determine the author or date.

`Uthmân ²an Fodiye's thought went very explicitly along the lines of restoring Islam to its pure primitive state. His ideology is set forth in many documents; some of the chief ones are Wathîqa ilâ jâmi` ahl as-Sudân wa-ilâ man shâ' Allâh min al-ikhwân fî l-buldân (10) and the monumental Bayân wujûb al-hijra wa-ta`Erîm muwâlât al-kufra wa-wujûb muwâlât mu'minî l-umma. (11)

For the rest of the 19th century the custodians of the Sokoto empire attempted to maintain the supremacy of Sharî`a in their domains, but with limited success. (12)

The social foundation of the Sokoto jihâd

`Uthmân ²an Fodiye's jihâd aimed at the formation of an Islamic state based on Sharî`a. In so doing, he was restoring an institution that had disappeared in West Africa (if we consider Borno Central Africa) with the fall of the Songhay empire in 1592. Islamic state structures may have folded up at that time, but Islamic society continued, under the form of jamâ`as. (13) These were basic Islamic communities, usually led by Àûfî leaders, and assured religious practice, education, economic self-sufficiency, political organization and defence. Sometimes they were located in towns; sometimes, as in the case of `Uthmân's Fulani jamâ`a, they were semi-nomadic. These jamâ`as assured the survival of Islam in a politically fragmented and often disturbed region. As micro-states, all they needed were the right conditions to rise with other jamâ`as and form an Islamic state.

Once an Islamic state is formed, it never lives up to its ideal, and religiously-minded people maintain their loyalty to their local jamâ`a leaders, who were not all Àûfis, as will be seen below. That was true throughout the 19th century, the colonial period, and now in the independent period of Nigeria.

Sharî`a in the colonial period and the First Republic

The British completed the imposition of their authority over the northernmost parts of Nigeria in 1902. Muslim rulers accepted it under the principle of "necessity". The Boer war in South Africa and the Ashantee war in Ghana left only the meagerest force for Nigeria; this alone, apart from other considerations, was enough reason for the British to adopt a policy of indirect rule, the preservation of all existing institutions under the headship of emirs invested by the British High Commissioner. (14)

The British did not directly recognize Sharî`a as the law for the emirates they conquered, but "native law and custom", to cover the traditional norms in force in the Muslim and pagan areas that comprised Northern Nigeria. Lugard promised the emirs that the British government would not in any way interfere with their "religion". The emirs, in their turn, naturally and usually successfully tried to press this promise to the furthest possible limits so as to include all the ramifications of Islamic Law. Lugard, in fact, did recognize that "the fundamental law in the Native Muslim Courts of Nigeria is the Mâlikî Code of Muhammadan Law". (15) This Sharî`a law extended to all matters, even crime and capital offenses, except for penalties such as mutilation, lapidation and crucifixion. (16)

During the period of British rule Islamic law was applied in Northern Nigeria more widely than in any other part of the British Empire, except the Aden Protectorate. (17) Nevertheless, the fact that the British officially recognized this law only under the title of "native law and custom" permitted some flexibility in the application of the law, according to the views of the emir or "alkali" (al-qâ'î) concerned. In fact, while the British curbed Sharî'a mainly in the area of criminal law, local custom modified it in most other matters, such as land, testimony, marriage and divorce. (18)

The first major challenge to the status of Sharî'a came in 1947 when the appeal trial of the Tsofo Gubba case prevented the imposition of a death penalty for homicide as provided by Sharî'a but disallowed by the British Criminal Code. (19) This decision was given legislative support by the 1956 Native Courts Law, which stated that "a native court [which included Sharî'a courts] shall not impose a punishment in excess of the maximum punishment permitted by the Criminal Code or such other enactment". (20) The status of Sharî'a was confused by further court decisions, leading the British to review the entire situation.

The British were convinced that, as in most other parts of the Muslim world, a separation should be made between Sharî'a courts, which would deal with personal status and family law, and civil courts which would deal with criminal law according to a single code applicable to all Nigerians. (21) In 1956 a Native Courts Bill was passed which made a distinction between Muslims and non-Muslims and provided procedures for cases involving both categories. In 1957 the Northern Muslim Court of Appeal was established and in 1958 the Northern Nigerian Government appointed a panel of jurists to make recommendations. The panel, composed of the Chief Justice of Sudan, Mu'ammad Abdul Rannat (Chairman), Professor J.N.D. Anderson and Mr. Justice Mu'ammad, a judge of the Pakistan Supreme Court, studied how English and Islamic law were accommodated in India and Sudan. The panel made 32 recommendations, "some of which involved changes of the most radical nature for which, as many assured us, public opinion in Northern Nigeria seemed by no means prepared". (22) Yet the Regional Government accepted all but one of the proposals and passed them into law.

After three years the experiment was to be reviewed, and the panel was reconvened in May 1962. Subsequently, the government published a White Paper which praised the success of the reform. The strongest opposition had been feared against the new Penal Code and Criminal Procedure Code which replace the Mâlikî law which had been entrenched for generations in the emirates. Instead, except in "one emirate", the new codes found overwhelming popular approval and esteem. (23) The provincial magistrate courts set up in 1958 proved successful and were now to be extended to each of the major towns.

The 1962 panel had one misgiving about the development of Sharî'a courts: The Sharî'a Court of Appeal could apply Islamic law to any litigation in which the two parties requested in writing that their dispute should be so decided by the court of first instance. It seemed wrong in principle that the law which should be applied to a particular case should be liable to variation at the behest of the individual litigants rather than

determined by legislation. Accordingly the panel recommended that the jurisdiction of the Sharī`a Court of Appeal be confined to cases of personal status and family law. (24) With this compromise the Muslims agreed to abide by the new Constitution for the time being, with the intention of reviving the issue in the future. Until the 1979 constitution the state of affairs was as follows:

In each of the six Northern States there is a Sharia Court of Appeal established under the Sharia Court of Appeal Law. This court is presided over by the Grand Kadi as its President and he is assisted by one or more judges. It only has appellate jurisdiction in all matters of Islamic personal law decided by Upper Area Courts, and also in other matters in which both parties have elected that their rights be determined in accordance with principles of Islamic Law..

It is the final court of appeal in all matters except that in appeals involving fundamental human rights and interpretation of the Constitution of the Federal Republic of Nigeria there is a further right of appeal to the Supreme Court of Nigeria. (25)

Sharī`a in the Second Republic and after

As the military, who ruled Nigeria from 1966, were preparing to hand over to a civilian regime, they appointed a drafting committee for a new constitution. In the draft, which came out in 1976, Sharī`a courts of appeal at the state level were retained, whose jurisdiction extended to "any matter in which the parties have agreed that Islamic Law shall apply" (n. 186.2). In addition there was to be a Federal Sharī`a court of Appeal headed by a Grand Mufti to handle Islamic Personal law and, at the request of the parties, "any other question" (n. 184.3e).

This extension of Sharī`a courts to the federal level stirred up a hornet's nest. Lawyers objected because it amounted to the recognition of two complete and separate legal systems for the country. "Are there any prospects that those who belong to other religions, such as animists, Sango worshippers or adherents of the Ifa oracle would be provided with court systems which take into account their peculiar religious beliefs?" (26)

Christian spokesmen saw the action as one further step in a plan to turn the country into an Islamic state. A few Muslims, such as the socialist Yusufu Bala Usman (27) and A.B. Ahmad (28) argued against establishing a Federal Sharī`a court on grounds that it would be giving a preferential position to Islam. On the other side, the Etsu Nupe, Umaru Sanda Ndayako maintained that the Sharī`a courts simply provide for the needs of the Muslim community and do not place Islam in a privileged position. He added that Nigeria, as a secular state, should respect the needs of all groups and care should be taken that Muslims do not infringe on the rights of non-Muslims. (29)

A more official Muslim view was expressed at the National Seminar on Islam and the Draft constitution at the beginning of August 1977, and the National Conference on Freedom of the Press and the Sharī`a at Minna at the end of the same month. (30) At these meetings demand was made for Sharī`a in toto, not just for religious matters (a "truncated Sharī`a"), but all matters of life. A Constitution is valid only in so far as it

reflects the Sharī`a, while any other law (imported English law, based on pagan Roman law) is alien and has no binding force for a Muslim. This is true even for a Muslim minority but, while the 1963 census says that Muslims are 45%, the National Seminar on Islamic Law said they are 75%. (31) Accordingly at the Minna seminar Malam Ma'aji Shani suggested that the Constitution should make Islam the state religion, with the Sharī`a applied in toto to any citizen who believes in God and the Qur'ân. (32)

Whether a call was made for an Islamic state or not, the basic argument of any Muslim public statement was that the Constitution should fulfil the wishes and aspiration of the entire population. Nigeria never has been a secular state in the sense that the government makes no provisions for the religious needs of the people. (33) Accordingly the Muslims pleaded that they were only asking for freedom to follow Islamic law themselves, and that this would in no way affect non-Muslims. The discriminatory provisions against non-Muslims in classical treatises on Islamic statecraft, such as Mâwardî and Āur³ûshî, were passed over in silence, even while these very provisions are notoriously practised in some of the northern parts of the country. In his book, *The classical caliphate* (Lagos, 1976), M.O.A. Abdul uses Mâwardî and quotes (without disapproval) the main discriminatory provisions, but considerably tones down Mâwardî's contemptuous language. *Non-Muslims under Shari`ah* (1979) by Prof. A.R.I. Doi of Ahmadu Bello University, Zaria, on the other hand, is silent about the worst features of Sharī`a affecting Christians. Doi's attempt to show how sweet and rosy it would be for Christians to live under Islamic law is no doubt sincere, but can only be taken as an exercise in wishful thinking.

When the Constitutive Assembly came to vote on the Sharī`a question in April 1978 the proposal for a Sharī`a court at the federal level was defeated. The states, however, were allowed to provide for Sharī`a courts as they saw fit, still with jurisdiction over personal matters and, where the parties request, "any other question". (34) Most Muslim members walked out and boycotted the Assembly for a time. A compromise was then worked out providing for a chamber in the Federal Court of Appeal to hear appeals from state Sharī`a Courts of Appeal. (35) With this compromise the Muslims agreed to abide by the new Constitution for the time being, with the intention of reviving the issue in the future.

The politicians of the Second Republic generally steered clear of the Sharī`a controversy and studiously tried to avoid any religious confrontation or polarization. The authorities firmly curbed any demonstrations against non-Muslims, such as by the Muslim Students Society at Ahmadu Bello University in 1979. Government policy may have been influenced by fear of worse intra-Muslim dissension, such as between the Āarīqas (Āûfic societies) and the Maitatsine movement (an heir to turn-of-the-century Mahdism with a Khârijite-like fanaticism) which broke into frenzic riots in Kano in December 1980, Maiduguri in October 1982 and Yola in February 1984.

While externally there was peace between Muslims and Christians, one could see a steady movement towards Muslim ascendancy and manoeuvring towards Sharī`a rule. Examples of this are the banning of alcohol from Sokoto, President Shagari's announcement of the establishment of a presidential advisory board on Islamic affairs,

and the appeal to Muslims in Sokoto and Oyo states to vote for N.P.N., which forced the U.P.N. to come out with better promises in support of Muslim interests.

The coup of 1 January 1984 toppled the plans of the civilians for the time being. Yet the military government under Buhari, even while concentrating on exposing those who robbed the nation's wealth, was Islamic in its general sympathy, and was accused of being the military arm of the ousted N.P.N. government. That is because it was so lenient in handling the representatives the Second Republic. This contrasted with the wishes of the radical junior officers who, it was rumoured, were planning a thorough and bloody sweep of the board but were preempted by the successful coup of the senior officers on 25 August 1985.

The latter coup brought Ibrahim Babangida to power. His many demonstrations of commitment to a secular government for Nigeria's pluralistic society have not pleased the radical Muslim wing. Babangida's ill-calculated secret carrying of the nation into the O.I.C. pleased most Muslims, but raised a storm among Christians which has lasted for years. This and the Sharî'a debate we will turn to in a second paper. First we must survey the different trends of thought and attitude among Muslims in Nigeria.

Differences among Muslims in Nigeria

There are hundred of Muslim associations and societies (jamâ`as) in Nigeria. I will briefly review only the major ones, which have bearing on the political situation and Muslim-Christian relations.

The Âûfi orders

Âûfi orders have been very influential in West Africa, and Nigeria in particular, for centuries. In recent times their influence has been challenged by purist, Wahhâbî movements, but they have strong roots and do not seem about to disappear. That is not only because the orders serve to welcome and integrate Muslim migrants to cities far from their homes, but also because they minister to the spiritual condition of the people as they are. That is, they offer amulets and other religious remedies against evil spirits, enemies, sickness, and obstacles to success in life. (36) This service is in high demand among Nigerians, both Muslims and Christians, especially in times of national economic and political crisis, and explains the popularity of mushroom churches and healing prophets. There are even Muslim preachers who imitate Christian revival services, with dancing, singing, testimonies and advertisements that people should come and get their miracle. (37)

In Nigeria the Qâdiriyya is the oldest order. `Uthmân ²an Fodiye belonged to it, and left it as a legacy for centered in Sokoto. Elsewhere the Tijâniyya is stronger, and the two orders have been rivals. (38) The Tijâniyya order, moreover, is divided into the traditional one and the reformed branch. (39)

The Izâla

The principal challenge to all the Àûfi brotherhoods is the Jamâ`at izâlat al-bid`a wa- iqâmat as-sunna, known quite simply as the Izala. (40) Its patron is Abubakar Gummi, one-time Grand Qâdî of the Northern Region, and now the symbol and leader of extreme and anti-Christian Islam. This movement has gained many adherents, especially among youth who have nothing to lose. There have been many violent episodes between Izala members and other Muslims throughout northern Nigeria for many years. Only recently has this violence been redirected towards Christians.

The Maitatsine movement

The Maitatsine movement was influential in the 1960s and 1970s until its brutal suppression in the early 1980s. Founded by Muhammad of Marwa, Cameroon, known as Maitatsine, it took root in Kano, appealing to the unemployed, but also, because of Maitatsine's reputation for spiritual power, attracted secret support from some influential people.

Muslim writers at the time of the riots condemned the Maitatsine sect as unIslamic because of a variety of allegations. It is significant, however, that no representative of the sect has ever been interviewed to speak their own point of view.

The first Maitatsine riot erupted in Kano in December 1980 when the governor told the group to relocate. Maitatsine's 10,000 followers were defeated by the army and he himself was killed, but his followers regrouped and rioted again in Kaduna in 1982. In February 1984 they struck again at Jimeta, outside Yola. On 26 April 1985 another outbreak occurred at Gombe in Bauchi State, in which 100 were killed. Since then the movement has been underground. (41)

The Nigerian Muslim Brothers ("Shî`ites")

Led by Ibrahim Zakzaky of Zaria, under the inspiration of the Iranian Ayatollah, and Sayyid Qutb and Ẕasan al-Bannâ of Egypt, the Nigerian Muslim Brothers reject the Nigerian constitution, flag and legal institutions, accepting only Sharî`a. They vandalized the government Daily Times office in Katsina and attacked the Emir as well on 29 March 1991 because of an article that appeared to insult MuĀammad. In spite of warnings from the governor, they rioted again on 19 April, burning even the Central Mosque.

Commonly known as "Shî`ites", they are quite numerous in the north and frequently conduct demonstrations. Yet it is questionable if they are really Shî`ite in principle; it may be they only admire the bravery and methods of the Ayatollah. Since the death of Abubakar Gummi, the Shî`ites have captured the radical following that the Izala once commanded.

The Muslim Students Society

The Muslim Students Society was founded in Lagos in 1954 by Babs Fafunwa (presently Federal Minister of Education). It grew into a national organization and is affiliated with the World Assembly of Muslim Youth which was founded in 1972 under the auspices of the OIC. The movement has become radicalized and rejects the Nigerian Constitution and anything secular. Chafing over the visit of the Pope to Kaduna in February 1982, when a

million Christians gathered to see him, and the later visit of Archbishop Runcie to Kano, they organized the Kano riot of November 1982. [See the next paper.]

The Jama`atu Na`ril Islam

The Jama`atu Nasril Islam was founded in January 1962 by Ahmadu Bello, the late Sardauna of Sokoto and Premier of the Northern Region. Its aim was to coordinate Muslim efforts in Nigeria and become the spokesman of all Muslims in the country. During the lifetime of Ahmadu Bello (until January 1966) it was very active in publishing literature, building mosques and organizing conversion campaigns. Then it lost its momentum, and other societies, particularly among the Yorubas, asserted their independence from this organization whose president is by statute the Sultan of Sokoto. The conflict between the A`u`fi brotherhoods and the Izala also came out at JNI meetings and was another cause of its loss of influence.

Since around 1988 the JNI has shown new signs of life, and has initiated many projects and activities.

The Supreme Council for Islamic Affairs

Because the JNI could no longer speak for all Muslims in Nigeria, the Supreme Council for Islamic Affairs was founded in Kaduna in 1973 on the basis of four representatives from every state, but with the Sultan of Sokoto as the automatic president. It aimed "to cater for the interest of Islam throughout the Federation, to serve as a channel of contact with the government of Nigeria on Islamic affairs, where necessary, and to serve as the only channel of contact on Islamic matters".

The political influence of this body is tremendous. It has been very vocal on the questions of Shari`a, the OIC, and the communal violence between Muslims and Christians. (42)

State Islam

State Islam is not an organized movement like the others, but is a phenomenon similar to what we see elsewhere in the Muslim world. State Islam in Nigeria arose during the colonial period. Along with the system of indirect rule through emirs and chiefs, the British instituted regional and provincial governments parallel and superior to that of the "native authority". In the end the emirs were to lose all authority but the appearances. In the first twenty years of independence, the emirs were deprived of control of the police, courts, prisons and taxes, and were left with only ceremonial functions. (43)

Real power passed to an amorphous conglomeration of business, political and tribal interests, sometimes competing with one another and sometimes in coalition. Some power holders are high-profile holders of political office; others operate behind the scenes. All of these are motivated by getting their share of the national cake. They are secularists at heart, and use Islam only as a veneer.

Very few Muslim rulers enjoy moral respect. One such was the former Sultan of Sokoto, Abubakar. Over 50 years on the throne, he died in 1988(?). The political authority of the Sultan is now virtually nil, but the office is one of great prestige and influence. One of his

sons was announced on the radio as successor, but the government canceled that and appointed Ibrahim Dassuki, a very wealthy business man who had held many high government posts as well. The people of Sokoto rioted, chanting "Ba mu so" ("We do not want him"). But force prevailed, and people now respect the power, wealth and majesty of the man, who has a great deal of influence in the nation.

The military president, Ibrahim Babangida, is said to have become a Muslim only in the army. He married his wife in the Catholic Church in Asaba, but the two of them are now alhajis. Always suspected by the Muslims, he has had to make generous gestures to placate them, but has not managed to satisfy any constituency.

Muslim rulers generally go out of their way to show that what they do is Islamic, but few are impressed. Unlike other Muslim countries, in Nigeria where freedom of expression is so high, state Islam cannot prevent people from turning to Muslim organizations that do inspire them. In this situation Islamic jamâ`as of every tendency flourish, expressing, channeling or exploiting the real religious feelings of the people. (44)

Conclusion

Of the positions taken by Muslims elsewhere, as noted at the beginning of this paper, Nigerian Muslims have had to cope with non-Muslim rule in the colonial and independent periods. Many of them have invoked the principle of "necessity" to justify a temporary compromise. Others see a pluralistic society in which all have equal rights as the right thing for Nigeria, and do not look forward at all to an Islamic state. Many others, however, dream and work for the day when Nigeria will be ruled according to Sharî`a strictly and completely applied.

In the meantime Muslims are having to cope with the phenomenon of state Islam, and many are turning for community support to the more satisfying jamâ`as, sometimes the more traditional Âûfi brotherhoods with their greater sense for African feelings and needs, and sometimes more revolutionary and purist groups like the Maitatsine, Izala or Shi`ites.

We cannot predict the evolution of Nigerian Islam. We can expect no radical turnabouts in Muslim support for Sharî`a, at least as a symbol. At the same time local experience and the brutal imposition of Sharî`a on non-Muslims in the Sudan makes Christians opposed to any further extension of Sharî`a in Nigeria. Yet it must be admitted that Muslim understanding and interpretation of Sharî`a have definitely been modified by the experience of the 20th century secular world and Christian campaigns for human rights. One principle is certainly operative: Muslims will not work out their destiny alone and in isolation. In no place in the country can they avoid interaction with non-Muslims, for the most part Christians, and that in a society which is not regulated by Christian principles but by secular cultural and market forces. If they can live at peace with Christians, they may be able to consolidate their own community and develop ways of accommodating to the inevitable changes of the modern world.

NOTES

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5. Ibid., p. 104.
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25. *Reports of the Constitution Drafting Committee* (Lagos, 1976), vol. 2, p. 103.
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30. Cf. New Nigerian, 7 April, 15 & 22 August, 2, 3, 5, 6 & 30 August, 13 & 28 September 1977.
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43. For a detailed account of the conflict between government and traditional authorities, see John Paden, *Ahmadu Bello, the Sardauna of Sokoto* (Zaria: Hudahuda, 1986).

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APPENDIX 6:

Understanding Sharia Law

Sulu Gambari¹

What is *Shari'a* law? Sacht in his book *Introduction to Islamic Law* put it as follows: "The sacred law of Islam (*Shari'a*) is an all-embracing body of religious duties, the totality of Allah's commands that regulate the life of every Muslim in all its aspects; it comprises on the equal footing ordinances regarding worship and the manner of performing divine services as well as political and (in the narrow sense) legal rules." Hear what the Holy Book (Qur'an) says about *Shari'a*. Essentially *Shari'a* means the straight path to fulfillment of faith and salvation. Allah (SWT) says:

"Finally, we set thee, Mohammed (PBUH) on a way of *Shari'a* by which the purpose of faith may be fulfilled. So follow this way and follow not the likes and dislikes of those who do not know the truth." And also: "But know, by thy Lord, they can have no (real) faith, until they make thee (Prophet Mohammed, SWT) judge, in all disputes between them, and find their souls no resistance against thy decisions, but accept them with fullest conviction." (Qur'an 4:65)

These verses succinctly epitomise the significance and position of *Shari'a* law in the life of all believing Muslims.

Shari'a is thus a law regulating the life of all Muslims in the pursuit of their faith and regarded as an integral part of worshipping and performance of Islamic duties.

It guides a Muslim to his duties to God, to himself and the rights of others over him, and to what he should or should not do with the powers and resources which God has placed at his service and control.

In English/common law parlance, law is made for man and not man for law. But in Islam, it has been neither the nation nor the people which has made the law; it is the law which has made and moulded the nation and the people. In Islam therefore, *Shari'a* is but one law and it is the religious law. In other words, it is supreme because it emanates from God who decreed its main basis in the Qur'an.

The main sources of *Shari'a* are the Qur'an and the established practices of the Holy Prophet (*Sunnah*). Secondary sources include consensus of jurists in a particular age on a particular question of law (*Ijimaa*), individual opinions of learned jurists (*Qiyas*) and local customary practices (*Al'urf*), which are not repugnant to the Quranic injunctions and *sunnah*.

Shari'a, as can be traced in Nigeria, dates back to the 11th century. It was brought in by Kanem into Nigeria in the area which used to be called Kanem Empire of Nigeria. It subsequently spread from there to all the neighbouring communities by about 12th century. The Sokoto Caliphate in the 19th Century brought *Shari'a* with the establishment of Islam that spread over what used to be called the Northern Region, now Northern states, as well as to some Yoruba land in the South West through inter-relationship.

¹S. Gambari, *New Nigerian*, 16 Feb/2000.

At the advent of colonial administration in the 20th century, Sokoto Caliphate and Borno Empire were merged together to form a portion of territory that later became the protectorate of Northern Nigeria. While *Shari'a* was the official legal system operating side by side with English legal system (as received in Nigeria), subject only to where *Shari'a* was regarded repugnant to the law and equity, in the Southern part of Nigeria, by contrast, *Shari'a* was not the official legal system among the Muslims but it was observed and can be validly said that Muslims in those areas observed *Shari'a* in their homes and among themselves.

The colonial administration did not abolish *Shari'a* law or its implementation. Rather, it accentuated and encouraged it. The following excerpt from the preface of the translation of Mukhtasar (Maliki Law) into English by F.H. Ruxton on the order of Lord Lugard in 1914 is instructive.

“The advantage to be gained by knowing something of the law of the people we govern is self-evident, especially when as in the case of Mohammedan countries, it is the law that moulded the people and not the people the law.... Again, whereas in the Northern Provinces of Northern Nigeria, it has been the policy of government to rule indirectly through the native administration, a knowledge of Mohammedan law, is more than even necessary, giving us as it does, a clue to many acts, and supplying the mainspring for many motives which otherwise we should fail to understand.... The more we can grasp the inward significance of motives and acts, the more efficiently we shall be able to administer Mohammedan peoples.”

Islamic law in Northern Nigeria during the colonial rule was classified a “Native Law and Customary Law.” It was recognised as the binding law for Muslims in Northern Nigeria, because it had become their way of life. The “Native Law and Customs” was for people of Northern Nigerian origin who adhered to traditional religion. That the authority was however silent on the applicable law to the Christians in the area, infers that they do not need any other law other than the English law, which fully took care of their way of life. The Marriage Act is an eloquent testimony to this view.

It is noteworthy that *Shari'a* retained its jurisdiction over all criminal and civil matters for over 50 years under colonial rule in Northern Nigeria except where the administration believed that the Islamic law was repugnant to their home system. The Native Court Law came into effect in 1957 towards the end of Colonial Rule. Islamic law ceased to have jurisdiction over criminal matters which now came under the provisions of the new Penal Code and the establishment of Area Court with its attendant Area Court Edict of 1968.

The law on *Shari'a* promulgated on October 8, 1999 being the date the Zamfara State Governor appended the passed bill into law became operative on January 27, 2000. The law is cited thus: “*Shari'a* courts (Administration of justice and certain consequential charges) law, 1999.”

This enactment has generated a lot of controversies. Various interest groups have expressed their views without basic information and have taken positions of extremity without adequate knowledge, diametrically opposed to order and good government and diabolically inimical to the fostering of unity in our nascent democracy.

Various Islamic groups, bodies and personalities have consistently opined that Zamfara State Government was right to have enacted the law. Some religious bodies other than Muslims have also consistently entertained fears that the law as passed was

politically motivated, has contravened (without verification) the provisions of the Federal Constitution, would result in political instability of the country and that it would offend against the fundamental human rights of the citizens of the country enshrined in the constitution.

APPENDIX 7:

Globalization, Modernity and the Sharia in Nigeria: An Essay in Political Economy

Sanusi Lamido Sanusi¹

"If all moral and material advantages depend on those who hold power, there is no baseness that will not be resorted to in order to please them; just as there is no act of chicanery or violence that will not be resorted to in order to attain power, in other words, to belong to the number of those who hand out the cake rather than to the larger number of those who have to rest content with the slices that are doled out to them"-Gaetano Mosca^[1]

I. Introduction

I would like to thank the Islamic Studies Group at Bayreuth, and particularly, Professor Oswald and Dr Kogelman, for the honour of inviting me to deliver this public lecture in your series. Last weekend I was at the London School of Economics attending a seminar on a broadly similar theme, but I shall resist the temptation to simply repeat my London lecture in Bayreuth. For several years now I have been involved in general debates on the place of Islam and Islamic law in a multi-religious state, and the right balance between maintaining the integrity and cohesion of the nation and protecting the cultural and religious identity of its constituent parts. I have also been concerned that while protecting the rights of communities and religious groups, individual citizens are vulnerable to oppression, repression, alienation and violence in the name of tradition and authenticity. To this extent, some of what I will say today may have been said, in one form or the other, (and maybe in a less refined manner), over the last seven years. However, with the passage of time and the accumulation of empirical experience, one is perhaps able to refine crude hypotheses and structure random observations into a coherent whole, thus beginning a process of theorization of the phenomenon.

In my talk today I shall place before you three facts and one thesis (or hypothesis). The first fact, which I shall take as given without need for further elaboration, is that the homogenizing tendencies of globalization have everywhere been met by local expressions of resistance in the form of simultaneous processes of construction of local identities and manufacture of differences. By globalization here I refer to rapid processes of spatio-temporal contraction facilitated by modern technology, with the accompanying penetration of capital and culture from the

¹Text of a public lecture delivered at the Centre for Modern African Art, University of Bayreuth, Germany, on Wednesday, June 22, 2005, on the invitation of the Humanities Collaborative Research Centre of the University under the general theme of "Local Action in Africa in the Context of Global Influences." www.gamji.com/sanusi/sanusi52.htm

metropolises of the capitalist world into its peripheral regions. The second fact, which I should elaborate upon, is that given the history of the upper regions of northern Nigeria, and then given the reality that Muslim nations seem to be the arena of conflict with, (and the last bastion of resistance to), the world's remaining "super-power", Islam and the Shari'ah have always harboured the potential for being appropriated as the constitutive elements for cultural resistance by the region. In elaborating this fact, I should try and tease out the nature of the inter-play between globalization, modernity and Shari'ah in Nigeria. To simplify somewhat, I should argue that the structure of northern society and the deliberate insulation of its people from the influence of modernity have combined to facilitate the resort to Islam as the resource for identity in a time of economic and political insecurity. This means that "globalization" has, in the local context of Muslim northern Nigeria, brought in influences not from the western, but from the Arab and Islamic worlds. To the extent that most of the rest of the country is, on the contrary, under the strong influence of western discourses, the fabric of the nation is thus dragged, if you like, in two radically opposed directions.

The third and final fact I will present, and which follows from the preceding fact, is that the Muslim discourse in northern Nigeria is only one out of several competing positions and that the hysteria (and the contumeliousness) of some of the criticism has missed this point. The Muslim discourse in Nigeria lives side by side with fundamentalist Christian discourses, as well as ethnic and regionalist agendas bordering on the secessionist. In other words the problem is not just one about resurgent Islam, but about the fragility of the fabric of the nation, and the accentuation of that fragility through the cumulative eruption of new areas of difference contiguous with actually existing fault-lines. Within each of these ethno-religious tendencies there are subaltern discourses of a radical, liberal, bourgeois-nationalist or secular nature, most of which exhibit strong integrationist tendencies and consider ethnic and religious politics somewhat reactionary and counter-productive.

I will argue in this paper that none of these three facts is fully explanatory, and each and every one of them has been misused, or at least magnified, to serve as a camouflage for the real source of Nigeria's problems. Nigeria is not the only multi-ethnic and multi-religious country in Africa that is subject to the vagaries of globalization. My thesis is that to understand the endurance of identity politics in Nigeria we must recognize the character of the Nigerian state as the main source of patronage in the country, and the convenience that is conferred on it by its peculiarity as a rentier state constantly funded by dollar revenues from the sale of crude oil. This makes Nigeria a rare, if not unique, case in black Africa. In contrast to the essentialist reductionism of classical Marxism-or even the European Marxism of Althusser et al- wherein the dominant class owns the means of production and *thereby* economically exploits and politically dominates the alienated classes, Nigeria is a country in which political power and access to the state is the fastest route to economic dominance

and empowerment.

The Nigerian state constitutes an arena in which different fractions of the ruling class (used here largely in a Weberian sense) fight for the highest stake, the attainment of which justifies every bit of violence and chicanery. Although it is true, for instance, that the construction of a "Muslim" identity is always done in opposition to the "non-Muslim" or "western" or "secular" identity, this simply describes the strategy and territory or arena of such construction, not its purpose. The principal utility of a constructed ethnic and religious identity lies in its instrumentality as a weapon in the struggle for control of state resources and patronage. Thanks to oil and corruption, the ruling class does not need to expropriate peasant land, or the surplus value from proletarian labour, in order to appropriate a large portion of income and consumption. The luxury of not needing to resort to economic or extra economic exploitation, on the contrary, makes it possible to establish relationships with the poor based on patronage, pious charity, protection and dependency, thus blunting the rough edges of class distinction. The result is that the various discourses in Nigeria are socially and politically over-determined and their deconstruction necessarily requires their problematization within intellectual frameworks that theorize the specificity of the political.

The relationship between the three facts and my thesis above is that the former, in their serendipitous existence, have increased the facility with which the ruling classes have been able to consolidate their respective hegemonies, fragmenting the poor along ethnic and religious lines through the establishment of links and correspondences between essentially contradictory regions of the social formation. Secondly, the metropolitan centers of the world, by constantly making theologically and politically fundamentalist Islam the culprit, have succeeded in diverting attention from the massive rape of third world economies by international capital, and complicity of large corporations and international institutions in the plunder of state resources through corruption, bribery, inflated contracts, money laundering and large scale investment and property acquisition in the metropolises by the *lumpen-bougeoisie* and *nouveaux-riches* of the periphery. We are therefore left with an interesting situation. The western powers expense energy demonizing Islam and Islamism, and local politicians vigorously defend their religion and culture. Meanwhile, these essentialized cultural and religious barriers miraculously vanish where the flow of goods, persons and capital is concerned. Many of those who are most prominently anti-west are frequent visitors, asset owners and deposit holders in the *Dar al-Harb*, with their children comfortably sitting in class-rooms and being educated by the unbelievers. Meanwhile, some of those who claim to be at the forefront of fighting Islamic fundamentalism are business partners and family friends of its *avant-garde* elements, particularly where funding is required for certain oil ventures in Texas. This is not something that happens with caducity. On the contrary, it is a permanent feature of the complicated relationship between the dominant classes of western, liberal, democratic states on the one hand and of corrupt, often authoritarian, even

fundamentalist ones, on the other.

But perhaps the most serious conclusion of this particular analysis will be the following: That the appropriation of religion as the referent for political identity by the northern Muslim elite is actually a step backward and subversive of the political interests of the Muslims themselves. Within a dynamic political structure where numbers play an important role, religious politics has fragmented the near monolithic hegemony of the north in the era of regionalism, effectively reducing a previously dominant force to an excluded, minority status. My conclusion will explain how this came to be and how this can be addressed.

Before proceeding, therefore, I should make a confession. In my participation in this debate I always make an effort at intellectual theorization of specific political processes in which I am implicated. It is always important for the analyst to recognize and admit the nature of interest that drives intellectual pursuits. I am a northern Nigerian Muslim, and I am politically interested in the concrete existence of the vast majority of the population. I am also ideologically committed to the unity of the nation and its integration across ethnic and religious lines. I am therefore sensitive to the implications of political projects for the weaker elements of my society (who are a sub-set of members of their class nationally) and for the fragile unity of the country. To this extent I am not a neutral academic, observing events from a detached location. This explains my continuous fascination with post-Marxian theorizations of the specificity of the political, such as Gramsci's concept of the hegemonic state^[2] and Laclau and Mouffe's theories of discourse.^[3] Social justice, economic democracy and liberal pluralism are essential to the survival of multi-ethnic, multi-religious, articulate modes of production. In the next section of this paper I will present a historical background of Muslim northern Nigeria and explain why Islam is uniquely placed to be the constituent of identity in the early 21st century. I will also briefly discuss other major identity movements that, along with Islamism, contribute to the centrifugal dynamic that is heating up the polity. Next, I will try to show how globalization has combined with the structure of the northern social formation and local politics to give rise to the emergence of Muslim religious politics. Finally, I will return to the thesis and theorize identity politics against the background of an over determined state, and close with some recommendations. I will show how the resort to religion was forced on northern Nigerian Muslims by the rejection of their leadership by the rest of the country, how interests other than religion may have contributed to the rapid process of identity construction and how, finally, this counter-productive political strategy may be reconsidered and modified with a view to returning Muslims into the mainstream of Nigerian politics. It should be borne in mind that, in our contemporary world, nations are in a constant state of flux through processes of decentring and dislocation. The discourse on globalization and religion will therefore continue to retain a certain promiscuity and open-endedness.

II. Historical Background

Nigeria is the most populous African country and the great majority of the people in the north is made up of Muslims albeit from various ethnic groups. The most widely spoken language in the region is Hausa. Islam came early to northern Nigeria, beginning from the old Kanem-Borno, almost immediately after the death of the Prophet. Sources suggest that Islamic influences in the Chad region started from around the year 46 A. H. (666/7 A.D) with the arrival of the first group of Muslims under the leadership of 'Uqbah bin Nafi'.^[4] The kings of Kanem-Bornu however did not accept Islam until the 11th century A.D. Islam came to Hausa-land much later, and its entrenchment is usually linked with the reign of the King of Kano Yaji Dan Tsamiya (1349-1384) or King of Kano Muhammadu Rumfa (1463-1499). In any case it is generally agreed that Islam came to Hausaland prior to the fourteenth century.^[5]

In the early 19th century, specifically between 1804 and 1808, a Fulani scholar Uthman bin Fudi (famously Dan Fodio) waged a jihad against Hausa rulers whom he accused of syncretism and polytheism, and established Muslim emirates founded on a reformed Islamic law.^[6] Along with his brother, Abdullahi and his son, Muhammad Bello, Sheikh Uthman put in place a socio-political, economic and legal system that was based on the models of Muslim caliphates in the Abbasid and Ottoman period. The ethico-legal foundations of the political and economic system in this period have been the subject of much scholarly study, a prime example being the work of Tukur.^[7] Shortly after the Jihad of Dan Fodio, a rival scholar in Borno, Shaykh Muhammad Amin al-Kanemi, took over control of the Muslim empire of Kanem-Borno to the east, and introduced radical reforms aimed at cleansing the system from innovation and polytheism.^[8] As a result of these two events, northern Nigeria-or at least the larger portion of it, remained under the control of two Muslim empires, one led by the Fulani in Hausa land and the other in Borno to the east for a full century before British colonial overrule. The Sokoto caliphate was itself made up of component emirates, numbering over three dozen,^[9] and its territory extended beyond the borders of contemporary northern Nigeria into neighbouring Cameroun, Niger and Benin republics. The sphere of influence of old Borno also extended into the neighbouring Chad republic.

The coming together of such a large group of peoples under a single political authority, bound by a common ideology rooted in Islam and Shari'ah, and the endurance of the system for a century, necessarily produced a near monolithic society in most of northern Nigeria. The political and administrative structures of the emirates more or less mirrored each other. The shari'ah was the operative law in all emirates and the School of jurisprudence was Malikite. The educational system, which was based on a deep study of key texts of Malikite Jurisprudence, Ash'arite theology, Mysticism, grammar, rhetoric and exegesis, remained largely unchanged from the 14th century to the present day. The prolific writings of the triumvirate in Sokoto (Uthman, Bello and

Abdullahi), were taken as a source of guidance by the emirs of the Caliphate. Arabic was the official language of the court, and the languages spoken by most of the populations were Hausa and Fulani, even though the caliphate encompassed Muslim populations that spoke such diverse languages as Nupe and Yoruba.

The British decided, after an initial, unsuccessful attempt at imposing direct rule, to accept the policy of indirect rule recommended by Lord Lugard. This policy, ironically, restored the waning power of the emirs and entrenched the pre-colonial cultural value systems, in return for full political loyalty by the aristocracy and acceptance of certain amendments to the system aimed at improving respect for human rights and good governance as well as meeting minimum standards set by the British based on their own normative systems. This seems to have been the expectation of the Wazir of Sokoto, Muhammad Bukhari, when he signed a peace treaty with the British. It seems clear from his reasoning that he opted to cede political ("worldly") power to the British in return for the preservation of the Muslim faith and Islamic Law in the territory under the control of the descendants of the Jihadists.^[10] Indeed, when in 1900 Lord Lugard proclaimed the protectorate of Northern Nigeria, he explicitly "pledged not to interfere in the religious affairs of the Muslims."^[11] Lugard did, however, introduce amendments to legislation when he encouraged emirs to adopt positive law. By encouraging emirs to renounce bodily punishment, Lugard took a first step in a process that culminated in the adoption of the Native Authority Ordinance in 1933. The last remnants of the hudud-fixed punishments in Islamic Law- were abolished on the eve of independence.^[12]

It is important to note, however that, as in other parts of the Muslim world, Personal Law remained Islamic even under colonialism. Also, the Penal Laws of northern Nigeria were based substantially on Islamic Law with the exception of bodily punishments. Finally, where the emirs had to rule in a manner contravening the dictates of the shari'ah, they took pains to distance themselves from such rulings. For example, court records of the judicial council of the emir of Kano 'Abbas in 1913-14 reveal that when he had to rule under the guidelines given by the colonial government, such a ruling was invariably classed under the rubric of *hukm zamanina* (the law of our times), a legal innovation reluctantly applied.^[13] In general, the colonial administration entrenched the power of emirs and a class alliance was established between the colonial administration, the trading firms and the emirs. The power of the emirs was "validated by the religious authority of Islam and institutionalized through complex bureaucratic and judicial administrations."^[14] According to Dudley, indirect rule increased the emir's administrative power (by designating him the sole Native Authority in his territory), his economic security (by making him the instrument of colonial tax collection) and his judicial authority (through new powers of appointment and new emirs courts).^[15] The result was that indirect rule actually reinforced the emir's power by removing

traditional checks on centralized authority. According to one scholar, the colonial government had vested in the emirs "powers... that were unknown in the pre-colonial era." However, because of curtailment of the emir's flexibility in the administration of taxation and dispensing of patronage through arbitrary largesse, the emirs were ironically forced to resort to coercion in order to exact compliance with their orders. Thus colonial rule marked a distinct turning point in the relation between the emirs and the people, intensifying class distinction and strengthening traditional rulers who were able to implement their will through instruments of coercion.[16]

The most dangerous consequence of the alliance between the British and the emirates was that the integrity of the political and social structures in the north could only be achieved by sealing the region off from western influences, including from southern Nigeria. In this attempt to insulate the north from modernity, western education was severely curtailed in order to avoid what Lord Lugard termed the "utter disrespect for British and native ideals alike" that was beginning to emerge in the south.[17] By 1947, according to Coleman, the north with over half of the country's population accounted for only 2.5% of primary school enrolment.[18] At independence the north had less than 10% of primary school enrolment and less than 5% at secondary school level.[19] As late as 1951 the 16 million inhabitants of the north "could point to only one of their number who had obtained a full university degree, and he was a Zaria Fulani convert to Christianity." [20] The trend continued long after independence. The UNDP's Human Development Index Profile for Nigeria in 1993 for instance ranked Nigeria at 137 out of 174 countries with an HDI of 0.400. But even this figure concealed regional disparities, which according to the UNDP are among the worst in the world. For example a ranking by states "puts Edo and Delta States (the former Bendel State in the south) on top with an HDI of 0.666 while Borno (in the Muslim far north) has an HDI of 0.156." The report noted that were Edo and Delta States a sovereign nation they would have ranked 90th in the world while Borno on its own would have ranked lower than every other country in the world. Compared to a 76% adult literacy rate in Imo, the figure for the Muslim northern states of Sokoto, Borno, Kano and Niger were, respectively, 2.7%, 10%, 12.1% and 16%. It is therefore clear that the structure of the north and the continued stronghold of the elite has only been made possible through *commodification* of the population, which explains why all radical political parties in the North—from the Northern Elements Progressive Union (NEPU) in the First Republic to the successor Peoples' Redemption Party (PRP) in the second, have made education the central focus of social policy. Since independence the country has witnessed several military coups, and most of its Heads of State have come from the northern parts of the country. In 1999 other regions insisted on a "power-shift" and Olusegun Obasanjo, a retired general and former Military Head of State was elected president, and re-elected in 2003 in elections that are still disputed in the courts.

I have in this section tried to make the following points: First, that Islam and Shari'ah were entrenched in the history and culture of the region and the Muslims in northern Nigeria have internalized a religious identity that suppressed ethnic and tribal identities. Unlike many of the groups in southern Nigeria where ethnic and tribal identities are primary to all others (say the Yoruba, Ibo, Bini, Ijaw or Itsekiri, to give a few examples) the Hausa, Fulani, Nupe, Kanuri, Yoruba and other Muslim people in northern Nigeria have, starting from the 19th Century, seen themselves primarily as Muslim, and this sense of communal identity was encouraged and strengthened under British colonial rule. Second, that the character of northern society was more hierarchical than other parts of the country, and that this stratification is maintained and intensified through a deliberate process of insulation of the people from the influence of modernity. I have shown that starting from Lord Lugard and the emirs, this insulation has less to do with protecting the faith and values of Islam and much more to do with protecting the integrity of the social structure of the north. Thirdly, because religion is the primary resource for northern Muslim identity, the "Other" is also constructed in religious terms. So the fault lines in the north are drawn along religious lines and political actors from the "Muslim North" and the "Middle-Belt" find justify ideological positions by using religion as a resource. The accentuation of the Muslim identity has been made possible by a simultaneous process of manufacture of an Islamophobic, Christian identity, complete with its own mythology of historical oppression and marginalisation by the Muslim "Hausa-Fulani". Whereas at independence regionalism was the overarching element in northern identity-despite religious fault-lines-starting from the 1980s this started changing. Two individuals in particular, the Late Abubakar Gunmi of the Jamaatul Nasril Islam and ArchBishop (now Cardinal) Olubunmi Okogie of the Christian Association of Nigeria, played a key role in the politicization of the leadership of religious associations. Ousmane Kane has done a comprehensive study of these developments.[\[21\]](#) Religion therefore plays a role in the politics of the region in a more exaggerated manner than in other parts of the country, but this is not to say that identity politics in Nigeria is purely religious. In the south-west of the country, the Yoruba ethnic group has a long and notorious history of ethnic nationalism and bigotry. Repeatedly frustrated out of power in the center by more cunning, often underestimated northern politicians, the Yoruba have over decades built up a political agenda around a mythical Yoruba "race" that is the victim of machinations of the "Hausa-Fulani". Such groups as Afenifere and OoDua peoples' Congress are extremely parochial in the condescension with which they view other ethnic groups. Their political vitriol has, unsurprisingly, been somewhat tempered in the last six years with the emergence of a Yoruba as president of the country. Similarly, the Igbos of the South-East, who played a major part in the events that led to the Civil war, have built up a series of grievances against the Nigerian state. While being by no means comparable to the Yoruba in the extent of its diffusion, there is among the Igbos today, a strong

secessionist under-current built around the perceived marginalization of the ethnic group. Most interestingly, the fragmented minority ethnic and tribal groups in the south have found a unifier around which a new political identity is being constructed. Whereas in the north, the minority tribes gathered under the banner of Christianity, in the south the factor is Oil and Gas (or "resources"). Convinced that they have not been fairly treated by the nation in resource distribution, even though they produce the oil and gas that funds the Nigerian state, the groups of the south-south have found a common platform in the struggle for "resource control" that is gradually bringing to an end the inter-tribal blood-letting in the region. The "other" is now a composite of the federal government, other ethnic groups/regions and the oil giants.

The tacit recognition of these imaginary identity boundaries by politicians in carving the country into six zones (North-west and North-East-Muslim North; Middle-Belt-Christian North; South-West-Yoruba; South-East-Igbo and South-South-Oil-Producing Zone) has played into the hands of the political elite. The political map of the country is being drawn in contiguity with accumulated grievances and this coincidence of cleavages with few intersecting and cross-cutting interests accounts for the centrifugal tendencies adding to the fragility of the Nigerian State. It is against this background, among other things, that one must read contemporary events.

III. Globalisation and the Shari'ah in Northern Nigeria

As an economist, I have always held the view that capital has no religion or tribe. Nor do hunger, unemployment and social insecurity.^[22] I have also written extensively on the economic impact of globalization on the Nigerian economy, critiquing the theoretical and ideological presuppositions underlying liberalization, devaluation, privatization and in general the naïve and unabashed faith in "market forces" exhibited by Nigerian governments from the mid 1980s to date, based on a very superficial reading of neo-classical economic theory and its ideological partnership with finance capital.^[23] I have shown how these policies have led to increased poverty, wide income distribution inequalities, the wiping out of the middle-class, wide spread corruption and social crises. As indicated earlier, the impact has clearly not been evenly distributed, with northern Nigeria and, particularly its upper regions, being the worst hit, largely due to the existing structural and systematic problems. I have in the particular case of Kano analysed these problems and made recommendations.^[24]

However the impact of globalization is not limited to the movement of capital. Due to modern information and communication technology, every part of the world is under a deluge of information, awareness, propaganda, cultural imperialism etc and the impact of all this on a given location varies with context. It is in this light that my historical analysis above becomes very useful.

We have shown that the upper regions of northern Nigeria have

had strong Islamic character that was intensified, rather than moderated, under colonialism. Also, while that part of the country was insulated from western education and has continued to treat education as a low priority area, traditional Islamic education has become more widespread and diffuse. The opening up of some universities in parts of the Muslim world like Saudi Arabia, Sudan and Iran to Africans has led to the emergence of a generation of Nigerian graduates from these institutions, most of whom are involved in religious educational and evangelical pursuits. Culturally, Muslim northern Nigeria is closer to the rest of the Muslim world than it is to the rest of the country. It is therefore to be expected that with increased communication, the influence of, and reception to, Muslim and Arab discourses would exceed that related to western discourse.

Beginning from the Islamic revolution in Iran in the late seventies young Muslims in the North started undergoing a process of Islamification, by which I mean a process in which the Islamic faith became more and more a referent for political and ideological identity. The bipolar division of the Third World into capitalist and socialist camps had finally been breached with the emergence of the Islamic alternative. The study of Arabic, and the availability of many texts in English translation, led to the study of the works of such activists as Khomeini, Shariati, Hawa, Qutb (Sayyid and Muhammad), al-Ghazali (Muhammad and Zaynab), Yakin, Turabi and Madani, particularly by the leaders of Muslim Students' and Youth associations. Among the general populace, the collapse of the Soviet Union and the ill-advised triumphalism of the US heightened awareness of the "Clash of Civilizations" between the "West" and "Islam", and this clash was seen as actually unfolding in arenas like Afghanistan, Iraq, Palestine and Sudan with western positions on such matters as Iranian access to Nuclear technology and Turkey's membership of the European Union counted among circumstantial evidence of Islamophobia.

Locally, Nigerians had expressed dissatisfaction with decades of corrupt and dictatorial military regimes. Unfortunately, due to the activity of groups like Afenifere, the politicians conflated "Military" and "corruption" with "North" and "Islam". There soon emerged a crescendo for "power shift" and a campaign of calumny against Muslims and northerners as corrupt parasites who considered political leadership to be their birth right. The decision to cede power to a southern Christian candidate aggravated the sense of political and economic insecurity felt by a region that was already backward behind by all other indices than population. As predicted by Popperian theory, this sense of insecurity led to a tribalisation of the group, and given the convergence of external and internal factors, the result was predictable- a radicalization of the population in terms of religious politics.

I will conclude by expanding on my thesis.

III. Religious Identity and the Contest for the State

Writing in 1939, Gaetano Mosca made the observation quoted at the beginning of this paper. It seems to me that the quote leads

us to an examination of at least two points, of necessity. First, that where the state is the source of patronage there will always be a struggle among different fractions of the ruling elite to control it, by means fair or foul. Secondly, that the principal motivation for this struggle on the part of individuals is so that they can be part of those who reap the benefits and dispense the resources of state, rather than wait for such to be doled out to them.

For any casual observer of Nigerian politics it is obvious that religion and ethnicity have served as springboards for competition for control of the state and its resources. One current example is the on-going national conference in Abuja. From its inception, it has been plagued by the discourse of competition among the various fractions of the ruling elite. The Muslims have complained that federal appointments do not reflect their numerical majority. These grievances are articulated and ventilated by a self-appointed group called the "Supreme Council for Shari'ah in Nigeria". Although the Christian Association of Nigeria (CAN) does not have a "Southern" group/faction, there is a CAN for the "Northern States" which engages in the construction of a Christian, Middle-Belt Identity laced with Islamophobia and Islam-bashing. The CAN constitution does not have any provisions for a "northern CAN" but it has been created all the same by religious extremists like a certain Elder Saidu Dogo. The issues being discussed at the conference-rotation of the presidency, number of terms and maximum tenor, the sharing of revenues from oil and gas, the federal structure- all of these are primarily about how the elite carves out the state among its membership, and far removed from the material needs of the population.

In the specific case of religious politics in the north, one cannot rule out the desire for vertical social mobility among main protagonists. Viewed from the materialist perspective of concrete consequences, there is no doubt that the adoption of shari'ah was a sure route to vertical social, political and economic mobility for certain previously marginalised segments of society, particularly those scholars who were not already a part of the establishment. These scholars were at the forefront of the mobilization of the masses to compel reluctant governors to follow the example of Yarima, and once this was done many of them were appointed to positions as commissioners for religious affairs, advisers, directors in new ministries of religious affairs etc. Others were co-opted into new Shari'ah advisory boards, Zakat boards, anti-corruption committees, *Hisbah* committees, Da'wa committees, Hajj committees etc. It would be interesting to see the flow of economic resources into the "religious sector" and how this has transformed the lives of those who have been the most strident advocates of the discourse.

The point I am making is that within the sub-economy of the Muslim north, there has always been a sense in which western education was the only path to economic empowerment. The emergence of religion as a major factor in politics, as opposed to ideology in the second republic, was therefore an opportunity for many people to change this state of affairs. In the final analysis

therefore, even within northern Muslim society, there is a sense in which political Islam is part of a greater contest, not just over definitions of what Islam is and what role it should play in society, but also over who should set the social and political agenda and thus control the state and its resources. The preservation of cultural authenticity is not just an idealistic project. It is politically implicated in the articulation and reproduction of conditions of symbolic and material power, and entrenchment of subsisting social relations.

[1] *The Ruling Class*, p 144

[2] Antonio Gramsci's influence is obvious in my first theoretical critique of religious politics in Nigeria. See my "Religion, the Cabinet and a Political Economy of the 'North'"; www.gamji.com/sanusi.htm

[3] I have explicitly relied on the formulations of Ernesto Laclau and Chantal Mouffe in my "Basic Needs and Redistributive Justice in Islam: The Panacea to Poverty in Nigeria", available on www.gamji.com/sanusi.htm. Other influences from post-structuralism and Ideology Critique have included Edward Said, Michel Foucault and Jurgen Habermas.

[4] See A. M. Kane, *Al-Jihad al-Islami fi Gharb Ifriqiyya*, p 13

[5] *Ibid.* p 33

[6] For a history of the Jihad see M. Last, *The Sokoto Caliphate*

[7] M. Tukur, *Leadership and Governance in Nigeria: The Relevance of Values*

[8] On the debates between the leaders of the Sokoto Jihad and El-Kanemi, see A. M. Kane, *Op. Cit.*, pp 87-106; and L. Brenner, "The Jihad Debate between Sokoto and Borno: Historical Analysis of Islamic Political Discourse in Nigeria" in J. F. Ade Ajayi and J. D. Y. Peel (eds.), *People and Empires in African History*, pp 21-43

[9] S. Abubakar, *The Lamibe of Fombina*, p 1

[10] For the Wazir's self-defence and justification for signing the peace treaty with the British see his epistle titled "Risala ila Ahl al-'Ilm wal-Tadbir", published in full in S. A. S. Galadanchi, *Haraka al-Lugha al-'Arabiyya wa Adabuha Fi Nijeriya*, pp 264-267

[11] O. Kane, *Op. Cit.*, p 35

[12] *Ibid* p 93

[13] A. Christelow, (ed) *Thus Ruled Emir Abbas: Selected Cases from the Records of the Emir of Kano's Judicial Council*, esp pp 11-17

[14] L. Diamond, *Class, Ethnicity and Democracy in Nigeria*, p 34

[15] B. J. Dudley, *Parties and Politics in Northern Nigeria*, p 16

[16] Omar F. Ibrahim, "The Fabric of Rule: A Study of the Position of Traditional Ruling Families in the Politics of Kano State, Nigeria, 1960-1983", Ph. D Thesis (Political Science), The State University of New Jersey, October 1988, esp. pp 71-75

[17] J. S. Coleman, *Nigeria: Background to Nationalism*, p 137; quoted in Diamond, *Op. Cit*

[18] *Ibid.* p 134

[19] Dudley, Op. Cit p 281

[20] Coleman, Op. Cit. p 139

[21] See O. Kane, Muslim Modernity in Post-Colonial Nigeria, esp. p 204-205

[22] See my "Basic Needs and Redistributive Justice in Islam: The Panacea to Poverty in Nigeria", www.gamji.com/sanusi.htm

[23] See my: "Buharism: Economic Theory and Political Economy"; "Buharism Beyond Buhari: A Response to Muhammad Haruna"; "Reforming the Nigerian Economy: Which Model? A Theoretical Critique of Nigerian Economic Policy from 1986-2004"; and "The Kano Political Economy: Reflections on a Crisis and its Resolution.". All on www.gamji.com/sanusi.htm

[24] "The Kano Political Economy..." Ibid.

APPENDIX 8:

We Are Not Shi'a

Mahmoud Turi¹

The Pen: What is your impression of Nigeria's independence and governance since 1960's?

Turi: This is a very sensitive issue. Maybe we might need to ask the question: What is independence in itself? If we are able to define independence, then that might throw light into this question. I would have thought that independence means total freedom in all spheres of life, being ideology, politics, economics, social and religious. A total freedom of the right for one to choose what he wants.

I am thinking from the point of view of someone who is engaged in da'awah. So to me independence was a phenomenon. There is a verse of the holy Quran, in which Allah (SWT) is commanding the faithful to enter into total submission to Allah and not to follow footsteps of the Devil.

I would have thought independence means a situation where a particular society has the right to govern itself according to the dictates of its creator, Allah.

We underlined the fact that as Muslims we are known to have a particular manual which is the Sharia. So independence to us is to have the right to govern each and every sphere of our life in accordance with the revealed Sharia from Allah (SWT). It is when we have this right that we would say we have independence.

So, the issue of independence especially as it pertains to the Nigerian situation is really a mockery on the intelligence of the society because the colonialist met us with a well organised policy which they destroyed, stayed for a while, and when departing, they claim they are giving us independence. Independence from what?

I would have thought it is dependence. Because they have dislodged the earlier set-up, brought their so-called civilization, trained people from among us to carry on with their style of governance and still they said they have given us independence. I think henceforth that word independence should be changed to dependence.

Today the country is depending on the western world in all spheres. Economically the country goes borrowing from the west. Politically it is relying on the western models of political system.

In such instance the society will be a better place for everyone to stay, irrespective of his religious inclination. There will be a set-up which will be conducive for the progress of human enterprise and stability will be everywhere. That's when we will have true independence.

The Pen: Would you explain the birth and activities of Islamic movement in Nigeria?

¹*The Pen*, 15 July/88.

Turi: Islamic movement in the real sense of the word started in Nigeria 10 years ago; that's when we started this particular call. At that time and even now it is very easy for one to realise that it is not something peculiar to Nigeria; rather it was a phenomenon. In all nooks and corners of the world there is this yearning and awakening on the part of the Muslim. Nigeria also got its own share. And now the movement is waxing stronger. Now the spirit of re-awakening among the Muslims and yearning for total return to the governance of Sharia is clear.

The Pen: What is the actual meaning of Sharia? Different people perceive and use it differently.

Turi: A lot of people perceive Sharia to be what obtains in the Sharia court. A situation where the Qadi (Judge) wears a turban and sits in the court and when a thief is brought before him, he amputates his hand. And if a drunkard is brought, he gives him 80 lashes. This is only a very minor aspect of Sharia. Sharia is all encompassing and includes every aspect of human life.

One peculiar thing about Sharia we must know: practicalising part of it and living the other parts amounts to not practicalising it at all. This is clear from the verse when Allah (SWT) is saying "Then is it only a part of the Book that Ye believe in, And do Ye reject the rest? But what is the reward for those among you who behave like this but disgrace in the life? And in the Day of Judgement they shall be consigned to the most grievous penalty. For God is not unmindful of what Ye do."

If you talk of Sharia, you are talking about every aspect of life, beginning from what you do when you get out of bed to how you as the head of state govern the whole nation.

So it is ridiculous to have Sharia in courts and in our political dispensation follow the footsteps of America. It is very important as Muslims, for us to have it at the back of our minds the commandment of Allah that we should practice Sharia in its totality.

Therefore we must continue to struggle to see that the totality of our lives is conducted according to the dictates of Allah (SWT). This is what Sharia means.

Another thing that might shed light on this issue of Sharia is the genesis of the word itself. It is derived from the word "Shar'i" meaning a street or a path. So when we talk about Sharia we are talking about the path followed by the Holy Prophet Muhammad (SAW) in his everyday life. The Prophet left us good example to emulate in all spheres of life we can think of.

The Pen: Is having Sharia courts, then an end or a means to an end?

Turi: No, because of one important reason: Allah (SWT) is saying we have a very good example in the person of the Prophet. The Prophet we know did not recognise in the least any institution which is not Islamic. This is why he even faced a lot of opposition with the powers that be in Makka.

The Prophet (SAW) refused to accept the leadership of the Quraish in Makka because he knows that if he accepted, he was bound to govern them according to their laws (even if it is for a while) but we can see clearly that when the Muslims migrated to

Madina and the authority of Sharia was established, automatically the Prophet became the leader.

We should remember, Islam is supreme and nothing should be above it. So those who think that having Sharia courts are ends in themselves should ponder deeply. The Prophet did not let Sharia be subservient to any other system.

The path establishing Islam is difficult and uncomfortable. The Muslims should express their minds to this rather than seeking short cuts as escapist solutions.

The Pen: What in your opinion could lead to a lasting peace and stability in the country?

Turi: In understanding how we can find a lasting solution to religious unrest and tension in the society, we might need to give a parable. Every good manufacturer sells their products along with a manual describing how to use the product. For you to enjoy the product satisfactorily, you have to follow that manual. Similarly, we human beings have been created by Allah (SWT) and He sent with us a manual and that is the Quran.

A question might arise here that the society is not only consisting of Muslims. This issue has been properly addressed in the Quran. The Quran shows how we are to live with the non-Muslims.

We must realize living with non-Muslims does not mean in the least that we should accept to govern our lives with what is opposed to what Allah has commanded in the Quran.

Secondly, there is no compulsion in religion. If we say we as Muslims must follow the Quran in every aspect of our lives, we are not saying everybody in the society must become a Muslim. That is in fact against Islam. In Islam, the non-Muslims have the option of following the dictates of their religion. They should not harm the Muslims and they should recognise the supremacy of the Islamic set up over them.

The Pen: What should be the preoccupation of Muslims: the Christian provocation, or their struggle to establish Sharia?

Turi: This is a very volatile area. It is unfortunate that today we have a situation whereby Christians are going out of their way to attack the Muslims. This always leads to a total breach of peace. It is also unfortunate that they are portraying themselves as enemies of Muslims. This is the only way I can interpret their actions both at Kafanchan and the recent one at A.B.U. Zaria where they willfully launched a vendetta against the Muslims. In such a situation the Muslims are not left with any option but to defend themselves.

Today we are having a set up which is not Islamic. It's giving room for attack on not only Islam as a religion but on Muslims themselves. We don't have protection. This is the point of departure of those who are saying that the Christians are not the primary problem. And this is quite true. Had it been we are operating a system where Sharia of Allah (SWT) is supreme, Muslims would not go out of their way to attack those non-Muslims who recognise the supremacy of Sharia and are paying *jizya* (tax). No matter how the Muslims keep defending themselves from continuous attacks, once the system is intact, the attacks will not end.

But if Muslims make a genuine attempt to establish an Islamic set-up, then there will be peace and tranquility in the society. It is important to realise that the real problem lies with the system. A system which gives preference to the non-Muslim when there is a clash between the Christian and Muslim. When an investigation began, the same Muslims were the ones to suffer security forces intimidation and repressive jail terms. The Kafanchan crisis is a typical example.

The anti-Islamic and pro-Christian stance of the system we believe is not without a reason. It is all the making of the colonialists themselves who came under the guise of Christianity.

The Pen: What call do you have to make to Muslims all over the world?

Turi: If we take a glance at the globe, we will see a spirit of reawakening and revivalism among the entire Ummah. This, I want all Muslims to note that it is the handiwork of Allah (SWT). Allah has promised to raise a Reformer (Mujahid) at the beginning of every century as narrated by Abu Dawuod. And today we are at the beginning of the 15th century and we are witnessing the winds of change blowing all over the world including this country.

So it is the duty of every Muslim to realise this and see he is part of this change. Because it is a promise from Allah (SWT); whether we support it or not, it will occur. So the earlier you find a section of the society rather than trying to understand what is happening with this spirit of change they will bring different tags and tarnish the image of those who are trying to be part of this change, calling them fundamentalist fanatics, and Shi'a etc. All these are gimmicks so far as I am concerned. The issue of Shi'a does not exist in Nigeria.

We should see the situation as an attempt by Muslims for a true return to Islam. We should not be deceived by the enemies of Islam who brand our brother as being Shi'a, fanatic or fundamentalist; all these things do not really exist in Nigeria.

The term Shi'a is being used to make the people striving in the cause of Allah who are outcast so that in the final community, it will not feel the responsibility to protect them.

APPENDIX 9:

Muslim Members Should Withdraw from the Constituent Assembly.

Muhammad S. Abubakar¹

Assalamu Alaikum,

When Allah, the Infinitely Merciful created Man and Jinn, he decreed that he created them only to worship him (Qur'an 51:56). This divine message is conveyed by the Prophet of bliss (Muhammad, SAW) through the Qur'an which is the guiding principle of Muslims. To them therefore, whatever else they do on earth is secondary to their worship of their creator. The art of living itself is taught to Man through the Qur'an. Therefore, Muslim life first and foremost is embedded in his act of worship.

When the colonialist invaders entered this country pretending to be bringers of good tidings, their first concern was to establish the white man's decadent laws and, if possible, liquidate Islam or subjugate Muslims to adhering to these worthless clauses of man-made rubbish. Although there were fierce battles with the Muslim Jihadists, Allah willed that the foul-speaking white man triumphed temporarily and so began the ordeal of Islam and Muslims in Nigeria.

Islamic scholars were either killed or banished. Stark illiterate rulers were then appointed by the white devils to govern the affairs of Muslims. When he left years later, he left behind him a pack of confusion, called laws and hooked the nation perpetually to this decadent system. Allah of course has promised to defend His religion and so the sinister moves of the colonialists to terminate the continuance of Islam met with a brick wall. Muslims gradually continue to pursue their divine way and now, Allah willing, they are more strong than ever and desire only one thing on earth – to be free to determine their lives as decreed by their sustainer and cherisher. That way is the Sharia. The Sharia issue which was first voiced in 1979 as very essential to be given its due recognition in the constitution is re-echoed in the on-going deliberations in the Constituent Assembly.

The Muslim members in the 1979 Constituent Assembly had to stage a walkout when the white man's surrogates, the Christians, raised all manner of opposition NOT to have the Sharia included in the constitution. The Sharia entrenched in the document was half of the demand. It was the personal side NOT including criminal aspect as it was obligatory on Muslims. They swallowed the fact bitterly and waited. Again, now that the military has decided again that it is tired of governance, has gathered what it called "respectable" persons to fashion out a new constitution.

But what other constitution will the Muslims have while they already have the Sharia – Allah's truthful constitution. Yet they have decided to join in the debate that will recognize their divine way and evolve a law for co-existence between them and non-Muslims. But the white man never rests on his sinister moves to suffocate Islam.

The Christian members of the Constituent Assembly whom we all believe are being teleguided by foreign Christian interests have schemed and adopted all sorts of stupid opposition that the Sharia will not have a place in the new document. To them, the white man's worthless doctrine should continue to regulate the lives of all and sundry.

¹*The Pen*, 13 Jan/89, p. 3.

The matter, as the Christian backers of Rome and Washington wanted to see, came to a stalemate. And that was stage one. The next move was government's intervention and stopping the debate on Sharia. The Muslims are again at the receiving end.

Now what more is there for Muslim members to deliberate in the Constituent Assembly? Their prime concern on earth is the worship of their creator. But this right has been slapped on their face by the very same institution which claims equality of rights.

This is practically unacceptable! Muslims in the so-called Constituent Assembly should WITHDRAW immediately and NOT be a party to what will be a useless document, that which will deny them their survival in the hereafter. The government has created this mess and it should be left along to carry on with it. Muslims should strive to live according to the teachings of Qur'an which gave them Sharia as their supreme law and allow for provision according to Allah's way, no law protects the rights of non-Muslims like Islam. Those living in the North where Islam is predominant know this. Let them speak up if they are truthful. Allah (SWT) has said in his glorious Qur'an (Al-Imran 100), "O ye who believe, if ye listen to a faction among the people of the Book they would (indeed) render you apostates after ye have believed." Will Muslim members in the Constituent Assembly accept the *kafirun* tag and continue a worthless deliberation in gross disobedience to him whose affairs of the heavens and the earth are entirely in his hands?

APPENDIX 10:

The Zamfara Initiative.

A. Alkali¹

The event of Wednesday, 27th October, 1999 at the Ali Akilu Square, Gusau was both divine and historical. It witnessed the launching of the Islamic legal system, also known as shari'a, by the Zamfara State Governor, Alhaji Ahmed Sani Yarima. With this development, the Shari'a is now the governing law on all Muslims in the state.

Naturally, the adoption of the Shari'a in Zamfara State has received commendations and condemnations. The condemnations are mostly coming from the Christians and other non-Muslims communities in the country. However, despite all the hullabaloo about the Shari'a, the law will only be applied to Muslims as "there is no compulsion in Islam." This means that non-Muslims are automatically exempted from the law. The peaceful coexistence of the Muslim and non-Muslim communities in the state will not be jeopardised.

It is to buttress this point that the governor met with the chairman of the Zamfara State chapter of the Christian Association of Nigeria (CAN). It is not easily doubtful that the Common Law which has been in practice in both the Muslim and non-Muslim communities in Nigeria has not been able to check the cascade of social vices that affect our supposedly peaceful society. Armed robbery, prostitution, fraud, alcoholism and other related vices are common place. Looking at the astronomical progression of crime rate in our society, one wonders if in reality, any law exists to check these recurring vices. One very glaring advantage of Shari'a is its reformist tendencies. With Shari'a firmly in place in Zamfara State, reforms in both the economic and socio-political sectors of the state are expected to set in.

Corruption, prostitution, alcoholism and all forms of anti-social activities are certain to be stamped out. Indeed, Christianity and other forms of belief speak loudly against these negativities. For example, a criminal who is convicted of stealing will have his hand amputated. The advantage of this penalty is two-fold. One is that the criminal will be crippled to steal again since one of his weapons of operation - the hand - is now amputated. The other advantage is that the criminal has been exposed to the society in his true colours with the amputated hand. These two issues will serve to discourage the criminal from this nefarious act both psychologically and physically. This will undoubtedly serve better than sending him to the prison where he sometimes gets more hardened. Of course, the penalty is different with that of an armed robber who is convicted of murder. An area of debate is the constitutionality or otherwise of the shari'a. Those of the opposing side argue that the shari'a is unconstitutional. These hurried submissions are predicated on the secularity provision in the constitution. However, it is helpful to understand that secularity is all about freedom of worship and it precludes the adoption of any religion as a state religion. Indeed, the implementation of Shari'a in Zamfara State is not an adoption of Islam as a state religion in Zamfara. It is not an Islamization of Zamfara state as it is being erroneously conceived. Zamfara is still part of the Nigerian federation. If Zamfara is Islamized, then the Magistrate and High Courts

¹*New Nigerian*, 4 Jan/2000, p. 5.

that will now operate side by side with the shari'a courts would have been abolished. The secular nature of Nigeria - which is debatable too - does not stop states from making laws. Sections 13, 14 and 15 of the 1999 constitution empowers state authorities to make laws that satisfy the aspirations of the peoples. Section (6), subsection 4 (J) and (F) states that "nothing from the foregoing provisions of this section shall be construed as precluding the State Assembly to create such other courts as may be authorised by law to exercise jurisdiction in first instance or on appeals of matters with respect to which House of Assembly may make laws. This provision of the constitution therefore empowers states to create courts and assign jurisdiction to such courts.

Also, section 38 subsection (1) states that "every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief and freedom (either alone or in community with others and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance."

One important issue that is being overlooked by the critics of shari'a is that some bits of shari'a have been existing in our law books even before independence. This fact was corroborated by no less a person than the President, Commander-in-Chief of the Armed Forces, Federal Republic of Nigeria, Chief Olusegun Obasanjo, in South Africa. In 1958, when the demand by the Muslims of Northern Nigeria for a reorganisation of the legal and judicial systems to conform with their peculiarities reached a crescendo, the Northern Regional government sent a proposal to the legislature which it (the legislature) approved. This was what culminated to the penal code law of Nigeria. After scrutiny in January 1959 the draft bill became law on 26th September 1959 and operational on 1st October, 1960. In the penal code law, some specific provisions and punishments, e.g. adultery and alcoholism perfectly dovetail with those in the Islamic legal system - the shari'a.

It is noteworthy that people have really not invoked some of these bits of the shari'a.

Very importantly, in the penal code law, it was stated that the punishments of the Muslim law does not apply to non-Muslims in the North.

For instance, a Muslim found guilty of adultery will be lashed, while the penalty for same offence for non-Muslims is a maximum of two-year prison term "or with fine or with both."

Also, a non-Muslim can only be charged for adultery if his "native law" regards extra-marital sexual intercourse as a criminal offence. Otherwise he/she will not be liable. Governor Sani knew that the task ahead under the disciplined shari'a dispensation and to which he has vowed to pay even the ultimate price, is herculean. He also knew that the best way to tell a man not to steal is to better his living conditions. This will make better logical sense than waiting to punish him after he steals. To this effect, he increased the minimum wage of civil servants in the state to 5000 Naira with effect from 1st January, 2000.

He also set up the Zamfara Agency for Poverty Alleviation (ZAPA). It is noteworthy that Zamfara State is the first state to set up such an agency under the present dispensation. The sum of 120 million Naira has been earmarked for distribution as loans to small and medium scale entrepreneurs through ZAPA. Also, about 100 million Naira was spent by the state government in purchasing fertilizer which was distributed to

farmers at a subsidized rate of 800 Naira per bag. The unit price was 1400 Naira. Other subsidies were also witnessed in the vital sectors of the socio-economic life of the state. For e.g. the transport fare from Gusau to Kaduna which used to be 400 Naira has now been reduced to 260 Naira. Taxies and buses were also provided to ease the intra-city transportation problem in Gusau, the state capital.

An important issue before the election of Governor Sani was that of shari'a. The overwhelming population of Zamfara state had told him that they want shari'a to govern their lives if the Almighty makes him the governor. Therefore shari'a was not sponsored by any individual but by the collective effort of the Zamfara population. The Zamfara population who indeed have the rights to their wishes and aspirations under the present people-oriented democratic dispensation have pledged an over-whelming support and allegiance to the governor on the shari'a. Christians and other non-Muslim communities in Zamfara state have nothing to fear about. If for any reason and under whatever guise, shari'a is imposed on the Christian and non-Muslim communities in Zamfara, then the state is not implementing the true shari'a. Because in Islam as earlier stated, "there is no compulsion." Indeed, the governor must ensure that shari'a is applied to only those who consent to the law by way of submission.

The governor should also ensure that the proper machinery is put in place towards educating the Zamfara population on the shari'a, it will not be out of place for the state government to prepare various publications in Arabic, Hausa and English on the do's and don'ts as enshrined in the shari'a. Also, on the penalties involved upon conviction, shari'a should also form part of the educational system in Zamfara in both the primary, secondary, and post-secondary institutions of learning.

It is amazingly contradictory that the celebrated and endless agitators of tribal and sectional autonomy are now the sworn critics of the shari'a. They firmly continue to call for their self serving agenda of a sovereign national conference while coming through the back door to criticize the shari'a.

Indeed, it is in the national interest and also that of democracy that the Zamfara people are encouraged to continue to practice a system which they feel suits them. Any attempt to reverse the Zamfara initiative from any quarters is certainly bound to fail and will mean that the meaning of democracy has been turned upside down as far as the people of Zamfara State are concerned.

APPENDIX 11:

Musulmi na Sauraren Majalisar Koli

Abubakar Tureta

(through Ibrahim I. Bello)¹

“Hana Musulmi sharia ya fi hatsari daga hana su numfashi.”

Wannan lafazi ya fito ne daga bakin wani babban malami mai wa’azin Musulunci a jihar Kaduna Sheikh Abubakar Tureta.

Malamin wanda yake zantawa da wakilinmu a Kaduna yace yanzu hankalin Musulmi duk ya koma kan Majalisar Koli ta Kasa (AFRC) domin jin irin matakin da zata dauka dangane da batun sanya kotun koli ta Shariar Musulunci a kundin tsarin mulkin kasarnan.

Mallam Abubakar Tureta ya ce kamar yadda Musulmi suka sha fada sharia itace rayuwarsu baki daya, “Matsawar za a yi sallah to dole a yi sharia.”

Ya kara da cewa “in ba sharia to ba sallah haka in ba salla ba sharia, tare suke tafiya.”

“Kuma,” in ji Mallam Abubakar “wannan umarni mahaliccinmu ne Allah.”

Malamin ya ce idan ana neman marasa son zaman lafiya to a nemi masu cewa kar a sanya sharia a kundin tsarin mulkin.

Saboda haka sai ya yi kira ga Gwamnatin Tarayya da ta dauki matsayin mafiya rinjayen kasarnan watau Musulmi ke nan, domin tabbatar da zaman lafiya.

Daga nan sai ya tunawa Gwamnati Tarayya cewa matsayin Musulmi a yau ya wuce abinda tsarin Mulkin na 1979 ya tanadar, yana mai cewa abinda Musulmi ke nema sune: tabbatar da kotun koli na Musulunci, da barin sharia ta hukunta duk wani abu da ya shafi rayuwar Musulmi ba sha’anin aure da rabon gado kawai ba, da kuma kafa kotun Musulunci a dukkan jihohin kasarnan.

Ya ce kafa kotunan sharia a jihohin kasar nan ya dace da tanadin da tsarin Mulkin ya yi na cewa kowane dan kasa yana da ‘yancin zama a kowane jiha ta kasarnan.

Don haka sai yace babu wata hujja da zata hana kafa kotunan sharia a kowace jiha a kasar in har akwai Musulmi a wurin.

Malamin bai ga dalilin da zai sa in har za’ a kafa kotun Kiristoci a jiha mai rinjayen Musulmi kamar Kano ba, amma a kasa kafa kotun sharia a jiha kamar Akwa-Ibom ba.

Ya kuma kara da cewa wannan ya zama dole domin shi Musulmi addinsa ya haramta masa kai kara kotun da ba za a yi masa sharia ta Musulunci ba. Kuma in an ja shi zuwa kotun ne to an zalunce shi.

Sheikh Tureta ya ja hankalin Gwamnatin Tarayya da cewa “bata da abinda zata kwantar da tarzomar Musulmi in har ta barke,” ye ce “domin a yayin da aka nemi yin amfani da makamai to lokacin Musulmi za su tabbatar damar shahada ta zo.”

Malamin yace in kuwa har aka hanawa Musulmi sharia to za su mai da massallatansu kotuna wadanda dama can ake amfani da su a hakan.

¹I. I. Bello, *Alkawari* 23 Dec/88, p. 2.

APPENDIX 12:

“From Sharia to ‘Yam’”

Oghogho Obayuwana¹

ZAMFARA State Governor Sani Ahmad Yerima speaks exclusively on how he has been running an Islamic state in a secular Nigeria in a manner that gives him a second berth in the Gusau government house:

- why he has the most cordial relationship with President Obasanjo and
- why he always says "Alaihis Salat Wassalam (peace and blessings of God be unto Him) whenever he mentions the name Jesus Christ.

Even if he wanted to act tough, his simple ambience as a rather unassuming posture gives him away as one who will probably find it difficult to hurt a fly. And that was how Governor Sani Ahmad, the Yerima of Dokura also appeared when he granted audience to visiting journalists in Gusau last week.

Yet this is the "original" land of Sharia, the Islamic legal code that has sent shock waves to most parts of southern Nigeria on account of amputation of limbs and such other severe judgment regime routinely handed to offenders.

When you talk about Zamfara, people easily remember one Jabalia whose right hand was once amputated. They also remember Safinatu Tunga Tukur even though she is from Sokoto and lately Amina Lawal who hails from Katsina.

But in all this, Governor Sani Yerima says Sharia was actually meant to be a deterrent . A new social movement against poverty (Sharia was to tackle social vices) is expected to come on board. It is called Yerima Movement YAM . He took his time to explain.

"Well you see, the Sharia issue has not only been misrepresented, but misused by both Moslem and Christian leaders. Some of the moslem leaders hide under the concept of Sharia to cause trouble. We have some mischief peddlers. For example, some of the Ulamas may use it to have clout. Some politicians on the other hand will use it to gain more support and some others may well have other motives.

"So if they say they must have Sharia, people who don't even know what Sharia means are now ready to die for Sharia because as far as a moslem is concerned, Sharia is life. It is his entire life as willed by God. If the moslems are really enlightened, they will know that it imposes enormous responsibilities on them. Christians on the other hand oppose the implementation of Sharia because they see it as something that will tamper with their religious beliefs which is not so.

Essentially, Sharia is just as you have in the purest form of other faiths. It means the moslem is only trying as much as possible to follow the dictates of his religion, one of which is that he must not do anything to

¹*Guardian*, 27 Apr/2003.

harm his fellow human being. If you really take only this aspect of Sharia - by trying not to harm others or tampering with a fellow human being's life be he a christian, moslem or pagan, you readily see the beauty of Sharia. The other aspect popular in the press which includes amputation, flogging and all that, is not up to five per cent of the content of Sharia and you hardly find this criminal aspect of it implemented because the objective of the criminal aspect is to deter not to emphasise punishment. When I went to Mr. President's office, behind him, you see the 10 commandments of the Bible. You will say that they are not implemented but every christian is supposed to be guided by the 10 commandments and the fear of God.

"The Sharia concept is really a social programme, meant to emancipate men from these vices; to make somebody fear God and alive to his responsibility to his fellow human being. We believe in the universality of man. That God created different religions that are willed by Him for a purpose. You are a christian, another is a moslem, the other is a bhudist and you now also have the grail message . God made us in different religions because he wanted us to be so.

"Essentially, that's why you find a very peaceful atmosphere in Zamfara because we know what we are doing. You have seen that it is a big lie that we are here to start cutting hands or something like that".

On the usefulness of Sharia for the attainment of peace, orderliness and social harmony, again Yerima went on a long explanation.

"Before I came here, there was a lot of violent crimes and waywardness on the part of the youth with many crying out that too many people were getting hooked on hard drugs like Indian hemp. With the implementation of Sharia, we have vanguished all that. And we have also made assurances to non moslems. These efforts have been sadly under reported. When the Christian community came to me for instance with this unfounded fear , we said look, these are codes which every moralist will love to abide by. Why should good people be scared of what they should embrace? Look we will not have alcoholism. It (alcohol) will not be sold freely and in a many that seems to deify it. It is a vice. You will not have brothels so there won't be prostitution and then christians said I should add cigarette smoking that it is against their religion . I said we are also advised not to smoke but that is not an offence but all these other ones as far islam is concerned are bad. They said well, if that is the case, then we have no problem.

That's why you see Ibo , Yoruba , Igala and Idoma communities now coming together to support the government.

"Before I came, in this part of the country, no body will talk about christians having access to state resources but the story is different today. What is good for moslems is good for christians. They are part and parcel of our society. For instance when I fenced the moslem cemetery, they came to me and a contract was also given to a christian for the fencing of the christian cemetery. Because in the Sharia, it is live and let live. You stay with your rleigion and I stay with mine. That way, nobody infringes, nobody demigrades the other."

On his achievements which warranted his being re-elected, he said: "I have just been re-elected because of what we have been able to achieve and I will list these achievements which I want to consolidate on using again the Sharia guiding light. The Americans have been here, several times, the British too and they have better understanding now. Sharia provides first of all a peaceful environment because government cannot work to its optimum without such an environment.

"All government workers in the state have a conducive atmosphere to give their best. And our roads development programme has been deep into the hinterland and not limited to the urban centres because my own idea of governance is to aggressively penetrate the grassroots and reach the poorest of the poor. I told the state civil servants that Sharia prohibits stealing and corruption so I will give you special packages to make you contented one of which is the minimum wage. While other states were complaining, we raised ours to about that of the Federal Government. My workers get N6,500 minimum wage.

"Agriculture is the mainstay of our economy here. When we came in, 28 tractors were inherited. We brought in more and started the free tractor hiring services. That way, the farmers can have good land preparation as a prelude to bumper harvests. Really, people are happy here now. Go round the villages, people are no longer wearing torn robes and shirts and unengaged. We are trying to build an egalitarian society.

"We have established the anti corruption commission at the state level. People are encouraged not to accumulate primitively so if you say you do not fear God, you now have men watching you. And if you have not declared your assets properly like myself, everybody knows what you are worth. If the people watching see you with additional property you didn't have before you joined the service, you face the wrath of Sharia as well. And that has changed our attitude towards government resources here. So people are ready now to live within their means or have been compelled to".

On how he has managed to maintain a very good relationship with the President despite the uproar and the pressure on Mr. President to "act".

"People are surprised at this because they got it all wrong. Sharia submission is peace, oneness, tolerance and living together. It prohibits imposition of religion or idea on others. It prohibits even the enticement of people to your religion... So my relationship with the President is that of a president and a governor. If today there is a problem in any state, the President will not be at peace neither will I. Same way, if there is a problem in Kaduna, I will not sleep as I will be doing everything to ensure that that crisis does not spill over to my state. So I have to ensure that there is a cordial relationship between Zamfara State and the Federal Government. Such harmony is in the interest of stake holder - the nation, my people and the development of my state.

"In the Sharia, one is not only advised but directed to be obedient to God and all the prophets including Jesus *Alaihis Salat Wassalam* (peace and blessing of God be unto him) and constituted authority. President Olusegun

Obasanjo is my leader. So I must have that relationship in order to be a good muslim. I must support the Federal Government. We only have differences during elections because of our different parties. So ours is to ensure that there is peace and stability in the country. If tomorrow they say the cause of peace has failed, Governor Yerima is also included. Even as an individual, my highest aim is to live in peace and harmony with fellow human beings including even animals. That's what brought me here".

But what will be new now in Zamfara is the Yerima Movement (YAM) promised the people during campaigns for re-election. And what is YAM, the Governor explains : "By the grace of God, we are going to be more organised in terms of policy formulation and implementation. This movement is going to be a movement against poverty (MAP). A movement against social vices, a movement against hunger, disease, illiteracy, a movement against ignorance. In a nutshell, we are going to have more social economic development programme implemented in the state towards eradicating all sorts of vices that are hindering the socio-economic development in the state."

APPENDIX 13:

Noise, Fury Signifying Nothing

Labaran Abdullahi¹

Thursday 27th January was the day set aside for the formal take-off of the Shari'a legal system in Zamfara, three months after its ceremonial launch on October 27 last year.

Government House Gusau was the venue of the epic event, and as early as 8:00 A.M. people had started trooping there. Initially security operatives had stopped people from entering the government House, but later the cheering crowd of men, young and old overpowered the security men and opened the gate to let everybody through. Even before this day, people's enthusiasm had reached a breaking point. And when it came finally, traders, school rector, government functionaries, traditional rulers, indeed all and sundry left all what they were doing to witness the event.

On the part of the government, apart from radio announcements there was no elaborate arrangement for the occasion, unlike the previous launching to which dignitaries were invited. Thursday's occasion was a marked contrast. Clearly government for reasons it did not explain chose to keep the event low-key.

However, Thursday's ceremony was not without colour. That was provided by the arrival of volunteers (*Yan 'agaji*) in their thousands from all parts of the state. They came to the government House chanting Islamic songs. This indeed attracted the attention of many more people swelling the already big gathering. When the governor, Alhaji Ahmed Sani, Yariman Bakura, came out for the swearing-in of Shari'a judges, he stopped to address the *Yan 'agaji* whom he described as "first aid" for the police in the enforcement of the Shari'a.

Afterwards, the governor went into the chambers to swear in the judges, numbering 36. They took the oaths of office simultaneously administered by Chief Judge of the state. In his speech, the governor charged the judges to dispense judgement in all cases brought before them without fear and sentiment.

Before the swearing-in of the judges, Governor Ahmed Sani initialed new laws, namely the state law No. 9 which empowers the state government to establish courts and the state Law No. 10 which provides for the penal code. By signing the two laws, the governor announced the abolition of all area courts and transferred their powers to the judiciary and Shari'a courts.

With Thursday's event completed, the governor stated emphatically that cases involving Muslims would now be handled by the Shari'a courts. What began as a mere political campaign promise is today a reality, but this not without controversies. If anything these have drawn world attention to this largely pastoral state.

It is precisely five months now since 1999 when governor Ahmed Sani came up with the notion that the state would establish the Shari'a legal system. It was a fast-track process. The governor sent a bill to the state house of assembly which promptly passed

¹*New Nigerian*, 29 Jan/2000.

it. No surprise because the house is 99 per cent Muslim and All Peoples' Party (APP) dominated.

Apart from setting apart taxi-cabs for women, other measures introduced to pave the way for the Shari'a legal system have been observed more in the breach, not only by the ordinary citizens but largely by government officials. A clear instance was the case of a government official caught in a brothel in Funtua, an incident confirmed by the governor himself. Apart from that, *Hijab* dressing which was introduced by government for women has been largely discarded and the women returning to the old but more elegant way of dressing. The measurement scales introduced in market places have failed to gain currency, only few traders use them.

The major visible change in the general life of the people has been the decline of the crime rate. Until recently the incidence of house burglaries was rising by the day in the state.

After the bill was passed, government launched the Shari'a in a grand style October 27 last year. Besides Zamfara Muslims, hundreds of thousands of Muslims from other parts of the country showed up. After the launching, indeed what has followed has been non-Muslims, especially Christian Association of Nigeria (CAN) both in the state and the country, expressing their resentment and abhorrence. In the state a peaceful demonstration was carried out by CAN members. They denounced the Shari'a system, while the governor's action was much criticised in the newspapers. Basically what had led to this was the misconception people have of the Shari'a system. Indeed the governor realised this and therefore waked toward enlightening the general public on the concept of Shari'a.

The city of Gusau, the state capital, is also the seat of the Shari'a system and since October 27 last year its residents had been watching the turn of events. Initially non-Muslims feared intimidation by Muslims. But as days passed without the feared amputation and lashings happening such anxieties simply evaporated.

Government after the launching introduced some new laws which banned beer parlours, prostitution, gambling and social gatherings. Notable hotels and beer parlours such as Gusau Hotel, Gusau Games Club were closed down. However, other places such as in the army barracks and the police officers mess continued their businesses unabated. Women taxis were introduced when government purchased 36 taxis to enforce the order which banned women from mixing with men and also banned them from riding motorcycles.

The obvious question now is what would Zamfara be like after this weekend's event. Now the volunteers (*Yan'agaji*) have come, combat ready and would start going round to apprehend suspected lawbreakers; the judges have been sworn in to dispense judgement. That question should be answered in the days ahead.

APPENDIX 14:

Paper on the Adoption and Implementation of the Sharia Legal System in Zamfara State

Ahmad B. Mahmoud¹

Paper on the Adoption and Implementation of Shari'ah Legal System in Zamfara State
Presented at the JNI-Sponsored Seminar on Shari'ah in Jigawa State by Alh. Ahmed
Bello Mahmud, Hon. Attorney-General & Commissioner for Justice, Zamfara State
6th July, 2000

This paper is intended to be without details but straight to the point on the practical experience of Zamfara State in the adoption and implementation of the Shari'ah Legal System in the State. The sequence of the steps followed and the problems/successes attained will be highlighted as well as the lessons learned for the benefits of other States willing to follow suit.

INTRODUCTION

Islam has existed in Northern Nigeria since the 9th Century when Arab merchants had trade contacts with Bornu Caliphate, spreading through Kano. By the 19th Century the Usman Dan Fodio jihad had entrenched it in Sokoto Caliphate which spread to the South through Illorin. British Colonial Administrators did not like the legal system they found in Northern Nigeria and so gradually enacted laws and made policies which restricted the strict application of Shari'ah laws because such laws were not accepted in the modern world.

Post-independence governments in Nigeria continued to maintain the laws and policies which effectively prevented the adoption of full Shari'ah Constitutional Conferences and debates were frustrated as relates to Shari'ah and attempts by some radical Islamic sects to demand for Shari'ah were violently suppressed. It was not until about 100 years later that God wished and guided the Zamfara State Government to successfully adopt Shari'ah in a peaceful and Constitutional manner.

THE STEPS FOLLOWED:

1. COMMITTEE ESTABLISHED:

The executive Governor of the State, Alhaji Ahmed Sani (Yariman Bakura), desirous to fulfil his campaign promises and the wishes of the people to adopt Shari'ah, established an 18 member Committee to:

- i. Examine and review all existing laws with a view to conforming with the traditions, culture, values and norms of the people.
- ii. Examine and review the structures and control of Area Courts in the State.

¹Presented at the JNI-Sponsored Seminar on Sharia in Jigawa State, 6 Jul/2000.

iii. To facilitate effective administration of justice in the State.

The Committee submitted its report and made crucial observations especially on Constitutional provisions relating to fundamental human rights, etc. Government accepted the report and my Ministry was briefed to find out the “one best way” to adopt the legal system peacefully and without violating any provisions of the Constitution.

2. ENABLING LAW:

This is the law established under Section 6 of the 1999 Constitution that enables the State to adopt the Shari’ah Legal System. It is called the Shari’ah Courts (Administration of Justice and certain consequential changes) Law, 1999. Its other attributes include:

- i. Establishes Shari’ah Courts.
- ii. Confers civil and criminal jurisdiction in Islamic law in the Courts.
- iii. Enables the Codification of Islamic Penal Laws (Shari’ah Penal Code) to satisfy the requirement of Section 36 (12) of the Constitution.
- iv. Enables the Codification of Shari’ah Criminal Procedure Code.
- v. Allows for the repeal of existing Area Courts.
- vi. Allows for the establishment of a State Council of Ulamas.
- vii. Provides for the administration, control and supervision of Shari’ah Courts initially vested in the Chief Judge, it is divested of him and vested in the Grand Kadi with effect from 29/06/2000.

3. GOVERNMENT POLICY STATEMENT:

Meanwhile, Government made policy statements to curb all social vices, moral decadence and check rising crime wave by serving notice on intention to:

- i. Prohibit prostitution and close down brothels in the State.
- ii. Ban all forms of Gambling and all games of chance.
- iii. Consumption and dealings in liquor.

These policy statements drastically reduced the level of crime and consequently made the courts and police stations less busy.

4. THE SHARI’AH PENAL CODE:

To satisfy the mandatory requirement of Section 36 (12) of the 1999 Constitution which requires that a person can not be prosecuted for a criminal offence unless that offence is defined and its punishment is prescribed in a codified Law to be passed by the legislature. We gathered inputs from the SUDAN and SAUDI ARABIA of the Maliki School of Islamic Legal thought and jurisprudence. All crimes and punishments were classified under Hudud, Qisas and Ta’azir categories; defined and punishable in accordance with Islamic Law, as far as possible. (For reasons to be given later, the offence of Apostasy (Riddah) had a different treatment.) So amputation, coining, stoning

to death, payment of diyyah and forgiveness of homicide by relations of the victims become features of the new Legal System in the State.

5. THE SHARI'AH CRIMINAL PROCEDURE CODE:

This is the Code that provides for the procedure for prosecution of offenders and execution of judgement in the Islamic Law Model. The "Shari'ah Penal Code" is to the "Penal Code" what the "Shari'ah Criminal Procedure Code" is to the "Criminal Procedure Code."

6. AREA COURTS REPEAL LAW:

This is the law that repeals the then existing Area Courts and their enabling Law in the State since they have been replaced by Shari'ah Courts.

7. SHARI'AH COURTS OF APPEAL AMENDMENT LAW:

Section 277 of the 1999 Constitution restricts the jurisdiction of the Shari'ah Court of Appeal of a State to matters of Islamic Personal Law. Since the established Shari'ah Courts have been conferred criminal jurisdiction and appeals from the Court exclusively lie to the Shari'ah Court of appeal, it became necessary to expand the jurisdiction to entertain criminal appeals from Shari'ah Courts.

To argue that such jurisdiction can not be enlarged is to argue in favour of denying an appellant (e.g. convicted and sentenced to amputation) the right of fair hearing at the appellate division. In other words, the Constitution provides for the establishment of Shari'ah Courts, with criminal jurisdiction, the provision of Penal Laws and punishments, the due process of Law which led to his conviction and sentence, but without an appellate Court to hear his appeal.

7. OTHER LAWS/POLICIES:

- i. Anti-corruption Commissioner Law: the Commission has no power to prosecute, arrest or detain any person. It merely investigates allegations of corrupt practices against public servants at administrative levels only and reports to the executive for appropriate action. Such practices include over-invoicing, kick-backs, wrongful administrative action, injustice, etc.
- ii. Zakat and Endowment Law - for the collection and distribution of Zakat and a tribunal to sanction defaulters, etc.
- iii. Marriage expenses and other ceremonies Law - regulates and reduces to the minimum marriage expenses.
- iv. Banning of traditional drum beating and praise singing. However, exceptions are royal or farm drummers.
- v. Introduction of Government approved standard weights and measures for use in commercial measurements in the State.
- vi. Observance of congregational prayers by Civil Servants in appropriate prayer time slots during office hours.

- vii. Appropriate dress code for women - the hijabi.
- viii. Rehabilitation and education of almajiris, etc.

8. TRANSITION PERIOD/LAUNCHING

It is very necessary to create a transition period as was done in Zamfara, Sokoto, Niger and Kano States. This period (from 3 to 6 months) will enable smooth transition especially with the backlog of existing cases being heard in the old courts. Other advantages include:

- provides a period of screening and appointment of qualified alkalis both in learning and in character.
- Construction of new Courts or renovation of existing ones.
- Training the alkalis, workshops, etc.
- Provision of logistics support like books, etc.
- Public education and enlightenment on Shari'ah, etc.
- Allow for proper "handing over" from the old to the new system.

Launching the adoption of Shari'ah merely has symbolic significance, even though it serves a great deal in drawing an imaginary line between the past and the new beginning under Shari'ah. It reminds all and sundry that the day for the launch is just not any other day. Besides, it gauges the response of the people and the level of their commitment, sacrifice and acceptance of the legal system. A peacefully concluded launch, as in Zamfara and Kano, further disprove cynics who blame violence on Shari'ah and vindicate others who insist that the Kaduna violence has nothing to do with Shari'ah since it was neither adopted nor launched there.

9. OTHER NECESSARY CONDITIONS/DOS.

1. Continuous education and enlightenment
2. Respect of Constitutional provisions so as to at least live to see the benefits of Shari'ah since litigation will be eliminated.
3. Peace and orderliness must reign, else Shari'ah will not take hold.
4. Respect federal Laws.
5. Mobilize the masses, Imams, scholars and go together in a united stance.
6. Make best use of Friday congregational prayers to pass the word around.
7. Seek and obtain cooperation and support of the Legislature/Executive.
8. Be prepared to sponsor private bills on the Shari'ah Laws especially the enabling and Penal Code Laws where No. 7 above fails.
9. Provide for Joint Aid Groups to complement efforts of Police.
10. Establishment of Ministry or Department for Religious Affairs (to represent all Religious groups in the State).

10. ANTICIPATED PROBLEM SPOTS

- The offence of apostasy and Section 38 (1) of the Constitution.
- Prosecution by an uncooperative Police under the federal Government.
- Non-application of Shari'ah Laws on non-Muslims must be maintained. (Quran 2:256)
- Fundamental Human Rights provisions especially the right to life and against torture/degrading treatment.
- Evidence under jurisdiction of the National Assembly.
- Criminal jurisdiction of Shari'ah court of Appeal.
- Codification of Penal Laws/punishments.

11. GAINS SO FAR [EXCLUDING CAPITAL PROJECTS].

- Drop in crime statistics.
- Less busy Courts/Police Stations.
- Closure of all cinema theatres and beer parlours [except military barracks that was hitherto resisted].
- Controlled financial wastages and fraudulent practices.
- Ability to save enough to afford payment of minimum wage of N5,000 since 1st January, 2000.
- Wealth redistribution.
- Phase II of Shari'ah which has emphasis against bad habits like telling lies, back-biting and deceit/cheating in the public and private sectors.
- General orientation on the habits of observing congregational prayers at the proper times.
- Well paid and motivated alkalists.
- General re-orientation of the people towards the fear of Allah, the keeping of trust, the recognition of the difference between good/halal and bad/haram in every day conduct.

12. PRESSURE ON THE STATE/THE SHARI'AH CONTROVERSY

The State went through unbearable pressure from CAN, the Media, the Federal Government and other States (including States in the North who drew back on their commitment to adopt the Legal System). Allah's guidance and the high level of commitment/determination of the people and the government saw us through. The belief in following a legal, peaceful and Constitutional procedure reinforced our determination as we were to be later vindicated by the federal Attorney-General. CAN later saw good reason and withdrew its Suit against the State Government. The Suits filed by Civil Rights Organisations were struck out on grounds of lack of locus standing to challenge what does not affect you as a non-Muslim and non-resident in Zamfara State. Media pressure still persists but at a lesser degree since other States like Kano, Sokoto, Niger now share in the pressure with Zamfara State.

Controversy has been generated by the antagonists of Shari'ah largely out of ignorance of what Shari'ah is, or out of bad faith and hatred for Shari'ah. They wrongly rely on Section 10 of the Constitution which does not make Nigeria a Secular State. They refuse to appreciate that Section 6 of the Constitution empowers the legislature to

establish any Court with jurisdiction to try and punish offenders under a Codified Law. And that Section 38 allows for the observance of religion to the fullest.

Since Islamic Law was cleverly replaced over time by the Common Law (which is largely Christian in orientation and reflective of Western values), and since the Common Law has failed to be effective in checking the rise in crime and moral decadence, it became necessary to try another alternative Legal System that is divine, comprehensive, universal and complete Code of practice covering social, economic, political, spiritual and Legal Conduct of a Muslim from cradle to grave, including the aspect of the hereafter.

The adoption of Shari'ah by any person or State that professes the Islamic faith is not a question of choice. It is compulsory especially with the advent of democracy, Constitutionalism and a Federal System of Government that provides the opportunity. Allah has stated in Quran 5:4, 5:45 and 5:47 that:

Whosoever judgeth not by that which Allah hath revealed, are respectively referred to as unbelievers, wrong-doers and evil-livers.

Muslims in Nigeria have sacrificed enough by compromising the fullest observance of their religion over the years. Other non-Muslims should understand, appreciate and reciprocate these sacrifices by at least respecting the right of Muslims to adopt Shari'ah that does not affect them. The time has come and the people of Zamfara State have reached the limits where they demanded and insisted on their fundamental right to observe their religion as decreed by Allah and guaranteed by the Constitution. The Muslims in Southern parts of Nigeria suffer greater denial of this right as the present system does not even allow them to regulate their conduct Islamically.

THE WAY OUT:

The way out is through constant dialogue between the protagonists and antagonists of Shari'ah. Good faith, respect for others' rights and beliefs and recognition of Nigeria as a pluralist society that is unified in diversity, will help. Non-Muslims must have the courage to reciprocate the respect which the Muslims have for Christian beliefs.

THE ALTERNATIVE:

Failing the above, the only alternative is for all competing parties to agree to discard the alien Common Law and replace it with Shari'ah for Muslims, Canon Law for Christians and Customary Law for the traditionalists as the basic Laws for the Country. Must of this was passed across by **Governor Ahmed Sani** and appreciated by the audience at an International Seminar on **Shari'ah, Democracy and Conflict in Nigeria** organised by the VOA in Washington in May, 2000.

CONCLUSION

It is now accepted that the adoption of Shari'ah is Constitutional. Evidence from Zamfara, Sokoto, Niger States and more significantly from the volatile Kano State show that violence is not part of Shari'ah, neither were the rights of non-Muslims affected thereby. While the federal Government can not come between a Muslim and his God, so also must every Governor, legislature and the judiciary in any of the 36 States of the

Federation respect the wishes of its people (majority or minority) to practice and observe their religion **TO THE FULLEST**.

May Allah forgive us where we have erred and guide us through the right path.

APPENDIX 15:

Kano People Insist on Sharia; Kwankwaso Signs Bill

Lamara G. Azare¹

The “people of Kano State” yesterday said there was “no going back on the full Shari’a implementation in the state,” since the Federal Government “had no legal right whatsoever” to deny them their rights.

They also called for the immediate convening of a Sovereign National Conference (SNC) to discuss the issue.

Addressing a press conference in Kano, former SDP presidential aspirant, Dr. Ibrahim Datti Ahmed, who said he was the Kano people’s spokesman, said “this attempt by the Council of State to unconstitutionally dictate to states on the issue of Shari’a is therefore unacceptable to us and will be rejected.”

According to him, “the Shari’a system of law and justice has always been our system of law and justice in Kano State.” Dr. Ahmed said, “However, it was systematically eroded with time with very ugly consequences we now painfully live with. Therefore, with the return of democracy, the people of the state demanded the passing of a law to re-establish the full Shari’a system.”

According to him, “We in Kano State do not see any reason why anybody should be so hysterical in opposing our legitimate effort at restoring Shari’a legal system, which affects only the inhabitants of the state who are more than 90 per cent” Muslims.

Dr. Datti Ahmed said instead of opposing the legal rights of the majority, all those who feel uncomfortable with the new system should move out of the state.

In Nigeria, he said, freedom of movement and of choice are protected by the constitution. “So, if any individual feels too uncomfortable with any set-up established by the majority in any state, he has the right to choose another state with what he sees as a more congenial set-up to live in happily.”

He also said, “There is no political undertone or hidden agenda as advanced by some people. In fact, if there is any hidden agenda, it should be that of ensuring peace, unity and tranquility among the large and heterogeneous communities in the country.”

Expatriating on “Kano people’s” call for a Sovereign National Conference, Dr. Datti Ahmed said, “We are fed up with fraudulent togetherness, and the sooner all sections of Nigeria meet to determine our future co-existence, the better for all of us.” The spokesman also said, “We are happy to inform fellow citizens of Nigeria that we people of Kano have now come to the same conclusion with the vocal section of this country who have been calling for a National Conference to determine the basis of our future togetherness or otherwise.”

He said, “Let there be a National Conference, sovereign or otherwise to determine the basis of our continued togetherness or otherwise.”

According to him, the constitution of Nigeria has given every one the freedom of worship, and that “Shari’a is part and parcel of Muslims; as such, they must be allowed to practice their religion as enshrined in the holy Qur’an.”

¹*New Nigerian*, 3 Mar/2000, p. 2.

Also yesterday Kano State Governor Dr. Rabiu Musa Kwankwaso signed into law the Shari'a bill passed by the State House of Assembly.

Addressing newsmen shortly after the State Executive Council meeting Wednesday night, Information Commissioner, Yusuf Baita, said the Shari'a adoption was in line with "the popular demand of the people of the state."

He said the bill was actually signed by the governor last week, when the bill was returned to the executive after amendments by the state assembly.

The commissioner said a date for the launching of the legal system would be announced.

APPENDIX 16:

Governor Mu'azu, a Word on Sharia

Danlami M. B. Takko¹

At the time of writing this piece, construction of boreholes to provide portable drinking water to the people is successfully going on in various parts of Bauchi State, courtesy of your selfless nature and concern for the poor. Because of your love for the poor, you have decided to construct these boreholes in order to enable them to meet up their requirements and survive.

Dear governor, your current “holy war” against the corrupt practices in the civil service cannot go unnoticed. Although your manner of approach towards waging this war may sometimes be devoid of some decorum and courtesy, nevertheless, we understand your concern towards giving the system a sense of direction and purpose. At least we are beginning to see results. We recall the recent fire incident which engulfed the Muda Lawal market during which it was reported that you personally participated in the effort to put down the fire. It was reported that before your arrival at the scene of the fire incident, the State Fire Brigade in their typical manner came with only one van, which quickly exhausted its water. With your arrival however, events took a different turn. Two more vans arrived on the scene and no complaint of water was heard! In other words, public servants in Bauchi State are now a bit responsible, courtesy of your resolve to restore glory into the service. It was also reported that you donated the sum of five million Naira (5,000,000 Naira) to the victims of the fire incident.

During the last Ramadan period, you purchased grains and distributed them freely to the poor Muslims. It is our sincere hope that your decision to distribute official cars to area court judges will contribute greatly towards the dispensation of justice.

Dear governor, the achievements are numerous. I am sure there are countless of them of which I am not aware. I may have forgotten about some. However, I am personally satisfied with the ones I listed and I am confident that the future looks brighter by your resolve and the current pace at which things are going. It is the sincere hope and prayer of all people of goodwill that Allah in His infinite mercy will continue to guide and protect us.

Dear governor, there is one issue which I will like you to deeply reflect and focus your mind so as to give golden crown to your marvelous and fantastic achievements. The issue is no other than Shari'a.

I am not unaware of the fact that you are also conscious of the interest and growing dimension which the issue has taken. The Shari'a issue especially among the Muslims in Nigeria has today become so fundamental even to the extent of life or death. One's faith is today judged by his love for or against Shari'a. I do not have to give you a lecture on Shari'a and its importance in Islam. As a Muslim you are well aware that unlike other doctrines, Islam is a complete way of life and its relationship with Shari'a is like the link between the human head and the body. One cannot exist without the other. Just as there is no Islam without Shari'a, in the same manner, Shari'a cannot exist

¹*New Nigerian*, 16 Feb/2000, p. 15.

without Islam. So, the need for a Shari'a to Muslims is not a matter of choice but of necessity. Therefore when a Muslim voices his need for Shari'a to govern his way of life, he is doing so in order to make his submission to the will of Allah (Islam) total and complete.

To be frank, Muslims in Bauchi State just like their other counterparts in some states especially the flag-bearers of Shehu Usman Danfodio Islamic Jihad of the 19th century, cherish nothing dearer to their hearts other than the Shari'a issue. This is clearly evident judging by the huge attendance witnessed during the visit by the presidential committee for the review of the constitution which sat at the multi-purpose sports hall in Bauchi. The Muslims made good of his visit by prompt and massive attendance and presenting their collective views for the application of Shari'a in total in future constitution.

Today, in Bauchi State there is hardly any mosque in which the issue of Shari'a is not discussed. There is no Muslim forum whether big or small in which the issue of Shari'a is not discussed. The general opinion and consensus among the Muslim *Ummah* of Bauchi State is that the state should not only have Shari'a but should join those states which have so far taken the lead. This is because of the historical background which the state enjoys as being among the flag bearers coupled by the fact that it has over 95 per cent Muslim population. However, it is obvious that this qualification is not enough to secure Bauchi State a seat among the comity of Islamic states in the absence of support and co-operation of its leadership. While it is on record that the State House of Assembly has been making verbal comments on their intention to implement the Shari'a, it is rather disturbing that we are yet to hear a word from our dynamic governor. As a leader who has started on a good footing, the impression should not be created that you do not want the Shari'a. Don't give room for your enemies to strike. Shari'a is what the Muslims of Bauchi State dearly and fundamentally need at the moment.

We believe that with Shari'a all good things will come. I personally believe that you need the Shari'a to effectively cleanse the civil service of its corrupt nature. Shari'a will definitely deal with takers and givers of bribe in such a way that nobody will like to be caught. Even the hospitals of which you are currently making efforts to improve will receive less attention because few people will be admitted. Since most accidents are man-made, Shari'a will effectively check such through the withdrawal of alcoholic drinks from the market which causes injuries and deaths on the roads, man-made illnesses such as gonorrhoea, syphilis and even AIDS will disappear as Shari'a will make sure that prostitutes (both men and women) do not exist.

Your concern for the poor which you have manifested during the last Ramadan by freely distributing food to them will also receive a boost since under Shari'a, people will be encouraged to give *sadaqa* while the hoarders of *Zakat* would be forced to give it out to the needy.

The critics of Shari'a either by omission or commission always insist that such things as roads, water and the good things of life should come first before Shari'a. It is now forty years since independence, the various efforts put up by successive governments in providing these good things of life have eluded the poor simply because the Shari'a has been ignored. The Shari'a as a natural check against the excesses of the legislature, the executive and the judiciary and even against man himself can effectively provide these things in less than five years!

Sir, the issue is not on whether you like Shari'a or not. This is a fundamental matter which touches deeply into your faith. As a Muslim, your aim should be on how to maintain a good and cordial relationship with your creator, Allah. Since Allah loves Shari'a, it is only natural and safer for you to embrace it warmly.

Personally, I don't have the slightest doubt about your sincere intentions. Likewise I still do not have the slightest doubt of your readiness to abide by the wishes of the people, especially under this democratic dispensation which afforded you the opportunity to lead the people. We the Muslim *Ummah* of Bauchi State are fully confident that you will not disappoint us. So far, you have not disappointed us. Our dream is for an Ahmad Mu'azu, young and dynamic, with an amiable and charismatic personality who would be remembered for not only improving the socio-economic lives of the people but their spiritual lives as well.

It is our collective dream as well that you, Ahmad Mu'azu, would one day be quoted as the greatest Muslim leader Bauchi State has ever had. We equally dream for a spiritual leader of your kind, handsome, educated, energetic and above all highly connected with the big movers and shakers of the society. Our dream cannot stop here until we see a Bauchi State flowing full of milk and honey courtesy of the Shari'a.

We believe in the Shari'a. We equally believe in your ability to implement it.

APPENDIX 17:

Sharia will guarantee a better Nigeria

Mu'az Muhammad Dadi¹

Bismillahir-Rahmanir-Rahim

My concern here is on advising the government to immediately provide a sweeping ground towards a successful adoption of the Islamic legal system which include the prohibition and withdrawal of licence for the public sale of Alcohol/Liquid and its Consumption in public.

The council of Ulama's to organised a public lectures/campaign inviting learned Ulama'as and other persons learned in both common law and Islamic Shari'a within and outside Bauchi State to educate members of the public on the nature, importance and the relevance of Islamic Shari'a on the life of the entire Muslims of the state and non - Muslims.

Secondly, a public match should be organised inviting Muslims from all knocks and corners of the state in support of the immediate implementation or adoption of Islamic Shari'a, to be performed in Bauchi town and other major towns in the state. Also the council should endeavour to produce numerous copies of paper to be distributed in the entire Mosque which Friday prayers are being observed throughout the state. Indicating the zeal of the entire Muslims of the state on their quest and need to the immediate implementation and adoption of Islamic Shari'a in the state, which should not be more than ten lines written in both Hausa and English Language and be fixed in public places, appropriate places on the side of the roads at major towns and villages in the state.

And the House of Assembly should finance this work if they want a successful implementation of Islamic Shari'a in the state.

The Islamic mode of dressing for married and unmarried women/girls when going outside their various houses be introduce immediately, however, ministry of religious affairs should be introduced immediately.

And introduction of a general form of market measure and scale for the sale of food stuffs, meant and other essential commodities based on Shari'a for the Muslims be made - immediately. The need for a separate Taxi or public transports for male on the one hand and for the female on the other hand be introduce immediately. Also the government should purchase this like the government of Zamfara purchase separate Taxi with (Marks/Sign) for women only; riders of public motorcycle for conveying people known as (Achaba) for men only; and should be prohibited from carrying women/girls immediately.

The court system set - up how Shari'a will be enforceable without reduction at all in our present court system in the state, IN THE LIGHT OF CAPITAL PUNISHMENT from the Shari'a if you are a thief and you are caught stealing. Court will punished you based on Islamic law, because laws of the land will apply to him. But if a Christian have a problem with a Muslim the law of the land will allow him to choose which court to go, if

¹*Abuja Mirror*, 15 Mar/2000.

he wants to go magistrate court. The law asks the Muslim to go. And if he wants Shari'a court, we allows him to go.

But the issues of offences against the state are one e.g. IF YOU GO TO AMERICA THERE ARE STATE LAWS FOR EACH OF THE 50 STATES AND ARE APPLIES STRICTLY WITHOUT REGARD TO THE OTHER STATES.

A committee should be set-up on the collection, distribution of Zakkat immediately and poverty alleviation committee that will render assistance in either in the form of interest free loan public officers individual farmers, traders, organisations and other individuals. Which are contributing either directly or indirectly to the economic development of the state. Here the government should note that under Islamic Shari'a, they are to serve the people through assistance without getting any profit.

The Re - orientation of the present judges and magistrate should be used in the system is necessary this could be by means of classroom lectures in three (3) days of every week to be organised so that they will cope and catch with the system in a short time.

Therefore, the council should have good intention here, that learned Ulama'as should in love to themselves in extensive campaign for the success of implementation and adoption of the Islamic Shari'a in the state. Hence, the council should implore every peaceful means in seeing that the entire in the state which includes the elite's and the top officers in the executive arms of government including the chief executive and the legislatures convinced and involved either directly or indirectly in the struggle.

I am appealing to committee of implementation of Shari'a to invite the Christian Leaders and make them clear and aware that all the Muslims Community knows the equivalent laws in the Bible. We therefore do not intend to impose the Shari'a law on non Muslims in the state as is being deliberately and mischievously falsified by some agents of blackmailers nor do we harbour any interior motive against any group of people than our overwhelming majority Muslims citizen in Bauchi State.

The laws are as Follows :-

PUNISHMENT OF VARIOUS CRIMINAL CASES FROM THE BIBLE

1 . Exodus 21:23 - 25 of the Bible: - "But if injury ensues, you shall give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, born for born, wound for wound, stripe for stripe."

2. Leviticus 24:17 - 22 of the Bible: - " Any one who takes the life of his brother shall be put to death; whoever takes the life of an Animal shall make restitution of another animal. A life for life."

3. Leviticus 24:10 - 16 of the Bible: - "There was a man whose father was an Egyptian and whose mother was an Israelite, named Shelomith the daughter of Dibri from the tribe of Dan, there in the Camp this man quarrelled with an Israelite, during the quarrel he CURSED GOD, so they took him to Moses, put him under GURAD - and wait for the Lord to tell them what to do with him; the Lord said to Moses, tell the people of Israel that anyone who curses God must suffer the consequences and be stoned to death."

4. 1 King 21:10 of the Bible: - "And make two men who are good for nothing follows sit in front of him and saying you have cursed God the King. And bring him out and stone him to death."

LAWS OF ADULTERY IN THE BIBLE

5. Leviticus 20:10 - 12 of the Bible: - "if a man commits adultery with the wife of his neighbour, both the adulterer and the adulteress shall be put to death."

6. Deuteronomy 22:22 of the Bible: - "if man found sleeping with another Man's wife, both the man who slept with her and the women most die. You must purge the evil from you."

7. John 8:3 - 11 of the Bible: - "The teachers of the law and the Pharisees brought in a woman who had been caught committing adultery, and they made her stand before them all. "TEACHER" they said to Jesus "this woman was caught in the very act of committing adultery. In our law Moses commanded that such a woman must be stoned to death-, Jesus said whosoever among you has committed no sin of (Adultery like her before) may throw the first stone at her.

HOMOSEXUALITY

8. Leviticus 20-13 of the Bible: - "if a man has sexual relations with another man, they have done a disgusting thing, - and both shall be put to death they are responsible for their own death." 20:15 "if a man has sexual relations with an animal, he must be put to death; and you must kill the animal." 18- 22 "And you must not lie down with a man the same as you lie down with a woman. It is "Detestable thing."

FORBIDDEN MARRIAGE UNDER LAW IN THE BIBLE

9. Leviticus 18- 16 - IS of the Bible- - "The Lord gave the following regulations. Do not have sexual relations with any of your relatives. Do not disgrace your father by having sexual relations with your mother. You must not disgrace your own mother. Do not disgrace your father by having intercourse with any of his other wives. Do not have intercourse with your sister or your step - sister, whether or not she was brought up in the same house with you. Do not have sex with your grand daughter that would be a disgrace to you. Do not have sex with your half - sister, she too is your sister. Do not have sex with you aunt, whether she is your father sister or your mother's sister. Do not have sex with your uncle's wife, she too is your aunt. Do not have sex with your daughter in law. Do not have sex with your brother's wife. Do not have sex with the daughter or grand daughter of a woman, with whom you have sex, they may be related to you and that would be incest. Do not take your wife sister as one of your wives as long as your wife is living.

CURSES AGAINST THOSE WHO COMMIT ABOMINABLE ACT UNDER ISLAMIC LAW IN THE BIBLE

10. Deuteronomy 27-15 - 26 of the Bible- - "God's curse on anyone who makes idol of stone, wood or metal and secretly worship it, the Lord hates idolatry and all the people will answer Amen! God curse on anyone who dishonours his father or mother and all the people will answer Amen!

CUTTING THE HANDS OF THIEVES IN THE BIBLE

11. Exodus 20:15 of the Bible: - "Thou shall not steal.

12. Mark 19:43 of the Bible "And if your right hand causes you to sin (By Stealing) cut it off; it is better for you to enter life maimed then with two hands to go to hell, the unquenchable fire." (Revised Standard Version of the Bible).

13. Mathew 5-30 of the Bible: - "And if your right hand causes you to sin (by stealing) cut it off and throw it away! It is much better for you to lose one of your limbs than for your whole body to go to hell." (Good News Bible).

14. Deuteronomy 25:11 of the Bible: - "if two men are having a fight and the wife of one tries to help her husband by grabbing hold of the other man's show her no mercy: cut of her hand."

PROHIBITION OF ALCOHOL DRINK IN THE BIBLE

15. Isaiah 5:22 of the Bible: - "Woe to those who are heroes at drinking and champions at mixing drinks."

16. Habakkuk 2:15 of the Bible: - "Woe to him who give drink to his neighbours pouring it from the wineskin till they are drunk so that he can gaze on their naked bodies."

17. Proverbs 20:1 of the Bible: - "Drinking too much makes for loud and foolish. It is stupid to get drunk."

18. Leviticus 10:8 of the Bible: - "The Lord said to Aaron, you and your sons are not enter the tent of my presence (For prayer) after drinking wine or beer, if you do, you will die."

PUNISHMENT OF DRINKING ALCOHOL IN THE BIBLE

19. Deuteronomy 21: 18 - 21 of the Bible: - "Suppose a man has a son who is stubborn and rebellious (for drunkenness), a son who will not obey his parents, even though they punished him. His parents are to take him before the leaders of the town where he live and makes him stand trial. They are to sat to them "our son is stubborn and rebellious and refuses to obey us: he wasted money and is drunken, then the men of the city are to stone him to death, and so you will get rid of this evil."

FLOGGING DISOBEDIENT SERVANT WHO GET DRUNKS ACCORDING TO THE BIBLE

20. Luke 12: 45 - 47 of the Bible: - "But if ever that slave should say in his heart; my master delays coming and should start to beat the men - servants and maid servants, and to eat and drink and get drunk (with wine). Then that slave that understood the will of his master but did not get ready or do in wine with his will, will be beaten With many strokes."

THE EVIDENCE OF THE BIBLE ON FALSE WITNESS OR ACCUSATION

21. Exodus 23:7 of the Bible: - "Do not make false accusations and not put an innocent man to death for I will condemn any one who does such evil thing."

22. Exodus 20:16 of the Bible: - "Do not accuse anyone falsely."

23. Deuteronomy 19: 9 - 15 of the Bible: - "One witness is not enough to convict a man of a crime-, at least two or three witnesses are necessary to prove that a man guilty. If one man tries to harm another by falsely accusing him of a crime, both are to go the same place of worship and be judged by the priests and judges who are then in office. the judges will investigate the case thoroughly; and if the man has made a false accusation against his fellow Israelites, he is to receive the punishment the accused man would have received (e.g.) 40 lashes which is now change to 80 lashes."

24. Exodus 23: 1 - 3 of the Bible: - "Do not spread false rumours, and do not help a guilty man by giving false evidence: "Do not fellow the majority when they do wrong or when they give evidence that perverts justice. "Do not show partiality to a poor man at his trial."

FALSE ACCUSATION AGAINST WIFE BY THE HUSBAND IN LIFE BIBLICAL PERSPECTIVES

25. Numbers 5: 11 - 13 of the Bible: - "The Lord commanded Moses to give the Israelites the following instructions: - it may happen that a man becomes suspicious that his wife is unfaithful to him and has defiled herself by having intercourse with another man, but the husband may not be certain for his wife may have kept it secret there was no witness, and she was not caught in the act. Or it may happen that a husband becomes suspicious of

his wife, even though she has been unfaithful. In either case the man shall take his wife to the priest, then the priest shall make the woman agree to this spoken by the priest- if you have not committed adultery you will not be harmed by the cursed that this water brings, but if you have committed adultery may the God make your name a curse among your people. May he cause your genital organs to shrink and your stomach to swell up. May this water enter your stomach and cause it to swell up and your genital organs to shrink. The woman shall respond? I agreed- may the Lord do so, if she has committed adultery the water will become a curse among her people, but if she is innocent she will not be harmed and will be able to bear children. This is the law in cases where a man is jealous and becomes suspicious that his wife has committed adultery.

BRIBERY IN THE BIBLE

26. Exodus 23-8 of the Bible- - "Do not accept a bribe, for a bribe makes people blind to is right and runs the cause of those who are innocent."

INTEREST IN THE BIBLE

27. Exodus 22- 25 - of the Bible: - "if you lend money to any of my people who are poor do not act like a money lender and require him to pay interest."

ON MEASUREMENT AND WEIGHT - THE EVIDENCE IN THE BIBLE

28. Leviticus 19- 35 - 37 of the Bible- - "Do not cheat anyone by using false measures of length, weight or quantity, use honest scales, honest weight and honest measures. I'm the Lord your God that brought you out of Egypt. Obey all my Laws.

SEXUAL INTERCOURSE WITH A WOMAN IN MENSTRUATION IS PROHIBITED IN THE BIBLE

29. Leviticus 18-19 of the Bible: - "Do not have intercourse with a woman during her monthly period (menstruation) because she is virtually unclean "see also Leviticus 20-18."

JUSTICE IN THE BIBLE

30. Leviticus 19.- 15 - 16 of the Bible- - "Be honest and just when you make decision in legal cases, do not show favouritism to the poor or fear the rich. Do not spread lies about anyone and when some one is on trial for his life, speak out if your testimony can help him. I'm the Lord.

THE PROHIBITION OF TRIMMING BEARD IN THE BIBLE

31. Leviticus 19 -27 of the Bible: - "Do not cut the hair on the side of your head or trim your beard." (From the Good News Bible).

Note.- We wonder why Christians portrayed the so - called Jesus portrait along with Bead but refuse to keep beard themselves.

DRESSING FOR WOMEN IN THE BIBLE

32. Peter 3- 3 - 4 of the Bible- - "You (Women) should not use outward aids to make yourselves beautiful, such as the way you do to your hair, or the jewellery you put on, or the dresses you wear, instead, your beautiful should consist of your true self. The ageless beauty of a gentle and quiet spirit which is the greatest value in God's sight."

33. Deuteronomy 22:25 of the Bible: - "Women are not to wear Men's clothing, and Men are not to wear Women's clothing. The Lord your God hates people who do such things."

34. Corinthian 5: 6 and 13 of the Bible: "And any woman who prays or proclaims God's message in public worship with nothing on her heads disgraces her husband. There is no different between her and a woman that is shaven. And if the woman does not cover her head, she might as well cut her hair. And since it is a shameful thing for woman to shave

her head or cut her hair, she should cover her heads Judge for yourselves whether it is proper for a woman to pray to God in public worship with nothing on her head."

PROHIBITATION OF DEAD ANIMAL, BLOOD, SWINE AND THINGS SACRIFICE FOR IDOLS EVIDENCE IN THE BIBLE

35. Leviticus 11: 7 and Deuteronomy 14-18 of the Bible, - "You must not eat swine they are unclean."

36. Deuteronomy 14: 21 of the Bible: "Do not eat animals that dies a natural death.

37. Leviticus 7: 26 - 27 of the Bible: "And you must not eat any blood in any places where you dwell, whether that fowl or that of beast. Any soul who eats any blood, that soul must be cut off from his people."

THE ABROGATION OF THE BIBLICAL SHARIAH (LAW) AGAINST DIVORCE AND REMARRIAGE BY THE HOLY QUR'AN

38. Deuteronomy 24: 1 - 4 of the Bible: "Suppose a man marries a woman and later decide that he doesn't want her, because he finds something about her that he doesn't like so he write out divorce papers gives them to her, and sends her way from his home. Then suppose she marries another man, and also decide that he doesn't want her, so he also writes out divorce papers gives them to her and sends her away from his home. Or suppose her second husband dies, in either case, her first husband is not to marry her again- he is to consider her defiled! If he married her again, it would be offensive to the Lord. You are not too commit such a terrible sin in the land that the Lord your God has given you.

JESUS TESTIFICATION ABOUT DIVORCE AND REMARRIAGE ACCORDING TO THE BIBLE

39. Mathew 5: 31 - 32 of the Bible: " It was also said: Any one who divorce his wife must give her a written notice of divorce, but now tell you if a man divorces his wife for any cause other than her unfaithfulness, then he is guilty of making her commit adultery if she marries again; and the man who marries her commit adultery also."

40. Mark 10: 11 - 12 of the Bible: "Jesus also said: "A man who divorce his wife and marries another woman commits adultery against his wife. In the same way, a woman who divorces her husband and marries another man commits adultery also. "PUAL CONDEMNS OLD AND NEW TESTAMENTS VERDICT IN MATTER OF DIVORCE OR DEATH CASES

41. Corinthians 7:39 of the Bible: "A married woman is not free as long as her husband lives but if her husband dies then she is free to be married to any man she wishes, but only if he is a Christian."

PAUL CONTRADICTS HIMSELF

In the above statement, he said, a Christian woman should only marries a Christian but in Corinthians 7.13 he said: "An if a Christian woman is married to a man who is an unbeliever (non - Christian) and he agrees to go on living with her, she must not divorce him. Paul also believe that it is possible to reconcile after divorce contrary to his master statement in Mathew 5:31 - 32 hear him "For married people I have a command which is not my own but the Lord's. A wife must not leave her husband, but if she does, she must remain single or else be reconcile (Re - married) to her husband; and a husband must not divorce his wife.

COMMENTS: One wonders how Jesus will be corrected by Paul in his impracticable statement about divorce cases!

THE PUNISHMENT FOR APOSTASY AS PROVIDED BY SHARI'A (LAW) IN THE BIBLE

42. Deuteronomy 17: 2 - 7 of the Bible: "If any one, whether man or woman, in any village through out your land violates your covenant with god by worshipping other God's, the sun, moon or stars - which I have strictly forbidden - first check the rumour very carefully, if there is no doubt it is true, then that man or woman shall be taken outside the city and shall be stone to death. However put a man to death on the testimony of only one witness there must be two or three witness, the witness shall throw the first stones, and then all the people shall joint in this way you will purge all evil from among you."

THE OLD TESTAMENT IS NOT OUTDATED ACCORDING TO JESUS CHRIST

43. Mathew 5: 17 - 19 of the Bible: "Think not that I am come to destroy the law or the prophets, I am not come to destroy but to fulfil, for verily I say unto you, till heaven and earth pass, one jot or one tittle shall in no Wise pass from the law, till all be fulfilled. Whosoever therefore break one of these least commandments (laws), and shall teach men so, he shall be called the least in the Kingdom of heaven but whosoever shall do and teach them the same shall be called great in the Kingdom of heaven."

44 Deuteronomy 27-26 of the Bible:"CURSE BE HE THAT CONFIRMETH NOT ALL THE WORDS OF THIS LAW TO DO THEM AND ALL THE PEOPLE SHALL SAY AMEN." According to the above statement in Deuteronomy, all the Christians who call God's law in the old testament useless laws are under curse of God."

If they do not want to live according to the Shari'a law their Bible, then they should stop pointing accusing fingers against the Muslims for accepting to be judged by the Shari'a law in the Qur'an and Hadith respectively. Also there is no way the government can fight against crimes (successfully) without applying God's law or Shari'a.

May I also use this opportunity to advice the followers of Jesus Christ (Christians) to go back restudy their Bible and they do not even understand it. Singing in Jesus name is not enough for you, they must follow him.

I call on the Muslim and Christians to come back to their senses and be awake by accepting Islamic Shari'a. It is the only future path of Nigeria, bribery and corruption, assassination, adultery, fornication, cheating, occultism, alcoholism, homosexuality, lesbianism, incest, pornography, blasphemies, arm robbery, stealing, false accusation and other economic, social, political and religious problems have all been provided with solution by the one who knows the present, past and future (Allah). Under the provisions of Islamic Shari'a, therefore a better Nigeria of today and tomorrow, let us accept this call of Shari'a and be free from this problems.

Thanks and God Bless, May Allah (S.W.T) help the course of Islamic law in Bauchi State, Nigeria as a whole and the World at large. Your Brother in Islam

MU'AZ MUHAMMAD DADI

ABU SAIFULLAH

A Student of Islamic Shari'a in Syria

APPENDIX 18:

Recognizing the Judiciary

Ahmed Sani¹

Let me make it unequivocally clear that we are aware of the multifarious nature of our society so we do not intend to impose Shari'a law on anybody nor do we harbour any ulterior motive against any group of people. Therefore, the false fears and general apprehension being artificially created are without basis. Going down the memory lane of history, Shari'a law is a tolerant, just, and equitable system meant to deter people against committing offences which are repugnant to natural law.

Shari'a courts shall have jurisdiction and power to hear and determine:

a) Civil proceedings in Islamic Law in which the existence or extent of a legal right, power, liability, privilege, interest, obligation or claim due to an individual or individuals or the state is in issue; or

b) Criminal proceedings in Islamic Law involving or relating to any offence, punishment or other liability in respect of an offence committed by any person or against the state.

The Shari'a courts shall also have jurisdiction and power over the following persons:

a) All persons professing the Islamic faith; and

b) Any other person or persons who do not profess the Islamic faith but who voluntarily consent to the exercise of the jurisdiction of the Shari'a courts under this law.

Let me also clarify that while others can have their cases adjudicated at the conventional courts, they are neither forced or obliged to carry their cases to Shari'a courts. Let me once again state that it is the duty of our Government to protect and guarantee the rights of residents of Zamfara State, irrespective of which religion they belong to. On the same latitude, nobody will be discriminated against on the basis of his tribe or geo-political origin. The government is a government of justice and fairness as demanded by Shari'a.

It is for this purpose that we shall continue to have magistrate courts to adjudicate on cases involving the non-Muslims.

Let me once again remind all and sundry that our establishment of Shari'a legal system is based on the provisions of section 6 (4), 6 (5), 277 and 278 of the 1999 Constitution of the Federal Republic of Nigeria. And since it is a legal document, we have challenged those against Shari'a to go to court instead of dissipating their energy in the pages of newspapers.

As you all are aware, Nigeria is a land of cultural diversity coexisting in harmony. It is in this context and within the constitutional provision that Zamfara State introduced the Shari'a legal system which is a clear reflection of our peoples' culture that is firmly anchored in Islam. Any candid person who is objective, critical and honest knows that Shari'a is an integral part of a Muslim's life whether he lives in Zamfara, Akwa Ibom, China, United Kingdom or the USA. Every sincere Muslim knows that there is no

¹*Hotline*, 10 Jun/2001, pp. 20-21. A partial reproduction.

political Shari'a aimed at deceit in getting peoples' votes or admiration or Yarima Shari'a for that matter.

The crux of the matter is we are determined to rid our society of the degeneration and ineptitude that is prevalent, such as gambling, prostitution, armed robbery, corruption, drug abuse, lies and deceit. Shari'a is aimed at eliminating all these vices and putting the fear of Allah in our minds as well as conducting our affairs based on trust, honesty, justice and fairness to all, irrespective of tribe, race, colour, creed or political leaning.

Distinguished audience, it is my firm belief and conviction that implementation of Shari'a on Muslims is a natural course to justice and fairness to this class of Nigeria which in the same latitude calls for full implementation of customary laws which are relevant in some parts of the country. It is part of the gains of democracy to allow people to express their desires and wishes and at the same time to be arbitrated upon using the same method.

It is now time to review the jurisdiction of magistrate courts in the country in line with local peculiarities. This is because some aspects of the laws contain therein are alien to our people.

It is pertinent to reiterate that the Shari'a legal system is applicable to Muslims only. Non-Muslims are not affected and we have said this several times. Any fair-minded and truth-seeking person can verify this because as far as Zamfara State is concerned, no rights of the non-Muslim are trampled upon. Above all Zamfara has been and it is still one of the most peaceful States in the country with the lowest crime rates.

It is worthy of note that most of our magistrates in Zamfara State are equally knowledgeable in Shari'a since most of them have combined honours in their degrees in both common law and Shari'a.

APPENDIX 19:

Editorial: “If Muslim Ummah Fault Constitutionality of Sharia, I will resign--Governor Sani.”

Austine Odo¹

“If Muslim Ummah fault constitutionality of Sharia, I will resign” - Governor Sani

Alhaji Ahmed Sani (Yeriman Bakura), the Governor of Zamfara State courted controversy when he introduced Sharia Legal System in the State last year. Since then, the Sharia wind has been blowing across the land. At every given fora he has always tried to explain the reasons for his action. In this interview with our correspondent in Kaduna, Governor Yerima expatiated on the Sharia and its implementation in Zamfara State.

Abuja Mirror: On January 37, you signed into law the state penal code marking the official commencement of the Sharia Legal System. What are the gains so far recorded in this regard?

Gov. Sani: The first gain we have recorded is increased peace and security in our State. If you go to Zamfara now, the Police Commissioner will tell you that for a week no case was reported to the Police. Everybody knows the implication of taking laws into his hands, and committing any offence or crime by Muslims is going to be treated in accordance with the Islamic penal code we signed into law on January 27 this year. Our Muslim brothers and sisters are now strictly adhering their lives to the tenets of Islam and that is the main purpose of having Sharia. Our Christian brothers too try to live within the limitations imposed by Sharia.

The only problem I think they are encountering now is the lack of alcohol which we said is not allowed. I am sure good Christians don't patronize prostitutes and good Christians don't even drink alcohol. So, I don't see it to be a big problem to them. People are more alive now and aware of their responsibility to God and their fellow human beings. For example, we have just established a board for the collection and distribution of Zakat. This board, when they start operation, is expected to start implementing the laws of Allah. Every rich man in Zamfara is expected to provide one over forty of his income at the end of every year to be shared to the needy members of the society according to Sharia. So, you will not see a lot of change immediately. But after one year from when we started, people will now know what really is Sharia.

Abuja Mirror: You were said to have gone to Egypt to shop for judges. What was the outcome of the trip?

Gov. Sani: I have never been to Egypt since my election.

¹*Abuja Mirror*, 16 Feb/2000.

Abuja Mirror: When you signed the State penal code, you were said to have empowered Emirs to be judges. Knowing that they are not as learned as our Islamic jurists, one wonders the rationale behind your decision?

Gov. Sani: We are not saying Emirs are judges. The traditional role of our emirs as the fathers of our society has always been to ensure peaceful co-existence among their subjects. They ensure that peace and harmony prevail in their society. If there is any dispute, they go to their Emir for settlement. It is only when that settlement is not possible, maybe somebody feels unjustly treated or he doesn't believe there is justice from the Emir, then he is free to go to the Sharia court. In essence, what we are saying is that the Sharia or Islamic laws are laws combined with morality and not laws *per se* only. We are trying to see that as much as possible, there is peaceful co-existence among people. That is why Emirs are there in the first place. That is their role to ensure peace and harmony among their subjects. It is only when there is a dispute which they cannot settle that the Alkalis will have a case. As I said, we as the government, are going to monitor these Emirs. The number of cases they cannot treat and people feel aggrieved will be subjected to Islamic law.

The Emir himself is not the one to judge. They are supposed to have Ulamas around them. You have Sarki Malami, who is the most learned person in the society in Islamic faith. Then you have the Chief Imam of the town, If there is any dispute, the Emir will call them and they decide the case. In fact, the Emir does not talk much. The decision taken will be based on the faith. If the person is not satisfied, he goes to the Alkali, who gives the same judgement even if he did not hear what the Emir said. I am saying that the number of judgements an Alkali will give and that will differ from the Emir's will be used in evaluating the performance of the Emir, and if it warrants removing him as I said, he will be removed.

Abuja Mirror: Former chief Justice of the federation, Justice Mohammed Bello, has outlined the obstacles in the implementation of full Sharia. Don't you think Sir, that based on his explanation that what you are doing in Zamfara is a direct confrontation with the constitution?

Gov. Sani: In what areas?

Abuja Mirror: Like in changing religion. In Sharia, it is death penalty and that is not provided for in the constitution. In that case, there is a conflict and the constitution is supposed to prevail.

Gov. Sani: What I will want you to do is check our penal code. In a family of Muslims in the northern states now, you hardly see somebody changing his religion. Before you even talk of Sharia court, the family will kill him. So, conflict between the law and the constitution does not even arise because if you see a lady changing her religion, she will run to the south. As soon as she leaves the domain, nobody bothers; but no true Muslim will change his religion and remain in the society. We don't have anyone in the north. If you know of any, I want to know. It is the family themselves that will implement that Sharia. They have been doing it and nothing happened. All Muslims are aware of this

change of religion and they never do it because it will not go to court; instead, the family will take the decision. That is why we did not even bother to put it in our penal code.

Abuja Mirror: You talked about the board to collect Zakat. How will this board operate? Are you going to take a census of the rich in Zamfara? How do you assess their income to determine the required Zakat?

Gov. Sani: I shall, like I said, enjoin that crime is prevented. If you say you are a Muslim, you know that God is watching you. As much as possible, a Muslim doesn't hide any information because he is taking himself out of Islam without saying so. Like paying tax, the revenue board will go and assess all the known businesses you have and the income you have and then impose tax on you. We expect our Muslim brothers in Zamfara State to openly declare their assets to the board directly.

Here in Kaduna, for example, Ahmed Aruwa and Chanchangi always declare their Zakat yearly. It can be done in two ways; one, we have been to look at the Sudanese penal code and the Saudi Arabian laws. In a situation where we expect somebody to have money and he doesn't pay, we will use the revenue board estimates to determine his worth. By that assessment, we will approach him and if he refuses to pay, he is out of Islam. So, nobody will openly refuse to pay Zakat because the society will take their decision.

Abuja Mirror: Sometime ago, you were reported to have directed people in Zamfara to start growing beards. When we look around you, only you and one or two others are wearing beards. What is happening, Sir?

Gov. Sani: I never directed. This issue of beards you see in the Holy Quran, which we believe in. Allah said we should follow the teachings of the Prophet Mohammed to the letter. Growing beards is just one of the practices which cost you nothing. If you are going to be a good Muslim, you should as much as possible try to follow to the letter the practices of the Prophet. Just like Jesus, if you are a good Christian, you will do what Jesus did and willingly follow what he did. It is not harmful to you and nobody says you must grow beards. It is just a statement and I said that I am advising my Muslim brothers to grow beards so that it can be seen as an identity card because that is the essence.

Abuja Mirror: Not for contracts?

Gov. Sani: No. That gentleman (pointing to somebody in the corner of the room) is a friend. Mr. Gbenga is a contractor and we patronize him. One, he is a Christian and secondly, he doesn't have a beard. People are exaggerating what Sharia is all about and what I said. All I am going to say is that if Muslims can follow Islam and Christians follow Christianity to the letter, there will be peace.

APPENDIX 20:

Vituperations against Sani Unwarranted

S. G. Balogun¹

Governor Ahmed Sani of Zamfara State has been in the eye of the storm in recent times, faced with a barrage of criticisms directed at him especially by those opposed to the Shari'a legal code who do not just criticise but orchestrate a campaign of calumny pouring venom on his person on the pages of newspapers.

The man fondly called "*Yariman Bakura*" has carved a niche for himself not only because he adopted Shari'a as a state policy but as a populist who understands the true dynamics of politics. And that is why the focal point of his administration is the aggressive empowerment of the people through the provision of basic amenities, loans and vehicles needed to better the lives of the downtrodden.

Governor Sani has implemented programmes that have direct bearing on the life of the masses more than any of his counterparts in Nigeria. That's why it is difficult to script his achievements in a piece. However, he was the first governor to implement the minimum wage proposed by the Federal Government. He gave loans to civil servants in the state to purchase their own houses. He is rehabilitating major township feeder roads in the state. They include Anka, Kaura-Namoda, Shinkafi, Talata-Mafara, Tsafe and others. There is also the construction of 1,500 housing units going on, about 1,000 in Gusau and the rest will be in the local government headquarters. The governor knows full well that over 80 per cent of the people of Zamfara State are peasant farmers who cultivate little pastoral communal land in order to boost agricultural productivity in the state. The *Yarima* administration produced tractors, fertilizers and insecticides. The tractors were deployed to till and cultivate the farmlands of all small-scale farmers free of charge. The fertilizer plant in the state is now functional while fertilizers are sold at very subsidised rate. Also, the Administration also gave loans to fishermen and dry season farmers, and in addition, the state government purchased improved cotton seedlings from Egypt for sale to farmers.

In the same vein, many hand pumps and boreholes were either rehabilitated or constructed in different parts of the state. The Gusau Water Barrage is receiving attention in order to enhance water supply. The Federal Government has also been called upon to rehabilitate the giant Bakolori Dam to provide adequate water supply for the state and its environs.

Yarima's determination to fight poverty in Zamfara State is firm and resolute; hence, he directed the Zamfara State Poverty Alleviation (ZAPA) to procure sewing machines, barrows, motorcycles, bicycles and buses which were distributed to the people on soft loans, while some motorcycles were actually given free to some extremely poor families. Similarly, cash loans were also given to small-scale entrepreneurs by this agency. Also grains worth millions of Naira and some cash allowances are distributed now and then to the disabled and less privileged throughout the state. This bold step has gone a long way in reducing the degree of poverty, destitution and unemployment among youths and its attendant wave of crime in the state.

¹*New Nigerian*, 3 July/2001.

Moreover as a way of improving the lot of students, the state government has introduced a monthly allowance to all Zamfara State indigenes studying in all higher institutions. The state radio has been upgraded to a Radio and Television Service. In the area of health, the Faridat VVF Centre, Gusau, has been upgraded into a state hospital while funds have been earmarked to build a bigger hospital and health centres in the local government areas.

Interestingly however, skeptics and cynics of the progressive government in Zamfara State would be oblivious of this catalogue of visible achievements by naively lampooning Shari'a and insinuating unfounded sinister motives and intents against the legal code. Candidly, the Shari'a legal system has crystalised Zamfara State into perhaps the most peaceful state in the federation today. There has been a sharp reduction in crime, especially armed robbery, stealing, prostitution, gambling and consumption of alcohol and drugs which precipitate vices. And, virtually, Shari'a disallows a peaceful haven for criminals in the state. The adoption of Shari'a has fostered inter-religious harmony and understanding among the people while it permits an enabling environment for executing many laudable projects in all spheres of the lives of the people. Shari'a is strongly opposed to corruption; hence, it provides the basis for the establishment of an effective anti-corruption commission which has drastically reduced corrupt practices, especially among the civil servants in the state.

These days in which high moral value has given way to moral decadence and society has become so permissive with vices, Governor Ahmed Sani stands tall like a colossus among his peers in this present generation to restore the much elusive sanity to our society.

APPENDIX 21:

*A Daidaita Sahu:
Malam Shekarau, Ba Mu Gane Ba.*

Alu I. Kiru¹

Bayan haka Gwamna Shekarau kada ka manta da wani jihadi da ka zo ka jaddada na tsarin shari'ar Musulunci. Saboda mu talakawan jihar Kano mun lura shari'ar Musulunci da Gwamna Shekarau yake kirari a kanta, to babu ita a ofisoshin gwamnatin Kano da ofisoshin kananan hukumomi ko kuma a wurin 'ya'yan masu hannu da shuni. Wato ina nufin wannan shari'a ba a kan kowa take ba sai talakawa da 'ya'yansu kurum. Saboda a cikin gwamnati mun ga barayi, mun ga azzalumai mun ga maciya amana a ofisoshin gwamnati iri-iri amma har yanzu babu wani hukunci da gwamnatin ko sashin shari'a ya yi masu, kuma ana nan ana kallonsu.

Saboda haka nake kira da a sake lale.

Sai kuma ofishin kananan hukumomi, musamman karamar hukumar Kiru idan kai ba dan jam'iyyar ANPP ba ne, kare ma ya fi ka a cikin sakatariyar karamar hukumar. Mun dai san an yi rantsuwa da Alkur'ani ba za a nuna bambancin siyasa ba. Amma sai ga shi ya fito fili ana nuna bambancin kuma ga kwangila ta karya ana bayarwa. Kwangilar Naira dubu 100 sai a rubuta Naira dubu 300 a fayil. Kuma ga ci da ceto musamman wajen ciyarwar watan Azumi inda aka sace kudi ana sayen manyan motoci da gidaje ana kece raini da kudin talakawa. Wai shin wannan shi ne shirin "A Daidaita Sahu" da gwamnatin Shekarau din ta bullo da shi?

Saboda haka muna fata za "A Daidaita Sahu" a gyara ofisoshin gwamnatin Kano da sauran huruminta. Allah Ya yi mana jagoranci a bisa dukkan harkokinmu, amin. Kuma Allah Ya kara mana lafiya da zama lafiya da karuwar arziki a wannan babbar kasa tamu Nijeriya da Jihar Kano.

¹A. Kiru, *Gaskiya Ta Fi Kwabo*, 31 Dec/2004.

APPENDIX 22:

Sharia: Day Turaki Tasted of His Bitter Pills

Chid Obineche¹

The sleepy, picturesque setting of Dutse, the Jigawa State Capital, came alive on Wednesday, April 7, 2004 as thousands of the citizens, mostly of the opposition Peoples Democratic Party (PDP) thronged the Sharia Court for the hearing of a case against their governor, Saminu Turaki.

Expectedly, Turaki was not in court, but was represented by scores of lawyers led by Barrister Adamu Abubakar.

It was an experimental case as legal fireworks were pitted against religious morality. But the diminutive judge of the Upper Sharia Court, Alhaji Anwalu Sani Taura, remained unperturbed and largely taciturn throughout.

Turaki was taken to the court by the PDP on alleged breach of his oath of office by disallowing democratic local government elections, dissolving existing local governments councils and failing to account for all revenues accruing to these local governments from the date of dissolution till date.

For two and a half hours, the atmosphere in the small 14" x 8" court room and the expansive precincts was chaotic as chants of Allah Akbar (God is the greatest) rent the air.

The leader of the PDP in the state and prime mover of the court action, Alhaji Sule Lamido, the immediate past Minister of Foreign Affairs, told Daily Sun that "we decided to sue him to God because of the injustice he is perpetrating. This Sharia he established is being used to report him to God and God will not fail us. We are reporting him to God, that God this your servant you gave us to rule us is not ruling us with fairness and fear of God." It was for this reason that the PDP argued its case itself in court without legal representations.

According to Lamidi, in Sharia "there is no law or constitution that will come before the Quran."

The arguments

The defence team argued on the Supremacy of the Constitution of the federal republic of Nigeria, which confers immunity on a serving governor from all forms of prosecution or arrest. They predicated it on section 308 of the constitution. The lawyers also raised preliminary objection to the suit because, according to them, the PDP has no locus standi., they said, amidst intermittent roars of Allah Akbar "They are asking the governor to render account of all monies collected on behalf of local government councils. Under the Sharia law, you can only ask for something you have right over. The Sharia Court's power is limited to only those things that are Sharia. We agreed in Nigeria that our constitution is supreme. If somebody says it is not, then we pull out of Nigeria and

¹*Daily Sun*, 14 Apr/2004.

establish an Islamic state. The best thing is for them to go to the normal court. The Sharia has a moral role in governance. But it must comply with the constitution.

Under section 286 (3), of the constitution, such matters should go to a court headed by a lawyer."

But the PDP spokesman in court, Alhaji Mohammed Falulu, said they preferred the Sharia court because they wanted a court that will interpret their case in accordance with their religious beliefs. He said the matter was basically religious and moral, and that they have only come before "the most high, the king of heavens through his representative on earth" for succour. After listening to pleas by both sides, the judge adjourned the matter to April 28, 2004.

The Jigawa State Commissioner for Justice and Attorney-General, Mr. Tijani Inua-dutse, who was also in court told Daily Sun that "law is not something that you do in ignorance. In law, there should be grounds for actions. There should be a basis for whatever you are doing." He declined to speak on the allegations of indirect local government polls, because, according to him, it is subjudice since the matter is in court.

"If you have no case, you don't go to court," he advised the PDP, philosophically.

The other side of the coin

Lamido, dismissed the arguments of the defence lawyers. He said they came to court deliberately without legal representation because "in Sharia, you are before God. You can comment on anything. I asked them, when they cited authorities in the constitution, if they are Muslims.

In Islam, there is no law or constitution that will come before the Koran. If we had taken a lawyer there, it would have been different, because he would have concurred with his colleagues, because they have the same training. In Sharia, there is no provision for lawyers. If I can sue you under Sharia, I will do that. It has no barrier. It is law given to us by God. When these governors started Sharia, they didn't know anything about it. For refusing to appear before the court, he has committed the biggest offence against God. In Sharia, there are somethings you cannot do or say in court."

Test case

Lamido also argued that they went to the court to test the Sharia as introduced and practised in the state. He said "we are putting Sharia under test. He ought to appear in person, but because he is afraid of his own shadow, he failed to turn up."

He advised people not to be bordered about insinuations of subjudice or contempt of court because "the only person who can lay claim to knowing God is the one who fears him most.

Because, all the systems have connived and conspired with Turaki, that is why we went to court. Everything has failed us. That is why we are going to God."

He defended the interruptions of court proceedings by shouts of Allah Akbar and the near riotous crowd within and outside the court premises.

"In Sharia, it is okay. It is not acceptable or allowed in the conventional court."

The fire next time

Lamido says that the case is just the beginning of a new offensive to beat Turaki into line. "I am on a crusade, on an evangelistic mission. That is my duty and commitment now. Saminu is not a fair leader. That is why he ran away from court. He signed the Sharia law, and if he cannot recognize it, who will? He is now a small god and Sharia does not recognize that." He contends that the governor has lowered the standards of universally accepted concepts of governance.

"If you ask me to show you the 8th wonder of the world, I'll show you Saminu. He is a wonderful person. Saminu will leave the state and stay abroad for 70 days. Not once, not twice. He is manipulating everything in the state, elevating corruption. He has got about 56 ministries. You have things like commissioner for budget, commissioner for fire and emergency and so on. In the last two years, there has been no common entrance in Jigawa State because he will not pay the N7 million fees. The only thing he does is to fragment everything in the state. He has found the art of propaganda a useful tool to deceive the people. He is not co-ordinated although he is a very bright person. We are yet to recover from the shock of his emergence as governor."

At a rally at the PDP Secretariat after the session, bigwigs, of the party took time to explain their position on the issue.

Again, Falulu told the ecstatic crowd of party supporters that there will be no going back in the bid to get Turaki answer to the charged. He said it was sacrilegious for a man to "play god and refuse to appear before a Sharia Court which he himself set up. According to him, "Allah is awake. He is seeing all that is going on, and will not turn his back on the people." The rally resolved to do all within moral and legal limits to restore good governance in the state.

APPENDIX 23:

Sharia Implementation: The Way Forward

Abdurrahman Ahmed Shehu¹

Through a lot of people have written on the issues of sharia implementation in comparison with the previous and incumbent government. However, I find it necessary to write on the same subject matter because of the divergent opinions and the argument on whether or not sharia is being implemented by the present administration in Kano state.

Hardly a day passes by without hearing accusations and counter accusations between the former and the present State Governments for not implementing Sharia Law appropriately or as required by the populace.

One therefore tends to ask, is Kano State the only State in Nigeria that is implementing Sharia Law? Why the hullabaloo?

A commissioner in the previous regime once came to Freedom Radio and told the world that their government pioneered Sharia issues in Kano State despite the fact that they did not promise the electorates to do so during their political campaigns. He accused the present administration of not being able to add anything to what they (previous regime) did as far as Sharia was concerned.

The present government in an attempt to defend itself a commissioner also appeared on the same Freedom Radio and explained that government will not cut people's hands just for minor thefts in an environment where others stole millions of naira and nothing was done to them. This appears to be a confession that there are some sacred cows in our midst who are above Sharia Law? government should have arrested and deal with them accordingly no matter how highly placed? One would have thought that the penalty for an offence is directly proportional to the offence committed i.e. whatever crime one commits big or small, there should be an equivalent punishment for it in Sharia Law and no one should be left out come what may. Another commissioner in the present regime said over the Freedom Radio that the government now investigating the allocation of plots by the previous governments. Yet another very vocal, prominent and popular ANPP stalwart, Bashir Gantile on the 6th April 2005 at "*Kowane Gauta*" programme claimed that Ganduje, the former deputy governor testified that his (Ganduje), dilemma was that Sharia law was not fully implemented during their tenure in Kano State. Gantile went on by saying that the present government has fully addressed the issue of pension scheme, re-instated the dismissed workers, truth is now treated equally the populace, people have now been equalized in Kano State, there is freedom of expression among many other things. He concluded that all these are part of Sharia implementation in Kano State. What was not quite clear in Gantile's statement is whether the present regime has fully implemented Sharia law in Kano State or not.

I am neither a lawyer nor a politician but an ordinary classroom teacher. However, I do know that, His Excellency, the present governor is undoubtedly a man of God and Obasanjo testifies both in words and actions. Should he (governor) be pointedly asked today as whether he has fully implemented Sharia Law in Kano State, he would certainly give the same answer as Ganduje's. Please don't go far! For the avoidance of any doubt, this is the same answer any governor in the entire North (Zamfara inclusive) will give as far as the Sharia Law implementation is concerned, after all, Safiya of Zamfara fame has, till date, not been publicly stoned to death which is an enough challenge in itself.

We cannot deny the fact that the present national constitution is in serious conflict with the Sharia Law in many aspects. One can therefore claim to a very great extent that there is a cog in the wheel of Sharia Law implementation and until the cog is removed, we cannot have Sharia as we want it. I want to believe that the impact of Sharia is mostly being felt in such cases as the inheritance, divorce, Zakkat and some related issues. I am not fully aware whether it has started handling capital punishments. I overheard in one of the foreign medias that the two boys that raped to death a three year old girl have been taken to

¹*Daily Triumph*, 2 May/2005.

"Kotun Lardi". From the foreign media, learnt that the criminals will be provided with lawyers if they cannot afford some. The matter is already in court and I do not want to be held for contempt, however, I keep asking myself such questions as:

(a) Is there a provision for a lawyer in Sharia Law? I am asking this question because I do believe that in Shariah court, the judges make references to the Holy Quran, the Hadith and the consensus of the Ulama and these are regarded as the highest authority anyone can think of. I do not think there is any need for any lawyer at all.

(b) When a culprit is apprehended by the police, who decides which court to go i.e. Sharia Court or magistrate court? Is it the police; the State Government; the plaintiff or the defendant? I am asking this question because when my hand set was stolen by a thief early this year. I later caught the thief and handed him over to the police. I was thinking we would be taken to Sharia court as we are both

Muslims. Surprisingly we were taken to the magistrate court.

(c) If cases are not taken to Sharia courts, how can the courts be able to do anything concerning the cases?

Having gone this far, I think the greatest problem now facing Sharia implementation is how to direct cases to the Sharia Courts, for if cases are not directed to Sharia Courts, there is no way Sharia can be implemented anywhere. We are all Muslims and we agitated for the implementation of Sharia Law because we all know that it is the complete way of Muslims' life and our salvation in this world and the next world lie in it. Furthermore, according to the Imam of Kandahar Friday Mosque Bachirawa, this government was only elected because it promised the electorates that it would implement the Sharia Law if voted to power.

It should be noted here that the task before any government aiming at implementing Sharia Law is very huge and gigantic. It must make law that any case of any nature involving any Muslim or groups of Muslims ranging from the governor himself downwards must be directed to Sharia court for hearing and judgment. Unless it involves a Muslim and non-Muslim or group of non-Muslims who do not believe in Sharia Court can it can be taken to magistrate court for hearing and judgment.

We must not forget at this juncture that the police who first keeps the custody of offenders reserves the right to tell you that he does not take orders from any state government but from the Inspector General (I.G.) of police and that he also knows the appropriate court to take the criminal/offender.

This, certainly, is a dead lock. In such a situation, one's (government's) hands are tied. These are the intricacies worthy of appreciation by all and sundry which are not visible from the surface and hence the peoples' annoyances that the present government is moving at a snail's speed concerning Sharia implementation, the same allegation labeled against the previous regime. Even those in power now did not visualize these intricacies before ascending on to power until now that they have come face to face with the reality. This is why, despite the fact that I do not belong to ANPP and I did not even vote for Ibrahim Shekarau, I do not buy the idea that the present government is deliberately/intentionally deceiving the populace with the issue of Sharia Law implementation or simply playing with our intelligence.

Having said all these, my piece of advice is:- We have started some where. There is no need rushing because of an Arabic saying, "f ii *Ajalati, Annadamati*" meaning, "He who Ashes regrets later". It is better to do a thorough and precise homework on Sharia implementation so that we will all laugh last for he who laughs last laughs best and only time will tell. Furthermore, there is no permanent friend or enemy in politics, we should therefore try to respect one another for it is reciprocal and for the sake of our younger generations yet unborn as we cannot boast of any state other than Kano.

Abdurrahman Ahmad Shehu is a lecturer, Federal College of Education (Tech.), Bichi, Kano.

APPENDIX 24:

Muslim and Christian Students Clash at a Nigerian University

Obed Minchakpu¹

¹*Christian Courier*, 1 Dec/2004.

APPENDIX 25:

41 Bauchi, Kano Officials in EFCC Net

Wisdom Patrick, Adetutu Folasade-Koyi, Paul Mumeh, Godwin Egbara¹

Fraud may be a regular fare on the Nigerian terrain, yet it has just gone bananas in the North, ravaging two states and Abuja and depriving tax payers of N602 million in money terms alone.

Governors, ministers and five senators are listed among its victims in Abuja, where Federal Capital Territory Development Authority (FCDA) Chairman, Nasir El-Rufai, confirmed on Monday that FCDA employees issue bogus land papers to feather their own nests.

But the Economic and Financial Crime Commission (EFCC) has equally become more determined to excise the cancer that has tarnished the image of the country beyond its shores. It has rounded up 41 of the alleged perpetrators.

It arrested 27 in Bauchi for allegedly swindling the state government of N196 million. In Kano, Governor Ibrahim Shekarau handed over 14 senior officials of the Kano State Board of Internal Revenue Service (KBIRS) to the EFCC for probe on allegations of stealing government property worth N406 million.

Seven of those nabbed in Bauchi work in the Treasury Department, 10 (Board of Internal Revenue), two (Finance Ministry) and eight (State Property and Investment Company). Six of them have been transferred to Abuja.

A source said the EFCC has placed four banks in the city under surveillance for their roles in diverting the funds. He did not name names.

The commission is also investigating the state poverty alleviation programme, although details of the allegations against the agency are still sketchy.

The arrests were made at the instance of Governor Ahmadu Muazu who, two weeks ago, handed a petition to EFCC Chairman, Nuhu Ribadu, over alleged disappearance of state funds between last year and the first quarter of this year.

Ribadu was in Bauchi last Monday and, before he left, 27 persons were hoarded into police cell. Six, said to be principal actors in the fraud, were whisked off to Abuja.

One of the principal suspects reportedly disclosed in his confessional statement that he got about N16 million in the deal which he shared with a highly placed government official.

Information Commissioner, Ibrahim Zailani, confirmed the arrests. "The money involved is N196 million, but I don't have details of who and who were arrested, because investigation is still going on," he said.

An EFCC source said the 14 persons arrested in Kano are cooling their heels at the EFCC cell in Abuja. They were picked up last Thursday.

Their incarceration was facilitated by both the EFCC team and a panel of enquiry set up by Shekarau upon discovery of the alleged fraud.

¹*Daily Independent*, 7 June/2005.

“We were invited after it was discovered that they stole N406 million belonging to the state government. They were arrested in Kano and brought down to Abuja. All of them have owned up to the crime and they would soon be charged to court”, he explained. It was learnt that they carried out the fraud by printing fake KSBIR booklets of receipt which they issued after collecting revenue.

The source added: “The scam was the product of a high-powered syndicate in the civil service and it may be very difficult to crack the gangsters. But we at the EFCC are determined to bring sanity to the business environment of this country. That is our mission, and by the grace of God we will get there”.

El-Rufai stunned legislators in Abuja when he revealed his staff’s complicity in the issuance of fake land certificates and certificates of occupancy (C of O).

“We also discovered that staff who left the ministry more than 20 years ago are still signing documents. Some stamp the documents and backdate them”, he stated.

He said the EFCC is probing the employees.

The disclosure came at the Monday’s inauguration of the Senate Ad-hoc Committee on FCT Demolition, which was declared open by Deputy Senate President, Ibrahim Mantu. The committee is headed by Senator Idris Kuta.

Double tragedy looms for the 174 residents whose homes were flattened in the Kubwa area of Abuja as el-Rufai reiterated that they will be prosecuted for constructing illegal structures.

They would soon be charged to court and be made to refund the money spent to remove the buildings, he added.

He, however, informed the committee that N500 million has been ring-fenced to compensate “proper title holders” whose houses were demolished, but that “people don’t come forward” to make claims.

He justified the demolition of houses, stressing that no court injunction has been granted against the ministry.

In his welcome address earlier, Kuta cited Senate Rule 74 (1) which requires any senator to declare whether he has any pecuniary interest in any matter before the committee.

He confirmed that neither he nor other members has financial interest in the matter and that they are not affected in the demolition exercise.

Kuta assured el-Rufai that the committee’s interest is “to ascertain the legality or otherwise of the demolition. We have come here to do an honest exercise assigned to us by the Senate”.

El-Rufai took the opportunity to scold the House of Representatives for its hasty condemnation of the exercise.

“This is the first real chance, the first opportunity we have got from the legislature, to tell our story in an objective atmosphere, free of bias. I wished that the House of Representatives had made the same statements here, which never came from them. We intend to cooperate fully with you, tell you everything you need to know.

“We have tried to be consultative and carry people along. It is unfair and irresponsible if people say we don’t want poor people in Abuja. I spent one and a half years without allocating land because we wanted to sort out the messy records”.

He apologised to those affected in the exercise, saying the FCDA is bound to make mistakes because it is run by humans.

APPENDIX 26:

Press Statement: “Zamfara Islamic State: A Welcome Development.”

Council of Ulama¹

(A press statement by the Council of Ulama of Nigeria signed by Rafindadi, its Secretary General)

The Council of Ulama of Nigeria expresses its gratitude to Almighty Allah the Originator of the heavens and the earth and whatever they contain. Out of His infinite benevolence and mercy He paved the way for the reintroduction of Shari’a in Zamfara State after about a century of deprivation. The council prays that Muslims, wherever they may be found in Nigeria, will enjoy the religious freedom of belief, worship, practice and observance as entrenched in the Federal Constitution.

FEDERALISM

The Nigerian state has consistently opted for tribal and ethnic heterogeneity, religious and cultural diversity. Wherever such composition is obtained, the federal system becomes the most realistic option, so that each federating unit will enjoy the benefit of corporate belonging without compromising its mores or values on the altar of federalism. That was the genesis for allowing a tripartite system of law to operate concurrently in the country, i.e. Islamic law, Customary Law, and the imported or to be precise, the imposed law that is the Common Law. If the intention was anything to the contrary, a unitary system of government would have been endorsed in all our post-independence constitutions. This fact has been conveyed in Sections 13, 14 and 15 of the 1999 Constitution.

FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

The Federal Constitution of Nigeria 1999 has provided under Section 38 that:

“Every person should be entitled to freedom of thought, conscience and religion

¹Council of Ulama, 7 Nov/99.

or belief, and freedom (either alone or in community with others, and in public or private) to manifest and propagate his religion or belief in worship, teaching, practice and observance.”

This section has clearly spelt out the extent of religious freedom and touches on the entire components of religion, i.e. belief, worship, practice and observance cannot be determined by the constitution, because there is hardly a person among those who conjectured the constitution that is possessive of competency to interpret Islamic articles of faith. Only competent Muslim jurists are vested with the responsibility of deciphering them. The translation of “deen” and “Islamic” as “religion” and “peace” is wrong and grossly inadequate to convey their actual meaning. The correct meaning of religion as far as Muslims are concerned is that, the entire life of a Muslim should be governed by the Shari’a. The Qur’an says:

“Then we set you a plain way of our commandments (Shari’a). So follow you who know not. For they can in no way protect you from the wrath of Allah.” (Q 45:18)

“Say (on Muhammad), ‘verily, my salah, my sacrifice, my living and my death are for Allah the lord of the universe.’” (Q 6:162)

Islam means unconditional submission to the dictates of Shari’a in all spheres of life, social, political, economic, legal, etc., because everything from cradle to grave has been provided for, adequately and comprehensively under the Shari’a. It may be stressed here that unlike what may be obtained in other religions, where commandments are only for convenience, commandments in Islam are absolutely obeyed. Indeed, faith in Islam is conditioned upon unflinching submission to Shari’a judgement. The Qur’an says:

“But no, by your lord they can have no faith until they make you (on Muhammad) judge in all disputes between them and find in themselves no resistance against your decisions and they will submit entirely.” (Q4:65)

It will be seen from the foregoing that when Muslims insist on conducting their lives totally in accordance with Shari’a without any regimentation, they are not pretending or trying to hurt or inconvenience anybody. They are simply trying to live up to the tenets of Islam. What is now taking place in Zamfara is to give correct interpretation of constitutional provisions as they relate to Islamic belief. No Muslim will accept the interpretation of Islamic faith by Olu, Chike or Sawa, etc. The Council of

Ulama calls on every state having the predominance of Muslims in the North, including such states like Lagos, Oyo, Osun etc. in the South to partake of the unfolding blessing.

Another interesting aspect of the developments going on in Zamfara state is that its House of Assembly is the first in the federation to confer additional jurisdiction on the Shari'a Court of Appeal in compliance with Section 277(1) of the 1999 Constitution. It provides as follows:

“The Shari'a Court of Appeal of a state shall in addition to such jurisdiction as may be conferred upon it by law of the state, exercise such appellate and supervisory jurisdiction in civil proceedings involving questions of Islamic personal law to decide in accordance with the provisions of subsection (2) of this section.”

The added jurisdiction mentioned above is unlimited both in terms of originality and subject matter. Therefore all the measures taken to introduce Shari'a in Zamfara state fall within the constitutional ambit.

ISLAMIC STATE OF ZAMFARA VERSUS NORTHERN CAN

Right from the declaration made by Mujaddid Ahmad Sani Yariman Bakura of his intention to introduce Shari'a in Zamfara state by Allah's leave, Christians in their individual and collective capacity have bared their fangs against the declaration. The assault worthy of reference was the one credited to the Christian Association of Nigeria (North). It has made allegations that were outrightly mendacious and unbecoming of a supposedly Godly people. CAN has alleged among other things that:

- a) Churches were demolished after the introduction of Shari'a in Zamfara state;
- b) The Governor was training secret police;
- c) The first victim of Shari'a has died as a result of amputation;
- d) Non-Muslims have been arrested; and
- e) Clean-shaven people have no access to the government, all in the *Punch* of 15th October, 1999.

Zamfara State Government has made a global declaration that Shari'a will formally come into effect on 27/10/1999. To allege therefore that Shari'a has claimed its first victim or that churches were demolished because of the

introduction of Shari'a was a grand mischief to distort the truth. CAN should have informed the world the names of such churches demolished and their locations. On the allegation of training secret police, the council believes that it was another ploy designed to sensationalize public opinion, so as to instigate chaos.

Whatever it may be, it is an assignment to security people. On the allegation that non-Muslims were arrested, it might be true, but then is it fair to say they were arrested under the Shari'a, when it has not actually become operational? Is CAN saying that non-Muslims should not be tried under Common Law, sorry Christian Law, even if Shari'a has become fully operational in the state? Besides, CAN should be honest enough to tell the world the offense they committed. It was spurious to allege that clean-shaven people are denied access to the government in view of the fact that up till now some of the state exco members still maintain clean shave; furthermore, preservation of beard is only recommendatory.

It is unfortunate that Christians have since lost faith and hope in Christianity's capacity to govern their lives, or they covertly believe that the operating Common Law is Christian, bag and baggage as established by Lord Summer in the case of BOWMAN vs. SECULAR SOCIETY and attested to by Karibi Whyte. Otherwise one would have thought that CAN will advance Canonical Laws for application on the Christians of Zamfara in particular and Nigeria in general.

It is sad to note that for the last two decades, Christians have been waging war against the entrenchment of Shari'a in our Constitution, even though it was reiterated time without number that non-Muslims are exempted. Is it not ridiculous for Christians to tell Muslims that they will not allow them to practice their own religion while Christians own religion has been imposed on the Muslims for about a century now?

If CAN believes that the Constitution as well as the other segments of laws tagged Common Law have no relevance with the Cannon Laws, the council challenges CAN to advance Mosaic laws for entrenchment into the Constitution,

and Muslims will give them support. But if on the contrary the Common Law and the Cannon Law are one and the same, it is better for CAN to behave responsibly towards their Muslim brethren in the spirit of mutual understanding and reciprocity of tolerance.

In conclusion, the council congratulates states like Sokoto, Bauchi, Katsina, Kano and Kebbi for initiating a process for the establishment of Shari'a in their states. The council prays the almighty Allah to make us a peaceful, stable and a prosperous nation under the Shari'a. Amen

APPENDIX 27:

Sharia not Suitable in Multi-Cultural Setting

Correspondence with Abdulsalam Ajetunmobi¹

Adjetunmobi 25 Apr/2005

I refer to your last correspondence and just wish to update you of my view on the role of religion in politics.

With deeper thinking I have come to the realisation that it is not possible for any country to adopt religious law as the law of that country. The Qurâ€™anic pronouncement in chapter 2 verse 256, â€˜There is no compulsion in religionâ€™ is meaningful. This statement indicates that there is NO coercion in faith or in matters of faith. No coercion is possible and NO coercion is permitted. So, here is the question: If one religion imposes its law on a society where people of other religions and denominations also live, how will this verse stand against Muslims attempting to coerce? Not only vizâ€™aâ€™viz the people from other religions, but vizâ€™aâ€™vis people from the same religion who are not willing.

Also, chapter 16 verse 91 of the Holy Qurâ€™an requires Muslims to abide with absolute justice (or Adl in Arabic). This Divine proclamation invariably claims that justice and fair play in human affairs cannot be established without their absoluteness. Now, if for instance, Islam agrees with the question of Shariâ€™ah in countries where Muslims are in the majority, then by the same token of absolute justice, Islam must concede the right to other governments according to the dictates of the religion of the majority. But with so many different sects of Islam with their own interpretations of law and shades of varying beliefs between one sect and another and one religion and another, nothing short of total confusion and anarchy would be the result if religious law of every sect or belief is given free reign in this ever becoming multi-religious, multiracial world we live.

The plain truth is that Qurâ€™an is about principle not the form or method. The principle is constant but the form is changeable. The punishments of hand-cutting for theft and a hundred lashes for adultery mentioned in the Qurâ€™an are forms, not principles, of punishment for, these forms are connected to specific historical circumstances. Contemporary Islamic scholars and jurists argue that Shariâ€™ah laws are human interpretations of the eternally fixed principles of Islam, so they can be changed to fit modern contexts. It is only the basic principles that are immutable. Fazlur Rahman the great Islamic scholar and jurist who was a Professor of Islamic Studies at the University of Chicago, until his death in 1988 wrote in his book "Islam", that Muslims after the 10th century

¹This appendix contains excerpts of correspondence between Ajetunmobi and Boer..

confused the inimitability of the Qur'ân with immutability and that the Qur'ân never makes a claim for the latter.

So 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 of Hinduism and most of the host of 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. He 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 or worship without the need of a specific law being passed by the state to permit him to do so. The 'œus vs. them' vision of Islam, exponentially exaggerated by Osama Bin Laden's demented Wahhabism and others, derives not from the Qur'ân but from a world-view that is 10 centuries out of date.

Boer 25 Apr/2005

You point to a real difficulty of applying sharia in a multi-cultural setting. The difficulties you mentioned are well known, but some prefer not to think about them or simply ignore them and just ram their law through and impose it on others, whether Muslim sharia or Christian or secular. Your opposition to that is highly appreciated. Imposition and force have no place in religion. Where they are attempted, it is the offending religion that suffers the most in the long run.

However, what is the solution? Or even, what are the parameters for a solution? That is the question to which I am heading in my project. As I am getting closer to the final volume, where I should offer something helpful, I am getting increasingly nervous, for the complications of the Nigerian situation are becoming clearer all the time. They do not allow for easy solutions that are fair to all and that will allow all religions to flourish.

You suggest that religions can do well under secular law. Are you sure? Here in Canada, secularism has pushed for wholesale abortion and achieved it. They are now pushing the gay agenda, incl same-sex marriage, gay clergy ordination, pushing the "virtues" of homosexuality upon children in public schools, pushing for public money to support practices that experts insist are unhealthy and cause all kinds of disease. Most Muslims and most Christians (excluding liberals who have sold out to secularism) and other religions strongly oppose these developments, but somehow the Liberal government has accepted the gay agenda and pushing it down our throats. In addition, they are trying pass gag laws under the guise of preventing people from hateful statements. Also in the UK, but for now they have failed there and forced to postpone the issue. The secular French government is now passing ridiculous laws about hajib and Sikh turbans. How can you then argue that religions can be comfortable with secular law? Secularism can only live with religion if the latter agrees with the secular restricted definition of religion and especially if it agrees to stick to the personal

and private, to church and mosque, but not in the public square. This is an intolerable restriction on religions and squeezes their very life blood out of them.

Of course, various religions have imposed the same restrictions on their "competitors": Christians on Muslims and Jews; Muslims on Christians, etc. It turns out that all these worldviews have at one time or another practiced this. Why should the secular one be considered acceptable, when that of other religions is not?

Yes, I refer to secularism as a religion and I am by no means the first or only one to so argue. I do make that point in one of the chapters in my vol. 5, which is still at the publisher. I will try to send you a copy of that material, if not with this email, then with a subsequent one. If Christianity or Islam may not impose, why do you allow secularism to do so? What have you solved?

Ajetunmobi 25 Apr/2005:

My meaning of practising one's faith under secular law has to do with the notion that the law does not permit the use of force and coercion in any manner as an instrument of resolving inter-sectarian and inter-religious strife. 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 and colour and creed 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 Shari'ah 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.

APPENDIX 28:

Does Sharia Only Mean Punishment?

Musa Ibrahim Umar¹

SHARIA is an Arabic word which has different meaning. Literally, Sharia conotes a watery place (probably an Oasis). Technically, it denotes the path or the way sit by Allah and his messengers which when strictly adhered to, will lead mankind to the attainment of bliss in this world and a greater bliss in the hereafter. Jurisprudentially, it means those revealed laws which cover all the aspects of human action.

Going by the above definitions, Sharia may be viewed as an all encompassing concept which regulates the relationship between man and his fellow human being his Creator other creatures and the rest of the universe.

Does Sharia therefore only mean punishments? In order to answer this rhetorical question, we need to cast our mind to the classification of Sharia. Sharia has seven faculties as follows:

Ibadat: This aspect of Sharia covers the relationship between mankind and his Creator (i.e Almighty Allah). It provides guidelines on how to perform prayers, Tauhid, Zakat, fasting, pilgrimage and so on.

Ahlaq (moral laws): This component of Sharia regulates the interaction of a person with his or her immediate family members, his neighbours and the rest of the community.

Ahwal al Shaksiyyah (Family law): This aspect of Sharia deals with how to find a marriage partner, how to consummate a marriage, who has the custody of the children after the dissolution of a marriage, how to share estates among deserving survivors and so on.

Mu'amalat (community activities): This segment of Shari'a deals with how to enter into a valid contract, partnership, commercial transactions and so on.

Ahkam Sultaniyya: This portion of Sharia defines citizenship, rights and priviledges of a citizen, qualification of a leader, powers of a leader, mode of removing a leader, judicial administration, i.e qualification, appointment or powers of Qadi or judge, court structure i.e jurisdiction of courts and procedures governing evidence.

Siyar (international law): This aspect of Sharia governs the relationship between an Islamic state with other countries of the world.

Uqubat (Sharia panel law): This segment of Sharia defines an offence, what constitute an offence, punishment for an offence and defence of an offence. For example, Qur'an 24:2 stipulates the punishment to be meted out to the adulterer and the adulteresses.

"The adulterer and the adulteress should be given 100 lashes of cane" Furthermore, Qur'an 24: 4 states that "whoever accuses a chaste woman and then does not produce four witnesses, lash them with 80 lashes and do not accept from them testimony forever." In a nutshell, before the punishment for committing the offence of adultery is meted to the perpetrators of the hodenious act, four unimpeachable witnesses must be present when the ungodly act took place.

¹*Daily Triumph*, 7 Oct/2005.

Some people ignorantly view Sharia as ‘‘only punishment’’. Another disheartening development among Muslim Ummah is that, the yardstick they use to assess the success of the implementation of Sharia by any government is through the number of thieves whose hands have been amputated, the number of adulterators who have been given 100 lashes of cane and so on. This yardstick, which some Muslims adopt to be their benchmark of accessing the success of implementation of Sharia by any government in any state, is fundamentally wrong because Uqubat (punishment) only constitutes one-seventh of what Shariah stands for.

My advice to fellow Muslims is that we should thrive hard to Islamize our hearts, acts as well as our omissions. There is a prophetic hadith which says: ‘‘Truly in the body there is a morsel of flesh, which if it is good and healthy, all the other parts of the body will be good and healthy and if it is bad and diseased, all the other parts of the body will also be bad and diseased. Truly, this is the heart’’. Related by Al-Bukhari and Muslim.

Islamizing our acts and omissions will take us to what Islam is. Islam really signifies total, unreserved and complete submission to the path of Allah. Almighty Allah says in the Qur’an ‘‘O you who believe, enter into Islam whole-heartedly (completely) and follow not the foot steps of the evil one (satan) for he is to you an avowed foe’’ (Qur 2:208).

Lastly, I would like to remind fellow Muslim brothers that whatever we do in this world, we are going to account for it in the hereafter. Qur 58:7 says:

‘‘Have you not seen how God knows whatever is in heaven and whatever is on earth? No private conversation ever takes place among three persons unless He is their fourth, nor among five unless He is their sixth, nor (any number) less than that nor more unless He is with them no matter where they may be. Then on resurrection day, He will notify them about whatever they have been doing. God is aware of everything.

Musa Ibrahim Umar wrote in from Laying Hassan Dan-Auta, Fagge, Kano, is a law student at Bayero University Kano.

APPENDIX 29:

“No. Hajia, No!”

Sa’adatu Ahmad¹

I read with total dismay the lead story in the *National Concord* newspaper of Thursday, January 27, 2000 entitled “Sharia’ll fail – Minister.” That this statement came from a fellow Muslim sister is very unfortunate. Hajia’s argument in the said story that “in a situation where the level of poverty was increasing at an alarming rate and a large number of people were dying of numerous diseases while the leaders and elite get richer at the expense of the poor, the *Shari’a* law would never succeed,” is the height of illogicalness and sheer exhibition of ignorance. It is an undeniable fact that Islam as a religion preaches social equality and extinction of poverty from a society. This could be achieved through a proper administration of the institution of *zakat* and charity among Muslims and even non-Muslims. The moment *Shari’a* law comes to be implemented, all these things will be properly handled and monitored thus serving as a panacea for the alarming increase in poverty.

It is on record that since the attainment of independence in 1960, Nigerians have seen several constitutional reviews and so-called poverty alleviation and economic development programmes. Yes, man-made programmes. But the question is have those constitutions and programmes yielded any positive results? I am sure Hajia knows very well that the answer to this question is not in the affirmative having admitted herself that ours is a situation of increasing poverty. It is therefore reasonable that instead of wasting our precious time and abundant resources evolving man-made laws and plans which, as experience have shown, will eventually crash with the beneficiaries being only a small coterie of self-centered individuals whose main concern is to insatiably enrich themselves and their immediate families at the “expense of the poor,” thus deliberately increasing the “level of poverty,” it is indeed better to uphold our divine laws as prescribed by Almighty Allah in the Holy Quran and traditions of the Holy Prophet Muhammad (SAW). I am sure it is only those people who want the old order to continue despite its proven fruitlessness that are condemning the introduction of Islamic law in Zamfara State and other Northern States. I don’t want to believe that Hajia is one such person. The Prophet (SAW) mentioned in one of his traditions that “five things come with five repercussions.” In that tradition, one of the things mentioned is “when people judge with something other than that revealed by Allah, the repercussion of that is imminent spread of poverty amongst them.” Based on this tradition, there is no time that this country needs fuller implementation of *Shari’a* law than now.

Even its antagonists believe that there is an alarming increase in poverty. The situations in which we have found ourselves today in this country have indeed necessitated the adoption of this divine legal system. Yes, an all-embracing administration of the law in all its ramifications, not only limited to personal laws.

The minister was also said to have pleaded with protagonists of the *Shari’a* law to give peace a chance and allow the nation’s nascent democracy to finally develop such

¹*New Nigerian*, 1 Feb/2000.

that all present problems hindering the introduction of *Shari'a* could be solved. *Haba Hajia!* What could be more peaceful than allowing Nigerian Muslims to resume full application of Allah's laws on themselves since that does not in any way contravene the constitution of the Federal Republic of Nigeria as our indefatigable and highly respected president has clearly stated in one of his presidential media chats? Besides, Muslim leaders have affirmed time without number that the law is only applicable to Muslims. So how can the implementation of Islamic laws on Muslims alone bring about a breach of public peace? It is therefore evident that those people castigating the *Shari'a* legal system being advocated in some states, are only crying wolf where none exists.

In any case, the introduction of *Shari'a* law is one of the beauties of democracy. No fair minded observer would see the introduction of *Shari'a* as a treat to our nascent democracy as Hajia would like us to believe. On the other hand, if she is afraid of losing her ministerial appointment should the present dispensation run into a hitch on account of *Shari'a* implementation, then let her save her breath as, *In Sha Allah*, *Shari'a* will only bring with it peace, stability, social cohesion and self reliance. The only ones that may suffer from its application are those self-centered individuals whose only motive is to loot the public treasury, enrich themselves, build gigantic, tastefully furnished apartments in urban centers and drive around in flashy cars forgetting that a day would indeed come when every act shall be judged accordingly. I don't want to believe that Hajiya Aisha Isma'il is one such person.

At this juncture, I want to call on all well-meaning Nigerians to come to terms with reality as far as the *Shari'a* issue is concerned. The antagonists of *Shari'a* should stop giving a dog a bad name in order to hang it. The major problem facing Nigeria today which should be of enormous concern to any responsible government, is the rising spate of ethnic violence, which have in recent times claimed many innocent lives and caused unprecedented destruction of hard-earned property. This unfortunate scenario should be of more concern to the present administration and its officials than unnecessarily casting aspersions on the intelligence of Nigerian Muslims simply because they have exercised their rights as granted them by the constitution of their fatherland. A word is enough for the wise.

APPENDIX 30:

Politics of Religion in the North--Where Do We Stand!

Jazuli Lawal¹

Politics Of Religion In The North – Where Do We Stand!

By

Jazuli Lawal

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“Nigeria is a country where religion is more associated with individual piety than social responsibility. Thus a politician or general who corruptly enriches himself through abuse of public office but builds a church or mosque, becomes a born-again priest or gives a lot of sadaqah, is considered a good Muslim or Christian and treated with respect rather than like the common thief that he is.”

(Sanusi Lamido Sanusi, Daily Trust, Tuesday Column March 25, 2003)

I see Malam Sanusi Lamido Sanusi as a mentor, his article on Islam, Christianity and Nigerian politics, a tribute to Thomas Paine (1737 – 1809) has re-awakened my urge and the quest to fight injustice and corrupt behaviour of our northern elite and their military politicians who ruled this great country for many years and left nothing than bad legacy to our children and our goodselves. We became the unfortunate victims of insult and embarrassment in every part of this country for sharing tribal origin with these people. My main concern lies on the argument of the establishment of Islamic Political structure and the perpetual noise-making on modern times political shariah of our generation which became a sensitive subject of discussion among us.

Of recent, politicians from the North have been using Islam as a tool to win elections in their various constituencies. For instance, in 1999 one of the states in the north has propagated the introduction of Islamic Shari’ah in its state and thereby igniting the charging atmosphere to compel some states to follow suit for fear of loosing their political personality and recognition. This behaviour was seen by many as a move to gain acceptance from the teaming electorate who were deprived western education resulting into poor understanding of concept of true democracy. Most of our Youth from the north are becoming more disenchanted with the attitude of the ruling class and the military politicians for subjecting the innocents and poor people of the region to slavery tendencies. Their motives and action makes no positive sense towards economic development of the people rather than to loot and enrich themselves by all means through political manipulations and the use of religious undertone in campaigns and in blackmailing political opponent. The Northern massess be it christians and muslims alike have been suffering from this great injustice, inequality and supression of their

¹May/2005. www.gamji.com/article4000/NEWS4628.htm.

fundamental human rights.

This grievous and criminal attitude of our ruling class has further strengthened my long term interest to understand the issues of political development in the North which originated from my contact with Malam Aminu Kano whose charisma and personality was built over three decades of confrontations with the emirate and the ruling elite. His efforts and political-determination towards freeing and ensuring independence for common man in the north have earned him credentials that brought him to the limelight of the northern politics.

Similarly, the ideology of the people-oriented-leadership has become his landmark as a democratic humanist who stand to fight for justice, equity, fairness and independence from the domination of the ruling class. Even though Islamic religion was one of the fundamental factor in his lifetime politics. Yet, Malam has never proclaimed to institutionalized islamic shariah throughout his campaigns. His characteristics and attitude was symbolized by those simple qualities of a true muslim believer. But most dishearteningly today, the hypocrisy of our elites and military politicians does not radically conform with the right attitude before contesting for any election. How can we reconcile the behaviour of an ex-government civil servant who out of greed and selfishness enriches himself and after retirement joined a political party as well won election to claim the implementation of islamic shariah without declaring all he accumulated illegally or returning the looted fund back to public treasury? Under Islamic Law, we agitate the amputation of hands while we do worst of an ordinary thief, does that really portray our sincerity of intention, and the adoption of the right attitude among us.

It is a fact for instance, that the second Caliph, Umar bin Khadab (RA) stopped the punishment of the thief by cutting-off the hand in a year of famine due to the possibility of the thief having been compelled to steal due to hunger. As such, it is better in times of economic hardship and austerity, such as ours, true proponent of Shariah should address the question of proper economic management by downplaying massive corruption and mismanagement. It has become possible for muslim elite to engage in diversionary propaganda and express a hypocritical commitment to shariah while impacting on objective conditions in a manner that would make the implementation of shariah unjustifiable.

Let me quote Sanusi who in his paper mentioned that, full application of shariah succeeds, rather than precedes, the creation of its objective conditions. It is the irony of our political situation that in the vanguard of those calling for full implementation of shariah we find some who have over the years condoned, rationalised, encouraged, initiated, participated in or benefited from the very processes whose logical culmination is the total negation of the said objective conditions.

Even though we differ in our various position with my mentor on the understanding of the argument that, the issue of implementation of shariah in Nigeria can best be solved through the evolution of true federalism which allows constituent states to

evolve and adopt laws that take full cognisance of their religious and cultural peculiarities. Whereas in my own opinion, I see Parliamentary System as best suitable for the implementation of sharia whereby regions maintain their historical identity and value system to managed themselves in their own traditional way and custom.

I was made to understand that, Kano State is one of those states where religion strongly influence and determine who wins election of various political offices in the state. The present state governor Malam Shekarau was said to have won election through the influence of his religious inclination. But how true is this arguments depends on the genuity of the argument and the proven evidence to support the claim.

A sad development, the attitude of our muslim elders have left negative mark boldly written on the wall for their failure to manage the fund put aside for the renovation of the central mosque Abuja. Their acts of indecency prompted the President to take over the management and the rehabilitation of the mosque. Now, what moral obligation do they have to claim honesty, sincerity of intention to religiously manage their people without the usual technique of deception.

www.gamji.com/article4000/NEWS4628.htm.

'APPENDIX 31:

Muslim Brothers Berate Christians

Muslim Brothers²

According to Justin La-Nibetle, the following statement was published by the Muslim Brothers in 1987, after the Kafanchan riot.³

In the Name of Allah, the Beneficent, the Merciful:

What Is Happening at Kafanchan?

O you Muslims! This paper is written in order to inform us and to make us aware of what is happening in this country. Some enemies of Allah, who are running an un-Islamic system of government, want to hide things in order to divert the attention of the Muslims from what is incumbent upon them, that is, the establishment of the sharia of Allah (SWT) and the destruction of kufr from the face of the earth. Therefore, we Muslims of this country, whose aim is the protection of Muslims and upholding of Islam, see it as necessary that we explain to people the true situation of conspirations and oppression which this un-Islamic government is imposing on the Muslims.

Last week in Kafanchan, Christians slaughtered and killed our Muslim brothers in their mosques, their house and schools. At the College of Education, Kafanchan, some Christians gathered to abuse the Prophet of Allah (SAW) and used abusive language about Islam, the religion of Allah, the Qur'an and Muslims. They did not stop here, but proceeded and followed the rooms of Muslim students, taking them out and beating them. It then spread into the town, where villagers (Christians) came out with their spears, arrows, swords and other weapons. From there they fell on the Muslims, killing them. La Ilaha Illallah! They burned the

¹

²Muslim Brothers, 1987. Reproduced in J. La-Nibetle, 2000, pp. 28-31. Title mine.

³For information about the Kafanchan riots, see J. Boer, vol. 1, 2003, pp. 50-55; vol. 2, 2004, p. 189; vol. 3, 2004, p. 326.

Qur'an! They burned mosques! It reached a stage whereby they met a Mallam and students and slaughtered them like sacrificial lambs!

O you Muslims! This is happening to our brothers in Kafanchan, but we show little concern like it does not affect us. This shows that we are weak and that we have enemies. Know that our enemies see us Muslims without any difference.

It is necessary at this juncture that we realize this is done in order to divert our attention from our real enemies, that, this un-Islamic system of government, which is leading us into a system contrary to the system of Allah. It is this Kufr system which gave these slaves (Christians) the right to kill Muslims. It put them on the same level and even raised Christians higher than the Muslims. It brought the way of life of Christians and Jews and imposed it on us. Therefore, it is this system which is our target of destruction, until the law of Allah is established. This oppressive government is using its secret service, the police and armed forces to suppress the religion of Allah and Muslims in this land. Likewise, the mass media are being used to divert the attention of the Muslims by propagating non-issues.

Oh Dear Muslims, it is time we realize that the sharia of Allah has been uprooted in this land a long time ago and that the Muslims are forced to follow a system of life other than that of Allah. Muslim workers and students, male and female, are prevented from appearing in their Islamic outfits. Haraji and other oppressive taxes are imposed on the people. The limits of Allah and His Rasul Muhammad have been transgressed.

Oh Dear Muslims, it is compulsory that we rise and see to the establishment of the religion of Allah. It is also necessary that we rise and destroy oppressors and the Kufr system. It's a must that we see our way of life is based on the religion of Allah in this country and that this is our only salvation in this world and hereafter. For this, Ulama should raise up and take the lead for the annihilation of Kufr and the subsequent establishment of the religion of Allah. We are calling on Muslim workers to boycott working until further developments. Muslims should make the Friday of ten day 13th Rajab, 1407 A. H., to be a day for sadness and mourning, for what happened to our brothers at Kafanchan. Oh, we are tired of this Kafir

system of government, of Jewish laws and decrees, and the acts of worship of Christianity [imposed] on us. For this!

1. All the Christians that murdered the Muslims and their instigators must be brought out to public and be shot.
2. From now on, Thursdays and Fridays must be made work-free days.
3. All laws and decrees that are oppressive to the Muslims in their worship of Allah must be eradicated. For example, there will be no limit to the number of pilgrims and pilgrims must not go through the second-tier foreign exchange market.
4. All Muslims should raise up and we give our lives, so that the Government of Allah be established and reign supreme on the face of the globe. “Fight them until there remain no tumult on the face of the earth and religion be for Allah alone.” (Qur’an)

Bissalam

Brothers in Islam, Muslim Brothers

APPENDIX 32:

Sharia No Threat to Nigeria

Jama'atul Nasril Islam¹

Implementation of the *Sharia* does not in anyway threaten the corporate existence of the country since it has always been practised in Nigeria, the three-day Jama'atu Nasril Islam (JNI) national seminar on *Sharia* declared on Saturday evening. This declaration was part of the communique read by the Emir of Tsonga, Dr. Halliru Yahaya.

According to the communique, the plurality of Nigeria's legal system, which included the common law, *Sharia* and customary laws, should not be seen as an impediment to the country's development. This is because a plural legal system is not peculiar to Nigeria, the communique said.

The JNI seminar noted that *sharia* was always applied in the North, but "it was totally denied to Muslims in the South despite persistent demands since 1923." The communique said that contrary to widely held view, *Sharia* is not unmindful of the rights and obligations of non-Muslims who live under it. In fact, it said, *Sharia* enjoins the protection of such rights. It also said all existing misconceptions about *Sharia* were largely borne out of ignorance, especially since Muslim and Christian participants at the conference all agreed on the need to fight moral decadence.

According to the Emir of Tsonga, the JNI-organised seminar recommended that Nigeria's future constitutional arrangement should "fully and unambiguously" reflect the country's religious and legal plurality. Full application of *Sharia* is a Muslim's fundamental right, the communique said, and it should be applied throughout the country.

It also called for more enlightenment programmes to educate Nigerians about *Sharia*.

The communique urged Muslim and non-Muslim leaders to create avenues for regular dialogue in order to foster mutual understanding. It also called for another inter-religious forum "to examine and interpret the various constitutional provisions as they relate to *Sharia*."

Ten major papers were presented at the seminar, which was attended by the Sultan of Sokoto, Shehu of Borno, virtually all Northern emirs and hundreds of Muslim scholars and leaders from all over the country. Archbishop John Onaiyekan, Dr. Matthew Hassan Kukah and Rev. Bauna Peter Tanko represented Christian leaders at the seminar.

¹*New Nigerian*, 14 Feb/2000, pp. 1-2.

APPENDIX 33:

Perspective: A Case for the *New Nigerian*

Yakubu Yerimah¹

The *New Nigerian* Newspapers came into being in the 1960s through the hard work of the late Sardauna of Sokoto and Premier of Northern region, Sir Ahmadu Bello. Today, it is one singular voice, representing the North, which has refused to die, despite many threats to its survival. It has scaled through several hurdles, and is still struggling to knock off certain difficulties on its part.

For an average Northerner, the *New Nigerian* is the respected voice of truth, justice and fairness. It is the voice which has not surrendered its essence to the wind of meaninglessness, a voice which has remained poignant, rich, systematic and relevant.

The point is that, because the *New Nigerian* is the most authentic voice of the North, it has not, some claim, received the kind of assistance or aid it needs from the federal government. The government is afraid of an alternative voice which might attack, disparage or destroy its own stand on issues at stake. It is afraid of its own shadow, and will do anything under the heavens to pull the old newspaper down, a newspaper which at least all Northerners regularly identify with, bearing the details of their lives and orientations. So what if it hits the rocks?

But take a closer look at the type of relationship which exists between the so-called radical Southern press and the government. It is cordial. In fact, it is believed government is directly interested in their coverage, their outreach and performance. They keep drumming untruths on attempted coups, arrests and interrogations and attacks on prominent Northerners, while leaving behind those from the South with obviously outstanding moral deficiencies.

Stories which we read of IBB, Abacha, Abubakar etc. are not only inhumanely terrible, but a disservice to humanity. To them, what is good for the gander is not good enough for the goose. While some Nigerians have the colour and morality of the devil, others from the South are the messiahs whose time has come, for them to deliver us from children of the devil. While some knew nothing beyond dangerous schemes and false living, those from the South are angels who chose of their democratic interest to live, in the same country, with sinful humanity. And yet, members of the Southern press do not ever think of the negative implications of such behaviour. In fact, they see nothing wrong with the attitude of some people, while adding scent to the complexion of others. No qualms, so long as their bread is buttered.

But for the *New Nigerian*, it has to be denied its full bloom. The government keeps pretending that it is owned by it, when nothing concrete has yet been done to put full life into it. Because it is the voice of the North, it has to suffer – for its kind of orientation, its kind of value. It has to go through hell on earth. It has to suffer untold tribulations, get deprived of life-meaning support. It has to be killed because it does not respect the kind of “truth” which others want to preach. It has to suffer strokes of the hammer because it gives prominence only to those who are “opposed” to government, those who would preach Shari’a, those who would speak against a regime which thrives on marginalisation.

¹*New Nigerian*, 22 Nov/99.

The *New Nigerian* must be brutalized, unlike its counterparts in the South, for refusing to swallow promotional works which are about noise making on achievements which are not there. And which cannot be seen.

When the governors in the states of the North, the other day, demanded to have the *New Nigerian* back from the federal government so as to inject thorough life into the organization, I knew they may never be answered. Or it might take so long for such an answer to come. And it is not likely to be favourable. Yet *Daily Times* is now receiving good treatment from the same government. It can easily be controlled and manipulated, but not *New Nigerian* in the hands of governors whose mindset is not known. Those who should not be trusted! Moreover, it is only *New Nigerian* that is prepared to give honour to those who rightly deserve same – the Shagaris, Gen. Abubakars, Balewas and Sardaunas, the Gowons, among others. But so long as these are from the North, they should not be honoured. They deserve desecration by a people who see no good in them. They deserve molestation and sponsored bad stories against their persons. They deserve no pity in the history of Nigeria. This is why Dr. Umaru Dikko had to speak up the other day in an interview with *Weekly Trust* (August 6, 1999) to the effect that “I want to remind them (Southern press) that one day they will wake up the sleeping mother of all troubles and they will be swallowed by her. We (Northerners) will not take kindly to any insult or disrespect on our leaders. We have our values which we cherish and shall be ready to face anybody who sets out to debase us our values. Those from us who have joined you in condemning their roots will one day realize their mistakes and walk back home. You will never keep them permanently as converts.”

The point is that the *New Nigerian* is doing for the North what its duty should be. And the federal government is jittery. It could have treated her better. Life could have improved for her than the position is now.

So when are we going to shout halleluyah for a de-marginalised *New Nigerian*?

APPENDIX 34:

Islamic Family Set-up as an Antidote to Immorality

Abdulkadir Orire¹

Also, the husband should in relation to his wife regard himself as a farmer in relation with the mother earth where before he plants his seeds, he has to take great care of the soil after he has chosen the fertile good and best one. He has to choose his own time to plant and the mode of cultivation. He does not sow out of season, nor cultivate in a manner which will injure or exhaust the soil. He should be wise and considerate and does not run riot. That means he should require every kind of mutual consideration from his wife.

Behaviours of the Wife at Home:

The above and many other behaviours not mentioned are what is expected of a husband towards his wife at home. On the reverse, the woman is charged as well with certain behaviours. Significant among these are that she should obey her husband in all matrimonial issues which do not violate the commandments of Allah or entail difficulty and harm for her. In order to show the importance of the wife's obedience to her husband, the Prophet was reported to have said:

“If a woman prays five times daily, fasts the month of Ramadan and keeps chaste and obeys her husband, she will enter her Lord's Paradise.”

The importance of the wife's obedience to her husband is further testified by the sharia that if a woman fasts voluntarily, fasting without permission of her husband, such fast is null and void. She should not leave her husband's house without his permission. If she does, angels will be cursing her until she returns. She must look after her husband's property and must not give away out of it without his knowledge. If she does, such an act becomes a sin upon her and a reward for him. She has to maintain her chastity and dignified appearance before him and must avoid over-demanding.

A hadith of the holy Prophet has summarized in very brief words a woman's behaviours at home which could bring about a happy family life and a behaviour which is most pleasing to the husband. The hadith goes as follows:

“One of the greatest luck of a man is to have a virtuous wife, whenever he looks at her, he is pleased with her sight; who if he orders her to carry out a command, she willingly obeys him; who if the husband is away, she protects for him her person and his property.”

These behaviours are what are mainly needed from a woman to keep her husband and home happy. She should try to appear to him beautiful in most cases as well as carry out his order patiently and dutifully as long as it does not carry her to transgress the bond of Allah. In that too, she must find a diplomatic way of bringing him to understand this. She should also see that she looks after his property carefully. She should not give away his property without his knowledge; if she does that, he would be acquiring reward for it

¹*The Pen*, 1 July/88, pp. 10,15.

while she would acquire sin. That is why it is an incumbent duty upon the parents to teach their daughters how to live a happy married life with their husbands. They must be taught in the language of Asmau bint Kharijah al Fasasi who said to her daughter at the time of marriage:

“You have now left the nest where you were nurtured for a bed which you do not know and to a partner you are not familiar with; so be for him like the earth (in softness) and he will be for you like the sky (one always aspires to reach); be for him as a pillow and he will be for you as pillow (to depend upon); be for him like a slave girl and he will become your obedient slave. Do not distance yourself from him so that he forgets about you. Keep his nose, ears, eyes, smell nothing except fragrant from you, ears hear nothing except good of you and his eyes see nothing except beauty.”

A woman should not betray her husband under any circumstances. She should be reserved in dealing with her husband’s friends when he is not around and should be content with what her husband provides. The concern for her husband must be uppermost in her mind, more than the concern for anybody else even among her relatives. She should refrain from confronting her husband in sharp arguments which could bring about quarrels. She should not let her beauty carry her to lord it over her husband, nor let the ugliness of her husband make her despise him.

A home where all these behaviours both of man and woman abide is the home where peace, tranquility and happiness reside forever. Such a home will create an ideal family which Islam envisages for a world society. Such a home or such a family cannot be obtained unless the choice of partner is based upon the criteria laid down by no less a person than the Holy Prophet Muhammad when he said:

“A woman may be married for four reasons: for her property, for her rank, for her beauty and for her religion (and character). So marry the one who is best in religion and character and prosper.”

Polygamy - Its Benefits, Problems and Abuses

Islam, being an ideal and universal faith, never subscribes to the extremes nor to the tight rope to which previous civilizations, religions or societies had put themselves. In one extreme one found that a man can have as many as two hundred wives while in another celibacy or nunnery is the order of the day. At the same time, in the Western world a new extreme is being created in that although polygamy is prohibited, the taking of as many mistresses as one likes is allowed.

In such a society many eyebrows would be raised at having a second wife, but to have as many mistresses or girlfriends as one likes is accepted in good grace. What a hypocritical world is mankind now living in? The same mental colonization is now creeping into our own society. Our modern women would feel happy to see her husband messing about with young ladies outside but would never tolerate such women as a second wife of her husband. The practice now is that a husband feels more concern about the welfare of his mistress (*karuwa*) than the married woman at home.

Islam permits polygamy simplicity when the Holy Quran Chapter 4 verse 3 says: “Marry women of your choice two or three or four, but if you fear that you shall not be able to deal justly with them, then only one, or a captive that your right hand possess...”

It is this allowance given by Islam with such an accompanying additional condition of being able to do justice which Islamic jurists interpreted in the light of sharia and laid down the extent of justice required. It is surprising to see our modern jurists, in order to be apologetic to the Western critics, they began to wind round polygamy, conditions never intended for it. In order to conform with the Western world norm, they went and sought the support of Quran chapter 4 verse 129 to show that justice is impossible and so what Allah demanded by the earlier verse is that a Muslim should marry one woman (Quran 4:129).

“You will even be able to do just between women even if you desire but turn not away from a woman altogether so as to leave her as it were hanging (in the air).”

Even if that verse is taken on its literal meaning, the concluding clause to that verse has shown us that what Almighty Allah required as justice here is that a husband should not jettison or abandon his other wife deprived of all necessary requirements of usual love in the form of maintenance, home and right behaviours as enumerated earlier. Also among what jurists classified justice between wives is equal sharing of his time as law demands between them irrespective of age, beauty or position of any of his wives.

Her share should not be taken to be given to another unless it came out of her own desire. What is required of a husband between his wives is to do only those things which are humanly possible on his part to equally satisfy them. That which is beyond his power is no justice and is not demanded of him. The Holy Prophet had in fact laid down a beautiful example in this line. He used to ask to be carried from one house of his wives to another whenever he is indisposed, to the extent that whenever he has carried out between his wives what is humanly possible for him, it was reported that he used to say, “O God! this is what is in my power.”

If the extent of justice required by Allah could never be attained as alleged by some people, it is in His wisdom to just forbid it as He forbids alcohol, eating of pork, etc. Also the words “to be would not just” be used as it was used in several places in the Quran. For example, judges were asked to be just.

Another apologetic reason given by some modern scholars to justify that it was monogamy not polygamy which Islam sanctioned. Also that it is when war occurred and many men died and women are surplus, or that when a woman was barren and her husband wanted children that polygamy was allowed. They concluded that polygamy is not a rule in Islam, but an exception. I say boldly that all these reasons are begging the issue.

Islam permits polygamy and has very sound reasons for it that no argument can defeat. Allah is the Creator of everything and He knows and is well acquainted with them. (Quran 67:14)

“Should He not know, He that created? And He is the one that understands the finest mysteries and is well acquainted (with them).”

The work of nature as laid down by Allah is that and has always been that women out-numbered men at any given time. Various statistics had proved this assertion right. It is also a fact that Allah created all of His beings with the desire to satisfy his or her sexual urges. Also Islam forbids extramarital sex in all forms. It enjoins marriage to enable men and women to fulfil this natural urge. Sex through marriage alone is the only avenue provided as control mechanism for the sex urge. Any other form is regarded as

adultery which Allah has condemned and regarded as the next greatest sin a mortal could commit. The Prophet was reported to have said:

“The greatest sin after associating partner to God is for a man to deposit his semen into a womb that it is not legal for him.”

That is why adultery is one of the sins whose punishment, if proved, is death. With these three situations enumerated above, if monogamy is the command of Allah, there will certainly be women who would have no men to marry and who had the natural instinct for sex.

Such a woman would be blameless if they commit fornication because the situation is not of their own making. It is in realisation of that, celibacy or nunnery is not sanctioned by Islam.

In addition, since marriage in the view of Islam, (apart from its being a means of procreation and satisfying natural sexual urges), is regarded as part of the religious duties that, if it is lived well, one would be entitled to Allah’s reward and blessings. Women who want to be married but deprived of the opportunity would be at a disadvantage.

Benefits of Polygamy

Apart from the benefits that would be derived from polygamy mentioned above, other benefits could be seen in the fact that if properly run, it is a training ground for good human relationships, brotherhood of mankind, antidote against selfishness and a launching pad for spiritual elevation of love for your neighbours what you love for yourself, just as the Prophet said:

“No one is a true believer until he loves for his brother what he loves for himself.”

If a woman could sacrifice and give to her sister woman the home she loved most, she has certainly been elevated to a position rare of attainment.

The children of different mothers will mix together and as well begin to tolerate each other. This will help them when they come to deal with a wider world. Children brought up under an ideal polygamous home will be devoid of that unhealthy jealousy which makes one think of one’s interest only disregarding that of others.

The Problems and Abuses Involved in Polygamy

As there is nothing in this world that has benefits without problems or disadvantages, so also polygamy. If the lives of a polygamous family is not lived as laid down by Allah, it could create total disintegration of the family with suffering for the parties as well as their offspring. Part of the problem of polygamy is that many of those men whose polygamous life did it without finding out the rules of the game as laid down by Islam.

In that respect, nothing useful could come out of it. Most of those who chose polygamous life did so merely out of desire to satisfy their personal interest, but never motivated by reasons born out of wanting to fulfil the injunctions of Allah. They even used custom in place of sharia to gage their action. Others, as a result, incur the wrath of Allah when they do not deal equitably between their wives.

The Holy Prophet was reported to have said that:

“Whoever does not treat his wives equitably will rise on the Day of Judgement

with one shoulder higher than the other.” That is why sharia commands that whenever a husband wants to go on a journey with one of his wives, he should cast lots between them.

Such will eliminate partiality. Some even consider the taking of a second wife as a signal to the abandoning the first one completely. This is an abuse of an Islamic polygamous life and such behaviour is not known to Islam at all. Some men marry women simply to use them as mere domestic servants who have no honour or respect. The day real Islamic polygamy is practiced, no woman will oppose it. That day no parents will be in perpetual worry as to how to get a befitting husband for their daughters, as the case is now all over the globe.

Divorce and its Consequences

Just as has been said earlier that Islam is a middle course religion. It shuns any extremes in life. Unlike other religions which forbid divorce, Islam permits dissolution of marriage if it fails to serve the purposes and objectives it is expected to serve. However, the Holy Prophet was reported to have said of divorce:

“Of all permitted things, divorce is the most detestable in the sight of Allah.”

Before divorce takes place, family arbitration is recommended by Islam. It is when this fails that any of the three forms of divorce can be resorted to. These are divorce by the husband called *Talaq*, or separation sought by the wife by refunding the husband’s expenses called *Khul’u*, and dissolution of marriage by a court as a result of maltreatments, *Darar*.

Each of these three ways of dissolution of marriage has its forms. In *Talaq* divorce which is from the husband, the law expects him to pronounce *talaq* once at a time but has to still keep the woman in his house and maintain her during that period. If reconciliation is possible during that period, he can take her back. Divorce is expected not to be a matter of perpetual enmity between the parties.

In fact, after divorce, Islam recommends that the mother should keep her children up to the age of puberty if boys, and up to the marriage time if girls, provided she does not lose the right to custody. One very important consequence of divorce is that once a divorce took place and *Iddah* period has ended, the couple could never marry again until and unless there is a genuine intervening consummated marriage and divorce. However, there is no stigma attached to divorce in Islam.

Conclusion

The entire system of Islamic family life is to promote morality, decency, social justice and social security for the couple, their children and all those who make up the whole family, including servants. It is the loss of the type of such a family that has thrown the entire world into a confused society where various devices are being sought after to take the place of a family.

We have now resorted to nursery schools, daycare centres as well as nannies to look after our infant children, the role which Allah placed upon the family, as the only competent institution, to undertake. That is why discipline, morality and proper upbringing of our future generation is now at a low ebb.

The nursery schools we send these children to have a different concept of morality from that of us Muslims. How do we envisage to have a future generation without the moral consciousness of Islam in them? I suggest therefore that in order to regain our past Islamic morality:

No Muslim girl be given away in marriage unless she has imbibed sufficient knowledge to be able to train her infant in the way of Allah and the *Rasulu*;

All would-be husbands should be charged to train their wives if she has not got such knowledge stated above or send them for training;

All our schools or training institutions for girls should as of necessity include life in its training, Islamic rules of family life as lived by the Prophet among the mothers of the faithfuls.

No Muslim child should be put into a school where the teachers would impart morals not compatible with Islamic morals;

Muslims should see it as one of the first priorities the establishment of ideal Islamic nursery schools;

Marriage should be encouraged and the choice of partners should be based on depth of faith as the Prophet recommended, not on the weight of the purse or other considerations;

Our men should stop marrying outside their religious faith for such would bring in alien morals opposed to Islam. It is a great pity that most of our Muslim leaders and well-to-do ones derive pleasure in marrying non-Muslim wives who cannot impart Islamic morals into their offspring, and if the husband happens to die before the wife, the children are totally lost to unbelief.

Assalaum Alaikum Warahmatullah.

Justice Abdulkadir Orire is the honourable Grand Khadi of Kwara State. This paper was presented during the Ramadan lecture on 3rd May, 1988 organised by Kwara State chapter of Islamic Missionaries Association of Nigeria (IMAN) at Islamic Centre, New Yidi Road, Ilorin.

APPENDIX 35:

Judges in Gongola to Undergo Course on Sharia¹

A two-week session of the Sharia Court of Appeal for the Yola zonal inspectorate has opened in Yola, the Gongola State capital.

The state Grand Khadi, Alhaji Abubakar Mahmoud who declared the session opened recently said that the court would soon organize courses in Sharia Law and procedure for all area court judges in the state, with the aim of making them more conversant with the interpretation of the Islamic Law.

The courses will also equip the judges with basic knowledge of Islamic laws from their original sources in the Islamic books written in Arabic.

He stressed that, armed with these, the Area Court Judges would be able to quote relevant authorities to support their rulings and decisions on cases brought before them, adding that in this way they would earn for their courts a good reputation, respect and confidence of the people. The Grand Khadi further said that the issues of divorce and inheritance are, for example, very tricky areas in Islamic Law; as such, a good judge must know how to strictly apply the Sharia.

Alhaji Abubakar advised area courts to ensure that their records of cases were always well kept so that they could promptly be presented at higher courts, whenever there was the need.

The session, which will hear 13 cases, is the first in a series of 25 sessions scheduled to take place this year in eight towns located in the judicial zones of the state.

The Grand Khadi who is presiding over the session will be assisted by four others.

¹*The Pen*, 7 Apr/89, p. 1.

APPENDIX 36:

Fashion In Nigeria: Dressing To Kill

Umar Tanimu Umar¹

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The new trend of dressing in Nigeria is to say the least, deplorable. Our womenfolk are at the wrong end of the craze called fashion; nowadays women of all ages dress to capture all eyes, in the event of which they have gone beyond the mark. In the 1960s and early 1970s when mini and midi skirts reigned, there was a lot of criticism of how women bare their knees. Such critics would cry their hearts out if they were to witness the manner of dressing by the present day Nigerian women. All religions have enjoined that women should dress properly so as to veil their honour. The body parts of women are considered sacred in our society. In Islam, for example, a woman, married or not, is only allowed to expose her face and hands, all other body parts are to be covered. We read in many verses of the Bible where women are chastised to cover their heads and bodies. Sadly these divine injunctions were thrown to the dogs. Religion aside, common sense demands that women should not expose their body parts. In the olden days every youngster desired to view an exposed female anatomy; most often school kids were caught peeping into female lavatories, adults were not left out as they cherish any slight opportunity to see part of the female body. Today the situation is such that the female anatomy is always there on the street for everybody's gaze. That has led to the degradation of the honour bestowed on the womanhood. You just can't get onto the street of virtually every town and city in Nigeria without seeing nakedness, as every girl and even married and older women! exposes their bodies to be noticed. Our institutions of higher learning are the worst hit in this craze. Female students were so infected that most of them have forgotten how to tie a decent wrapper and head tie, very few of them dress decently while at home, but drop such dresses when coming to the campuses and brings along tight fitting jeans, trousers, sleeveless tops and all kinds of atrocious dresses that exposes the pubic area, the tummy, navel and upper breasts. It is so disgusting to watch students dressed in such regalia going into lecture halls and even attending social and formal gatherings. Very few lecturers in some northern schools have attempted to dissuade and repress such shameless act by sending out skimpily dressed girls from their classes. Most of them have not succeeded, and many of the lecturers and schools' authorities do actually savour and encourage the nakedness. Parents are the biggest culprits, they inspire their kids and purchase all types of indiscriminate clothes

¹www.gamji.com/NEWS4038.htm, Nov/2004.

for their daughters, some of these girls grow up seeing their mothers dressing in body hugs and other exposed dresses, and they tend to copy them. The larger society is not left out: People don't come out to publicly scold our womenfolk and their crazy mode of dressing. I always feel aggrieved to hear men voicing out such compliments as "I like your dress", "you look beautiful", "you're too much" etc. to females that dresses in the most ravishing and exposed manner. Such words impel them to dress even more wretched.

The society ought to rebuke, in the strongest terms, the scandalous mode of dressing by Nigerian women. The honour of women deserve to be safeguarded, most of them are tempted to walk the streets barely naked, in an attempt to catch the eyes of boys and men in general, they have invariably invited public loathing. Schools' authorities can do a lot in stalling this misbehavior by imposing strict guidelines on dressing code in our campuses. No student should be allowed into the classes if not properly dressed; none should be allowed to walk naked around the schools premises. Parents should be advised to stop buying exposed and indiscriminate clothes for their daughters, girls should be forbidden from wearing everything that do not properly clad their vital body parts. When they are leaving for their schools, they should be made to park along decent dressing. Religious leaders have the responsibility of preaching against the ugly trend. Recently I read an encouraging report that the Catholic Church will attempt to regulate nudity in places of worship by imposing the use of head ties into churches during wedding ceremonies, that will be a springboard towards total prohibition elsewhere.

There was a popular *Kessingsheen* television advert in the 1980s, which goes with the slogan: "Looking good is serious business". Everybody aspired to look good, no father, mother or husband want to see his or her women looking shabby or dirty. In Nigeria our women are bastardizing the quest to look good and have legalized nakedness. There have been cases of rape and molestations of women whose assailants were "attracted" by the unclad victim whose dressing has revealed too much. This however is not concluding all rape cases are incited by our women's bizarre dressing, but the bottom line is that many do foment unwarranted rape and harassments. Looking good has through turned to "fatal business".

No sensible person can dispute the fact that our women look the most beautiful when dressed in the traditional African attire. Every tribe in the country has its native wear, and the sanctity of the womanhood is veiled in them. In an attempt towards Westernization we copy the Western fashion and by so doing our women looks misshapen and ugly. In most cases the dress don't suit them, they look awesome; the very fat, pot bellied, the most slender, protuberant, bosomed, kwashiorkoid, etc wants to look "good" and seductive thereby revealing what should not be revealed by dressing in all kinds of body hugs and other satanic dresses.

If the horrendous indecent fashion by Nigerian women is left

unchecked I am afraid very soon our young girls will begin to walk the streets in panties and bras, or even completely naked. I recently had a nauseating experience when attending to a patient, a married woman for that matter, whose mode of dressing had revealed every thing. I was too incensed to attend to her and have to tell her so. Her response was as your might expect: "you guys are living in past ancient world", she angrily said in a fake American accent. If the modern world is a world of nakedness, if it is a world where indecency had substituted moral decorum, I will prefer to live in the ancient world. It is high time we reject in totality the debasement of women dignity in our country, otherwise we will have a BIG case to answer when we come face to face with God's judgment in the Day of Reckoning.

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Gombe, Gombe State .

APPENDIX 37:

Nigerian Woman Wins Award for Anti-Sharia Campaign¹

A Nigerian woman and co-ordinator of a human rights organisation, BAOBAB for Women's Human Rights, Ms. Ayesha Imam has been selected as this year's John Humphrey Freedom Award recipient for her work against the restrictive and discriminatory forms that the new Sharia criminal laws in Nigeria have taken.

"Ayesha Imam's commitment to the women's rights movement in Nigeria and throughout Africa and the Middle East inspires us all. We hope that this international award will help to highlight the dangers faced by women and girls under this rigid Sharia system," said Kathleen Mahoney, Acting President of Rights & Democracy and Chairperson of the Board of Directors, who yesterday announced the decision of the international jury.

The award, which is given each year by Rights & Democracy (International Centre for Human Rights and Democratic Development), includes a \$25,000 grant and a speaking tour of Canada, and is named in honour of John Peters Humphrey, the Canadian who prepared the first draft of the Universal Declaration of Human Rights. It will be presented in Montreal on Tuesday, December 10, 2002, International Human Rights Day.

Following the award ceremonies in Montreal, Ms. Imam will also travel to other cities in Canada to meet with students, representatives of women's and human rights groups, churches, government and the media.

Ms. Imam has been working in the field of human rights for the past 21 years and has been instrumental in the campaign against the application of a conservative Sharia criminal legal system in the Northern States of Nigeria.

Through and with BAOBAB, which has volunteers in 15 states in Nigeria, she has courageously taken on the risky task of protesting violations of women's rights whether under Muslim, secular (including statutory and common law), or customary laws.

She mobilized civil society organizations across the country to protest the planned adoption of a conservative and discriminatory form of Sharia law and brought the issue to the national discourse showing how too often, conservative religious laws have been used in some Muslim countries to perpetuate violence against women. She has brought international attention to the discriminatory application and conservative nature of Nigerian Sharia law through such notable cases as Bariya Ibrahim Magazu, sentenced to 100 strokes of the cane for having a baby out of wedlock; Hafsatu Abubakar, sentenced to death by stoning (on appeal by BAOBAB, the conviction was quashed); and Safiya Hussein, sentenced to death by stoning for adultery while the alleged partner was set free.

Ms. Imam has risked her life to ensure that women's voices are heard. Her life and the lives of BAOBAB staff have been threatened and she has often been derided and abused. She has been accused of being anti-Muslim or apostate for using her knowledge of Islam to challenge conservative interpretations of Sharia and open the door for individual and creative reasoning to arrive at judicial decisions and legal principles, known in Islamic jurisprudence as Ijtihad.

The international jury for the John Humphrey Freedom Award, which met at the end of May to consider over 70 nominations from around the world, is composed of five

¹*ThisDay*, 18 June/2002.

members of Rights & Democracy's Board of Directors: Sofia Macher, Commissioner of the Truth and Reconciliation Commission in Peru; Kathleen Mahoney, Professor of Law at the University of Calgary in Alberta and Acting President of Rights & Democracy and Chairperson of the Board; David Matas, lawyer practicing in Winnipeg, Manitoba and former President of the Canadian Council of Refugees; Vitit Muntarbhorn, professor at the Faculty of Law of Chulalongkorn University in Thailand and consultant with UNICEF and other UN agencies on children's rights issues; and Willy Munyoki Mutunga, lawyer and Executive Director of the Kenya Human Rights Commission and co-chair of the Citizens Coalition for Constitutional Change.

The human rights situation in Nigeria has become pivotal in determining the success or failure of its newly emerging democratic system. Nigeria's secular nature has been challenged in recent times and tensions are rising as Muslims claim a right to implement the Sharia criminal legal code.

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See also article by Kayode Ogunbunmi, *Guardian*, 7 Nov.99. as per below:

Activist Condemns Religious Laws as Anti-women

Kayode Ogunbunmi, Staff Correspondent

Guardian

November 7, 1999

Nigerians have been urged not to be intimidated "into accepting retrograde decrees simply because they are done under the guise of religion, as these might lead to another bloody civil war in the country."

According to Ayesha Imam, regional co-ordinator, Africa and Middle East, for Women Living Under Muslim Laws, (WLUML), the introduction of laws purporting to be "Islamic" or "Christian" are not only unconstitutional, but also pose great danger to human rights especially women's basic human rights.

Dr. Imam, speaking at the 1999 Feminism in the Muslim World Leadership Institute programme held in Lagos last week, condemned the adoption of the Sharia by the government of Zamfara State. "The Governor of Zamfara State is quoted as stating that he is instituting these draconian so-called 'Islamic' laws in order to fight prostitution, gambling and other social vices. Violating women's rights will not do that."

She said the prohibition of women from travelling in the same public transport as men is a denial of women's rights to movement and rights to freedom of association. In a situation where there is inadequate transport

facility, it will mean that only women car owners will be able to travel and move around.

“Women not only contribute to family income in many households, but women are the sole income-earner in the household very often. This provision means that women will be unable to get to their jobs and thus women’s right to earn a livelihood will also be compromised,” she added.

Affirming that the invocation of religious codes is “a whim of conservatives,” she wondered why a state like Zamfara did not embrace laws which promote rights rather than violate them, if it wishes to borrow laws from Muslim countries. “Why do we not learn from the law in Iran whereby a man who wishes for a divorce must compensate his wife economically for the years of housework and domestic responsibilities she has put in during the marriage? Why not consider the law in Tunisia which prohibits men from marrying more than one wife and safeguards the rights of wives? Why not duplicate the laws of Turkey which protect women from domestic violence? Why not appropriate the *nikanama* of Muslim communities in India and Egypt where the marriage contract is written so that husbands cannot renege on promises that their wives may go to school or work?”

Imam expressed fears that restrictions on women’s movements may mean that any woman (Muslim or Christian) working, trading or simply appearing in the public sphere will be accused of being a prostitute or a gambler.

She condemned the manner “the so-called ‘Islamic law’ was introduced in Zamfara State as well as the way Cross River State might introduce its own ‘Christian laws.’” She affirmed that laws, whether religious or otherwise, are too serious in their effects and implications to be passed without the opportunity for full discussion and debate. “In a largely non-literate country with poor communications – such as Nigeria – a democratic debate cannot be done by announcement and *fiat* in a couple of weeks. It is not the democratic society that Nigerians have been fighting for during the past decade and more,” she asserted.

APPENDIX 38 A and B:

NOTE: This appendix contains two articles by two sets of authors. The dividing line between the two is marked by “xxxx.”

Federal Government Cautioned on Abolition of Death Penalty

Sani Babadoko, Hassan A. Karofi, Yusha’u Adamu Ibrahim¹

The federal government has been warned that attempts to abrogate capital punishment could lead to serious communal disturbances because it would be a challenge to the effective implementation of *Sharia* in states that have adopted the legal system.

Opposition to the proposed legal reform was expressed by the Emir of Dutse, Alhaji Nuhu Muhammadu Sanusi, the national president of the Supreme Council for *Sharia* in Nigeria, Dr. Ibrahim Datti Ahmad and a former minister of special duties, Alhaji Wada Nas.

The Emir of Dutse warned that Nigerian Muslims will revolt against any attempt to abolish capital punishment in the country, describing the attempt as anti-Islam and an attack on the fundamental beliefs of the Islamic faith.

In an interview with *Daily Trust*, the Emir warned of dire consequences should any policy attempt to encroach on the right of Muslims to practise their religion as ordained by the Almighty Allah, suggesting that the Bill, presently at the National Assembly was a clear conspiracy hatched by the West and intended to be forced on Nigerian Muslims.

While describing the bill, which is at its second reading in the National Assembly, as provocative, the Emir asked the Speaker of the House of Representatives, Aminu Bello Masari and all Muslims in the National Assembly to fear the fall of Allah’s wrath on them.

The Emir stressed that the Muslim *Ummah* would not fold its arms and allow what he called “western stooges,” to dictate to Nigerian Muslims what they should do and not do.

The Supreme Council for *Sharia* in Nigeria said the move was a cover-up to fight the Islamic *Sharia* and to change the system in Nigeria through the back door and called on all Muslims in Nigeria to reject the move in totality saying “We will resist this imperialism by all powers available to us.”

The national president of the council, Dr. Ibrahim Datti Ahmad, said that even if the federal government passed the law, the states operating *Sharia* will defy it and continue to operate the *Sharia* legal system.

“Even the US where Bush is the president still executes people when they commit crimes that are punishable by death,” Datti said, and asked, “Why are these agents of imperialism in the federal government bringing this menace to Nigerian Muslims,” adding that they should rest assured that Nigerian Muslims will not accept it.

“This is our right and our religion; therefore, we will not allow agents of foreign powers to change our fundamental life,” he said and called on the states operating *Sharia*

¹*Daily Trust*, 6 Aug/2003.

legal system in Nigeria to stand up and tell the federal government that even if it passed the law, they will continue to pass laws of capital punishment in their own states.

“Nigeria is a federation and states have the power to insist on their laws,” he said.

Former special duties minister, Alhaji Wada Nas, told *Daily Trust* in Kaduna that the reported comments in favour of the abolition of capital punishment by Speaker Aminu Masari, was a dangerous proposal on which a referendum would be necessary to find out the feeling of Nigerians over the issue.

“Any person who contemplates abolishing capital punishment for serious crimes is either not a Muslim or does not understand Islam because the Qur’an sanctions the punishment for murder and other serious crimes. Abrogating capital punishment is a direct challenge to *Sharia* and is in the continuing war by the West against Islam,” Nas said.

He hoped that the Speaker was misquoted and said that whoever knew the feelings of insecurity among Nigerians would not make that proposition because convicted armed robbers may not even go to prison and murderers could go scot free because even with the punishment, Nigerians are daily being killed in armed robberies and other serious crimes.

He said the agitation was a European Union (EU) campaign and pointed out that even America and some states still have the capital punishment.

Alhaji Wada who is the leader of the Peoples Salvation Party (PSP), said the country has more serious problems of poverty, dilapidated infrastructures, corruption, inadequate electricity, fertiliser and fuel scarcity that should occupy the time of lawmakers rather than capital punishment.

“This is a great challenge to the Jamatu Nasril Islam (JNI), the Supreme Council for *Sharia* in Nigeria (SCSN) traditional rulers, and before we know it, they will demand that Muslims must never pray five times or congregate at Juma’at mosques on Fridays,” Alhaji Wada said.

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Capital Punishment Motion Divides the House

Ahamefula Ogbu²

The debate of the motion of the abolition of the death sentence in the nation’s statute books created a big gulf between the camps in the House of Representatives yesterday. While some of the lawmakers welcomed the move as being in consonance with global trend, others opposed it on the ground that it would infringe on the religious rights of others.

The controversy seems to have been sparked off by the comment of the Speaker, Alhaji Bello Masari, who, on his way out of the country last Monday, said the House was disposed to favour the consideration of the bill on the abolition of the death sentence any time it is brought before the House.

²*ThisDay*, 7 Aug/2003.

The issue, which was debated extensively outside the floor of the House yesterday by many lawmakers , was seen by Hon. Lawal Garuba (Katsina) as capable of infringing on the beliefs of both Christians and Muslims.

However, Hon. Charles Iliyasu (Gombe) argued that it was proper to have such laws expunged from the nation's statute books with a caveat that those for whom it will infringe on their belief system could be allowed to still apply the practice.

APPENDIX 39:

The John Humphrey Freedom Award, 2002
An Acceptance Speech On
ISLAM AND WOMEN'S RIGHTS

By Ayesha Imam
BAOBAB for Women's Human Rights

Source:

Subject: John Humphrey Freedom Award - BAOBAB for Women's Human Rights
From: "BAOBAB for Women's Human Rights" <baobab@baobabwomen.org>
Date: Tue, 10 Dec 2002 07:36:25 -0500

On December 9, 2002 the John Humphrey Freedom Award was conferred on [Ayesha Imam](#) and [BAOBAB for Women's Human Rights](#) in recognition of their work in defending and developing women's human rights in secular, customary and Muslim religious laws in Nigeria. The Award is made annually by [Rights and Democracy](#) (the International Centre for Human Rights and Democratic Development) a Canada-based organization.

“Rights & Democracy (International Centre for Human Rights and Democratic Development) is a Canadian institution with an international mandate. It is an independent organization, which promotes, advocates and defends the democratic and human rights set out in the [International Bill of Human Rights](#). In cooperation with civil society and governments in Canada and abroad, Rights & Democracy initiates and supports programmes to strengthen laws and democratic institutions, principally in developing countries.”

Ladies and Gentlemen,

I am honoured on behalf of BAOBAB for Women's Human Rights and myself, to accept the conferment of the John Humphrey Freedom Award. When BAOBAB was formed in 1996, it did not occur to us that one day the work we set out to do would be internationally recognized in this way. Here I want to pay tribute to Hajara Usman, our dear friend and colleague. Hajara Usman was the coordinator of the Nigerian women and laws action-research team that became the core volunteers of BAOBAB and was its co-founding director with me. Sadly, she died in 1999, but we remember and value her life, work, contributions and vision.

That vision, the BAOBAB vision, is to defend, promote and develop women's human rights in customary, secular and religious laws. This has meant research to find out what rights and/or constraints exist in laws, implementation and in social practice. It meant further disseminating that knowledge and means of actually accessing those rights. But further than that, it means examining whether laws and their implementation are adequately protecting rights and devising strategies to further develop laws, implementation and social practices where they do not.

Thus BAOBAB has undertaken research and produced reports on women's rights and laws in Nigeria, including on access to justice, for the Oputa Human Rights Violations Investigation Panel, and (with other non-governmental organizations) on Nigeria's record in fulfilling obligations under the Convention for the Elimination of All Forms of Discrimination Against Women, as well as a series of legal literacy leaflets. BAOBAB draws public attention to women's rights issues - for example, through co-organising with the Civil Resource and Documentation Centre Nigeria's first National Tribunal on Violence Against Women; organizing art competitions for young people on building women's human rights cultures; as well as co-ordinating and participating in both national and international campaigns and networks in gender justice, like the current national Domestic Violence Bill, the international solidarity network Women Living Under Muslim Laws (for which BAOBAB coordinates in Africa and the Middle East), and, the International Criminal Court Gender Caucus. BAOBAB runs training workshops for paralegals, in leadership skills for women, and in gender awareness in project management and research, amongst others. BAOBAB also supports women and girls to fight or redress rights violations in individual cases, ranging from domestic violence, to forced marriage, to rape and sexual abuse, to achieving custody and guardianship and maintenance rights for their children.

All of these activities also serve to support the work of the scores of unpaid volunteers in states across Nigeria. These state outreach teams' activities include running legal consciousness workshops on different aspects of rights, training sessions, paralegal clinics, street theatre, mediation and counseling. They serve to interface local level work, with women and men in rural and urban areas in Nigeria, with the national and international levels and thus to make available and accessible the abilities to examine, actualize and develop rights to people at all levels and in all regions.

Promoting Women's Rights in Muslim Laws

BAOBAB works on women's rights in customary and secular laws, as well as religious laws, but the work for which it is best known - and for which Rights and Democracy have chosen to honour us - is that of defending women's rights in Muslim laws and practices. The Women and Laws action-research team was around 70 people - women's rights activists, ulema (scholars of Islam), lawyers, social science researchers, historians, and Arabic linguists amongst them. They spent over three years researching Muslim jurisprudence, the history of Muslim laws in Nigeria, Sharia court judgments (especially at the higher levels) and daily practices in diverse Muslim communities across Nigeria, as they affect women as family members, citizens and individuals (as well as how secular and customary laws and practices interact with Muslim laws and practices). It was clear that many women cannot access their rights in Muslim laws because they do not know of them. Consequently in 1996 BAOBAB and its volunteer state outreach teams began making that knowledge available to women (and men) of through legal literacy leaflets and activities, training workshops, paralegal support and so on.

Until 1999, Muslim laws in contemporary Nigeria had been largely uncodified family and personal status laws (marriage, divorce, child custody and maintenance, inheritance). They were not enacted as written statutes. In 1999, beginning with Zamfara state, some states starting passing a series of new Sharia Acts. In principle, this could have included many areas in economic and social development, such as provisions for the collection and distribution of zakat (the charity tithe, which is one of the five pillars of Islam), or the

implementation of regulations prohibiting usury (such as charging interest on loans by moneylenders or banks). In practice, however, in none of the 12 "new Sharia" states has there been much beyond elaborating and executing punishments for offences like theft, zina (adultery or fornication, depending on marital status), and drinking alcohol.

The politics of the situations in which these new Acts were passed has had the unfortunate consequence of serious shortcomings in their drafting, content and implementation. Even more unfortunately, those politics have also produced claims that the new Sharia acts of 1999-2002 incorporate perfectly a universal God-given code, and that to raise any issues of possible defects (and therefore of the possibility of removing those defects) is unIslamic, anti-Sharia and tantamount to apostasy - in short a politics of intimidation and threat. However, the falsity of allegations like these are clear, when examining the nature of Muslim laws.

There are several 'schools' of Muslim legal thought (fiqh). The four main Sunni schools that exist today were formed through the personal allegiance of legal scholars or jurists to the founders from whom each school took its name - Hanafi, Maliki, Shafi and Hanbali. Each school was influenced by its own specific circumstances of origin. For instance, both Hanafis and Malikis are the representatives of the legal tradition of a particular geographical locality - the former in Kufa, present-day Iraq, and the latter in the Arabian city of Medina. The two later schools, following Abu Hanifa and Al-Shafi developed precisely out of a controversy in jurisprudence (i.e. human reasoning about law). Consequently each school has variations according to the cultural, political and socio-economic contexts in which they were developed and the philosophy of reasoning that was accepted.

Even the oldest schools of Muslim law did not exist until many decades after the revelation of the Qu'ran and the Prophet's death (pbuh). Hence the laws they outline (commonly collectively referred to as Sharia or as Islamic law) are clearly not direct divine revelations from Allah, but mediated through human judicial reasoning (ijtihad in Arabic). Amongst the principles to be borne in mind in ijtihad are istihsan (equity) and istihsal (the needs of the community). It was recognised in that 'golden period of Islam' that there were legitimate variations in Muslim laws, based on context - and therefore that Sharia must be subject to progressive development and therefore to change.

Reflecting the various and changing concerns of different societies, Muslim laws are diverse. For instance, orthodox Shia Sharia permits daughters who have no brothers to be residual heirs, while the Maliki school does not. Hanafi Sharia enables a woman to choose a husband without her father's permission, Shafi sharia does not. The schools also vary in their attitudes towards the management of fertility - some permitting family planning and/or abortion while others do not or require differing conditions.

On polygyny (i.e. the marriage of a man to more than one woman at a time) there is wide variation in Muslim legal discourses. The Qu'ran permits polygyny. It does not require it. And it specifies certain conditions that should be fulfilled if polygyny is to occur.

Furthermore, it is also known that the surahs on polygyny were revealed after the battle of Uhud when many Muslim men were killed, so that many women and their children were suddenly without a man's contribution to their livelihood and in precarious economic straits. None of foregoing statements are contentious. Yet, Muslim thinking and laws on polygyny varies tremendously. Yusuf Ali and others have argued that the conditions are impossible to fulfil, and therefore that polygyny should be banned. Others

have argued on the basis on surah 24:32, that monogamy is clearly preferred. Hence in Tunisia and South Yemen before re-unification, for instance, polygyny was banned or allowed only on very stringent conditions, which had to be validated by a court. At the other end of the spectrum, there is emphasis on the permission to marry polygynously. Hence in Nigeria, for instance, not only is there fierce insistence that polygyny is allowed by immutable law, but men often go further to say that they must marry polygynously in order to be like the Prophet (although the Prophet's first marriage was wholly monogamous and ended only with the sad death of his wife). These and other variations in Muslim law and reasoning have rather significant effects on women's rights and lives. Muslim laws and consensus of legal scholars and the community (ijma) also change over time. As with polygyny, slavery is permitted in the Qu'ran but not required. Yet Muslim legal thinking has now developed such that Muslim states no longer permit slavery. Muslim laws are therefore not unchangeable law, to be accepted unquestioningly by all Muslims. In fact, the scholars after whom the four currently accepted schools of sunni Sharia were named, had no intention of making their views final and binding on all Muslims. Imam Hanbal urged "do not imitate me, or Malik, or al-Shafi, or al-Thawri and derive directly from where they themselves derived". Imam Malik, the founder of the school of fiqh accepted in Nigeria, cautioned that "I am but a human being. I may be wrong and I may be right. So first examine what I say. If it complies with the Book and the Sunnah, then you may accept it. But if it does not comply with them, then you should reject it." So in the views of the very founders of the schools of Sharia, good Muslims were precisely those who questioned and examined and trusted their own reasoning and beliefs. Furthermore, the founders also found it acceptable that the reasoning of one legal tradition might be considered correct on one issue, but that of another more correct on a different issue.

The unthinking acceptance which dominates most Muslim societies derives from the myth of the 'closing of the doors of ijihad', whereby for the last thousand years and more, legal jurisprudence has ceased to develop in favour of following established models. But it should be noted that this was a political event not a religious requirement. Abu Zahra wrote of the acceptance of ijma (a consensus about the schools of sharia at that time) in the tenth century that it was "but for the maintenance of national unity and to check individual deviations, that al-ijma was legalised as an authority after the sacred texts." Refusing further ijihad and legal development is not a religious or divinely sanctioned act. It is not required in the Qu'ran or by the Sunnah (the traditions of the Prophet, pbuh). Unfortunately, both existing argumentation and the possibility of developments in Muslim law, especially as regards women's rights, are being blocked in Nigeria, by the fiction that there is only one unchangeable, uncriticisable system of Muslim laws and that this is already in effect in the 'new Sharia' states in Nigeria.

The more immediate and pressing problem, however, is that the new Sharia Acts criminal legislation and their implementation are a travesty even of the conservative orthodox jurisprudence. Amongst other things, they lack some of the important safeguards in orthodox Muslim jurisprudence, such as the doctrine of shubha, that there should be no conviction where there is any element of doubt; or the requirement of repeated and voluntary confessions if there is not the eye-witness testimony of four witnesses of impeccable character to the willing act of sexual penetration; to the permissibility of the

retraction of confessions right up to and including the moment of execution of punishment.

Furthermore, the implementation of the new Sharia Acts has clearly been discriminatory against women. By postulating that, by itself, pregnancy outside marriage is evidence of zina (a minority position in Sharia which is not held by the Hanafi, Hanbali and Shafi schools, nor a variant of the Maliki school), women have been held to a different standard of evidence than men. Pregnant women are required to provide evidence to prove their innocence, but men are not. If the prosecution does not provide independent evidence (such as four eye-witnesses), men can simply walk away, unlike such women. And yet, the Qu'ran specifies that whoever brings an allegation of zina without 4 witnesses will themselves be guilty of false witness and liable for punishment. In addition, zina, which is defined as a heterosexual act must necessarily include at least one man and one woman. But, more women than men have been both charged and convicted of zina. Women who ought not to even have been charged, have been convicted of zina and sentenced to death, by ignoring the well-established Maliki doctrine of the "sleeping embryo" (kwantace in Hausa), whereby a child born to a woman within a set period after the end of her marriage (in some areas up to seven years), is assumed to be the child of that marriage. Women have also been accused and convicted of zina as prostitutes, for instance, with neither confession nor the testimony of four witnesses to a willing act of sexual intercourse, nor even pregnancy, for evidence.

Another consequence of these factors is to deprive women and girls of any protection under Sharia from sexual assault or rape. A woman making such a charge would be required to produce male witnesses as evidence. Which men of impeccable character would stand by to witness such acts? How many rapists wait for an audience before sexually assaulting women and girls - or for that matter boys? Thus the victim of abuse is in double jeopardy, likely to find herself convicted of both zina, (having admitted that non-marital sex took place) and false testimony (in being unable to produce the requisite witnesses)

In addition, there are a host of practices, with no legal basis at all, which are being imposed on society in the name of 'sharianisation'. These include the widespread imposition of dress codes on women, attempts to force women to sit at the back of public vehicles, and a midnight curfew in Gusau. Many of these are enforced by extra legal groups of young men vigilantes - sometimes openly supported by the state government as in Zamfara, but sometimes with attempts to control and stop them from taking the law into their own hands, as in Kano state.

In responding to these factors, BAOBAB has refused to be intimidated by accusations of being anti-Islam or by threats of violence and other harm. BAOBAB led the way in offering support and efforts for reversal and redress to victims of the discriminatory implementation and violation of rights of the new Sharia acts, beginning with Bariya Magazu. Currently there are around 20 individuals being so supported. To do so, BAOBAB put together a legal strategy team of independent Muslim lawyers, rights activists and Muslim scholars to offer advice and information. In addition, BAOBAB has researched and drew upon its international links to acquire information on similar cases in other geographical jurisdictions, as well as raising resources to cover the costs of the appeals and support activities (legal fees and court costs, transport, counselling, provision of 'safe' houses and so on). In addition, BAOBAB has been working in collaboration with

a wide range of women's and human rights activist and organisations - the whole Nigerian human rights movement has been working in solidarity, in different ways, on this issue. So far, none of the sentences to death by stoning for adultery have been carried out. All of them have either been quashed on appeal, or are still in the process of appeal. BAOBAB has also consistently worked to enable and encourage the widening of discussions, prevent the silencing and end the current climate of fearing to talk. It has raised publicly critiques of rights violations in the name of Muslim laws and Islam, and encouraged others to do so. Additionally, BAOBAB started a series of workshops whereby members of Muslim communities (members of the ulema and ordinary Muslims, rights activists, conservatives and progressives from different walks of life and parts of the country) came together for several days. During this time, they examine Quranic surahs and hadith, discuss both dominant and less well-known interpretations of these, and look at the actual constructions of Muslim laws in countries and communities around the world. They do this for each of thirty or so different issues of particular importance to women (e.g. choice of marriage partner, rights to inheritance, forms of divorce, witnessing, leadership, reproductive rights, bodily integrity). These workshops thus examine the potential and actuality in Muslim laws and practices for establishing and promoting women's rights, as well as critiquing negative constructions and practices even when the latter are claimed to be Islamic. In so doing, they empower many of the participants with the knowledge and confidence to challenge the assertion that rights violations in the name of Islam and supporting Sharia, should be ignored, and to work instead towards progressive visions of Muslim laws.

Acknowledgements

To do the work it has done in protecting and promoting women's rights in Muslim laws in Nigeria, BAOBAB has had the support of many, many individuals and organizations. I would like to publicly acknowledge this, and to recognize the contributions of the following.

All BAOBAB volunteer outreach team members.

All BAOBAB staff, whose commitment and work are par excellence, but in particular those responsible for the programmes I have described above - Hurera Akilu-Atta, Ndidi Ekekwe, Mufuliat Fijabi and the current executive director, Sindi Médar-Gould.

The Board of BAOBAB, who sit voluntarily through hours of meetings, wading through piles of documents, monitoring and advising.

All those Muslim scholars (ulema), judges, lawyers, rights activists and others in Nigeria and outside who generously share their knowledge, expertise, resources and skills in research, policy development, political acumen and/or victim representation including Maryam Isa Wali, Bukhari Bello, Mallam Mustapha Hussein Ismail, (Muslim scholar), Hauwa Ibrahim (who, on consultancy to BAOBAB, acts as counsel to many of the victims), Idris Ibrahim (counsel for Bariya Ibrahim Magazu), Abdulkadir Imam Ibrahim (counsel for Safiya Hussein), Asifa Qureshi, Kole Shettima, Sanusi Lamido Sanusi as well as numerous others too many to name or who prefer discretion - but are all appreciated.

All Nigerian women's and human rights activists and organizations - especially the members of the Coalition of NGOs for protection of women's rights in secular, religious and customary laws (over 60 NGOs from every region of Nigeria - including the 'Muslim North'); the National Human Rights Commission; Saudatu Mahdi and the Women's

Rights Advancement and Protection Agency (who have taken the lead on Amina Lawal's case - sharing the load, rather than each of us having to develop the lonely endurance of the marathon runner); and the Nigeria office of the International Human Rights Law Group. This award is also a recognition of the work done by the women's and human rights movement in Nigeria, who have collaborated and worked in different ways to protect women's rights.

International women's and human rights organizations and networks who showed solidarity and supported us in the ways we asked of them for each particular case - particularly the international solidarity network Women Living Under Muslim Laws, Shirkat Gah (Pakistan), the Muslim Women's Research and Action Forum (Sri Lanka), the International Association of Women Judges, the Canadian Council of Muslim Women and Sisters in Islam (Malaysia).

The Federal Ministry of Women's Affairs, various Ministries of Justice and the Office of the Solicitor General.

We appreciate too those who have given and continue to give BAOBAB general support so thanks to all of you - from those who gave big institutional grants, to those who gave personal donations and their support, and other resources (time, access to their books, friends and connections, advice and knowledge).

Most of all, to the women and men, like those in Safiya Husseini's village (who tried to hide Safiya because of their solidarity with her, and their recognition that judgments passed in the name of religious laws are not necessarily just simply because it is claimed they are God's law) and the numerous others who write, email or stop us in the street to let us know they appreciate our work and support it, and to thank us for speaking up. For myself personally, I note that my first public statements on this issue (on the potential of women's liberation in Islam but the dismal reality in Muslim communities in Nigeria) was in March 1985, and it was followed within weeks by my first death threat. At first glance it might seem as though not much has changed. But now, there are so many more women and men speaking up and actively working for change. That is a glorious difference and I am proud to have contributed to it.

In more than two decades of struggling to actualize visions of women's rights, social justice and democratic development many people have touched my life, as friends, sisters, brothers, mentors, colleagues - supporting, advising, helping (and criticizing too). They know who they are, and they know, I hope, that I appreciate and value them. But I would just like to mention.

My mother, who showed me the importance of persistence and endurance - and who is still trying to instill in me the virtue of tact.

My late father, Dr. Abubakar Imam, who taught me to respect principles, rather than the powerful and privileged.

My husband, Akwasi Aidoo, whose support came not only to me personally but as solidarity in our shared visions for a better future - and who has therefore put up cheerfully with incursions of our home, time, energy and resources Without his sympathy and practical help, things would have been a lot more difficult. Thank you.

Our youngest son, Anta (who thinks that the nursery in BAOBAB is his office), as well the 'big boys', Nana-Yaw and Apay.

Finally, to Rights and Democracy for choosing to honour us and our work, supporting us (especially working with the Women's Programme) and giving us a wider platform to

share our work with others

Thank you.

Montreal, Canada

December 9, 2002

Ayesha Imam

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APPENDIX 40:

A Yi Gyara Kan Albashin Alkalan Kotunan Shari'a Na Jihar Bauci

Saifullahi Abubakar Sani Kasala¹

Bayan gaisuwa ina roko ka taimaka mini da fili a cikin jaridarka mai farin jini wato *Gaskiya Ta Fi Kwabo* domin in mika kukana ga gwamnatin Jihar Bauci game da matsayin alkalan shari'ar Musulunci a jihar.

A gaskiya matsaloli da kunci sun mamaye su saboda daga cikin alkalan shari'ar na Jihar Bauci akwai masu albashi Naira dubu 13 kawai a wata, alhali alkalan majistare suna karbar Naira dubu 100 a kowane wata. Wai shin shari'ar Musulunci ake yi a Jihar Bauci kuwa?

A halin da kasar nan take ciki a yanzu Naira dubu 13 ba ta fi kudin omo da sabulu ba a wata ga mai iyali, to wai shin mene ne Alkalin zai ci, shi da iyalinsa? Ka ga ke nan idan ana son alkalai su yi adalci a shari'a sai an dauke masu hidimominsu gaba daya hatta bashi sai an biya masu, don kada su karbi bashi a wajen wani.

Don haka idan da gaske ake yi, a yi gaggawar gyara masu albashi ba kamar yadda yake a halin yanzu bayan bai dace ba, kotunan Yahudu suna karbar Naira dubu 100 a ce alkalan kotunan shari'ar musulunci akwai mai karbar Naira dubu 13.

Don haka ina kira ga duk wanda abin ya shafa da ma'aikatar shari'a ta jihar Bauci su gaggauta gyara albashin alkalan shari'a don tsayar da adalci a bayan kasa.

¹*Gaskiya Ta Fi Kwabo*, 2 Jan/2005.

APPENDIX 41:

An Open Letter to C.A.N. President

Zakari W. Mohammad¹

Dear Mr. President,

How was the press conference that you had on Tuesday 6th December, 1988? I know you must have cleared the doubts in the minds of the journalists that gathered around you on the CAN's stand on the Sharia and other national issues.

These comments you made that day as carried by the *Vanguard* of Thursday 8th December, 1988, Vol. 5 No. 1293, made me write to you so as to clear my doubts about your leadership under the umbrella of CAN.

I wonder whether Christians in this country are conscious of what Christian leaders like you are saying on their behalf. I think a good leader should reflect what his people's views are before going about to make comments in the public. If actually Mr. President, you are a good representative of your people, I wonder how you commented that "The Christians that endorsed the 1979 Constitution were not faithful to themselves, to the country and ultimately to God." Is it simply because they endorsed it that way with the Sharia inclusive? Mr. President, do you mean to say you are much better than them? If yes, then where were you during the 1978 Constitutional amendment? If you think you are more faithful to the country than the Christian members of 1978 (C.A.), why were you not nominated to effect a change?

Mr. President, if I could remember the Christians who were around during the 1978 Constitution amendments were quite aware of the Sharia issue and its importance. However, they displayed their intentions as peace loving citizens and endorsed the Constitution that way. But I was very much surprised to hear that this time around, under your leadership, the Christians displayed an entirely different intention. Why should you reject the inclusion of Sharia in the Constitution? After all, it is the same inclusion you endorsed a decade ago. Is your belief as a Christian changing with time or do you want to betray your followers, and that is why you are not allowing peace a chance in this country? No wonder this is not the first time you showed your betrayal since your likes have betrayed the messenger sent to them by the Almighty Allah.

By the way Mr. President when is a person faithful to himself? And when is he faithful to his country and, the last but not the least, when is he faithful to his creator? To go by what you mean I think one is only faithful to himself when he indulges himself in causing confusion in the minds of his followers on issues that lack any logical basis. Also to abide by what you mean, a person is only faithful to his country when he refused to allow peace to prevail in the country. More so, Mr. President, I don't think a person who betrayed his followers as well as the messenger sent down to him will be faithful to God.

Then why the contention that "the military has no right to alter the Constitution..." I believe you know the members of the C.R.C. and C.A. Are they all teleguided by the military? Despite all that, you and your party (CAN) keep going from one member to the

¹*The Pen*, 13 Jan/89.

other in the assembly distributing all sorts of papers in a bid to reject the inclusion of Sharia in the reviewed Constitution. Sharia has been in the Constitution of the Federal Republic of Nigeria for quite some time now and it has not constituted a threat to any body and the nation's future. The Sharia is intended to affect particularly Muslims and those who choose to be tried under it.

APPENDIX 42:

FOMWAN Challenges Islamic Scholars¹

Hajiya Aishatu Lemu, National President of the Federation of Muslim Women Association of Nigeria (FOMWAN), has challenged Islamic scholars who are fond of inhibiting women's education in the country to back up their positions with religious facts.

She dropped the riddle in a speech on "Women education" she delivered at the inauguration of the Bauchi State Chapter of FOMWAN held at the Abubakar Tafawa Balewa Stadium, Bauchi. She noted, with disgust, reports from various parts of the country that Muslim men were withdrawing their daughters and wives from educational institutions on the wrong notion that Islam does not endorse female education.

Hajia Ai'shatu, who described the development as oppressive and deceitful, maintained that Islamic societies put high priority on the search for knowledge and said: "We should resist allowing Islam to be abused in this way."

She argued that the Quran and the Hadith, which are the guides to the practice of the religion, provided equal opportunities for both men and women in the quest for education. She, therefore, enjoined followers of Islam to pursue the Jihad of Othman Dan Fodio, which she believed has the elimination of ignorance as its priority.

The FOMWAN National President who tasked Muslim scholars not to hide under the yoke of the religion to oppress the womenfolk, also enjoined the followers to save Islam from distortion by those she called opportunists. She contended that if defects were noticed with modern education, appropriate authorities should liaise with the various ministries of education in reforming academic curricula in line with the needs of the society. In that way, she added, defective aspects of our educational system would be erased.

Hajiya Aishatu said Muslim women have responsibilities in developing the society.

¹*The Pen*, 7 Apr/89, p. 2.

APPENDIX 43:

Sharia Law Controversy in Nigeria

Labour Must Stand against the Policy of Divide and Rule

“No” to the Division of the Working Masses along Ethnic and Religious Lines¹

The launching of Sharia law and the declaration of Zamfara State as an Islamic state on 27 October 1999 poses a major threat to the Nigerian Labour movement. For one, these laws, just like the Christian Canon laws, are very reactionary and were written in the Middle Ages. They are not divine laws, they were written by men - just like the reactionary Christian Canon laws. These laws violate all aspects of the fundamental human rights and are aimed at reversing the various gains of the working class movement.

Secondly, the actions of the Zamfara State government are clearly an attempt to divert attention from the main issues at stake. The regime cannot pay the workers a decent wage, provide free and qualitative education and health, develop the industries, provide accommodation, end poverty, etc. What the regime wants to do is to split workers and peasant farmers along religious lines, in order to divert their attention away from the main issues.

Thirdly, the other sections of the Nigerian ruling class are trying to use this action to split the working masses nationally on religious lines. The actions of the Christian Association of Nigeria, CAN, are not geared towards the defence of democratic rights in Zamfara State but towards the further promotion of their own interests.

The Christian Canon laws are as equally reactionary as the Sharia laws. In addition, the CAN are also opposed to many of the rights workers had won as a result of years of struggle. The CAN are still opposed to the right to abortion, separating the State from religion, the use of contraceptives, gender equality, freedom of speech and belief, etc. The intentions of the CAN is to use the issue as a means of expanding their influence by trying to give the impression that they are more humane or democratic.

The impression is also being given that the British "Common law" are Christian Laws; both factions give this impression. This is false; the human rights enshrined in the "Common Law" are not Christian. They are rights won by the Working masses nationally and internationally as a result of their struggles for change. The freedom of speech, association, equal rights for women, etc. were won after bitter struggles by workers. The Church was opposed to these rights.

The bourgeois press also give the impression that it is a Muslim versus Christian thing, i.e. an entirely religious issue. The main issues are not whether Sharia is for Muslims alone or not, but that the fundamental human rights of the working people in Zamfara State are about to be grossly violated.

The Sharia law just like the 1999 Constitution is being imposed on the people of Zamfara. There were no public debates or a referendum of the people of Zamfara before these laws were adopted.

¹*Nigerian Marxist Journal*, Dec/99.

Contrary to the public statements of the Zamfara State government the laws apply to everybody. Alcohol had been banned; fornication and adultery are capital crimes, eating pork is a crime, women and men can no longer travel together in the same bus, there is now segregation between men and women in all areas of life, the list goes on.

The laws clearly violate the fundamental human rights of everybody whether Muslim or Christian; women and children are going to be grossly discriminated against. Brutal punishment awaits anybody who violates anyone of the conditions.

In addition, the amputation of an arm of a thief will definitely not stop armed robbery contrary to the claims of the supporters of Sharia. Armed robbers have been killed over the years it has not stopped robbery in anyway. Poverty creates crime.

Labour must stand up against this step backwards with a clear programme; the dirty intention of the Nigerian ruling class is to split the working masses using religion.

Religion is a private affair of every individual; the State must not have any religion. The link of religion to the State must be broken, as religion is a product of ignorance.

The 1999 Constitution is grossly inadequate in this regard, as it is secular only on the part that talks about secularity. The Sharia, the reactionary customary laws, and other anti-working class laws are enshrined in that constitution.

The struggle against this reactionary laws must be led by workers relying solely on their organisations and leadership and not on the CAN or any other religious organisation of the ruling class. The struggle must be linked with all the other class issues and the need for unity of the working class.

APPENDIX 44:

MONDAY DISCOURSE WITH DR. ALIYU TILDE

Democracy or Hypocrisy¹

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Our discussion today has to do with democracy in the Middle East, the subject of two debates that I watched two weeks ago, one on the **BBC** and the other on **Al-Jazeera**.

The **BBC** debate which took place before an Arab audience in Doha, United Arab Emirates, and sponsored by Carter Foundation was moderated by Tim Sabastian of the popular **BBC** program *Hardtalk*. It proposed that George W. Bush has kicked-started democratic movement in the Arab world. Two Arabs were called to support the motion. One of them was Fouad Ajami, an Egyptian-American, who for decades has been teaching at John Hopkins University. Now he is an American and throughout the debate he identified himself as "we Americans." Ajami is undoubtedly versed in Arab affairs as I remember reading his seminal work on Muslim fundamentalism twenty years ago. His supporter in the debate was the Editor of the popular **Al-Hayat** newspaper.

Ajami did not hesitate to express his support for the recent American adventure in the Middle East. He praised Bush's invasion of Iraq, saying that it has yielded democracy. He tried to establish an emerging democratic trend in the region, citing what happened recently in Egypt, Palestine and Lebanon. He might have added Saudi Arabia. He even justified the American violations of human rights in Iraqi prisons, claiming that the victims are people who themselves brutalized Iraqis under Saddam Hussein.

The American supervised elections that were conducted three months ago were the strongest point of Ajami and his **Al-Hayat** supporter. They correctly pointed out that it was the first genuine election in an Arab country. Ajami also cited the ongoing change in Egypt, the "Cedar Revolution" in Lebanon and the Palestinian elections in the occupied territories. In Egypt, if we remember, Mubarak has asked the national assembly to amend the constitution such that, for the first time, more than a candidate can contest the presidential election. Prior to this time it was only Mr. Mubarak. That is all the progress there. In Lebanon, Ajami is happy that the protests have driven Syria out of the country, just as he is delighted with the exclusion of Yaser Arafat from Palestinian politics, as if Arafat was not an elected leader. In Saudi Arabia, local council elections have taken place, though without the participation of women.

All in all, what the supporters of the motion have shown is their understanding that the Arab world has been a subject of despotism. According to them, it does not matter if that freedom is achieved through the assistance of a foreign power. As the Editor aptly put it, "when someone is sitting on your chest, it does not matter if who removes him is the devil himself."

¹www.gamji.com/tilde/tilde58.htm

I think there is no doubt that the Arab world has been under despotic regimes for decades. What is in dispute is the motion that America is responsible for kick-starting democratic reforms in the region. The second bone of contention is whether America is sincerely interested in democratising the region. In the first place, prior to the invasion of Iraq, America has never claimed that its war in Iraq would be for democracy. Its direction was completely different. The pretext given by both Washington and its London surrogate was the elimination of weapons of mass destruction. Even Fouad Ajami accepted that America stumbled on democracy in Iraq after its failure to discover weapons of mass destruction, like Columbus, to quote Ajami, who discovered the Americas while looking for a route to India.

The 'discovery' of democracy in Iraq could not be avoided by America; in fact, it boxed itself into that corner. America, nay, the Western world, has never been *sincerely* interested in democracy anywhere in the developing world. Its interest in democracy, where it occurs, is dictated by opportunism. After invading Iraq it found it impossible to win the tranquillity that is necessary for economic exploitation, as 21st century is too advanced to recognize legitimacy based on military occupation by a foreign power as it happened in the late 19th century. Elections are the only answer, hence the democratic rhetoric. This point was clearly proved by the opposing participants in the Doha **BBC** debate. The elections that were held in the end of January could hardly be credible even by the standard of George Bush. As one of the opposing participants said in the debate, Bush made free elections as one of the reasons why Syria should leave Lebanon, saying there cannot be free and fair elections under occupation! How could elections held in Iraq under American occupation then be regarded as free and fair?

Now it is clear that the weapons of that mass destruction pretext was a sham. The real motive was the economic exploitation of Iraq. America went there for oil because it is the cheapest to drill in the world. Can people who are politically free allow their economic subjugation and exploitation by a foreign power? No. That is why people must accept that America's commitment to democracy is mere rhetoric, a smokescreen, or at best a vehicle for installing puppets who will guarantee Anglo-American interest. When the **BBC** debate was over, a vote from the Arab audience was sought. No wonder that at the end of the count, 73% of the audience discredited America's credentials in the Arab World. Only 27% agreed with Ajami and the Editor of ***Al-Hayat***.

Whatever the outcome of that debate the fact that democracy is yet to take hold in the Arab world cannot be dismissed. That section of the globe is the most lagging, the most despotic, authoritarian and undemocratic, where economic and political participation is dependent either on basis of inheritance like in Saudi Arabia, Kuwait, UAE, Jordan, Syria and Morocco, or in the hands of a brutal clique as in Egypt, Algeria, Tunisia and Libya. The ruthlessness of these regimes is beyond description and their brutality is well known to the West for decades. The question is why the delay in the democratisation of the region? Has it got

something to do with the region or with the regimes?

This brings us to the second debate in which Sheikh Jaafar Idris, a renowned Sudanese Islamic cleric and activist living in the Gulf, was the guest of *Shariah wal-Hayat* in ***Al-Jazeera***. The issues in the discussion were two. One of them was the seemingly generic contradiction between Islam and democracy. Both Idris and Ismat, the contributor to the discussion from Egypt and who is a leading member of Muslim Brotherhood, agreed on the need to democratise the Arab world. Where they differed was that Idris, the cleric, seemed to disagree with western style of democracy where people take the place of God. In Islam, as he correctly said, sovereignty belongs to God, not the people; so the basis of legislation must be the Shariah – the revealed provisions of Islam regarding fundamental aspects of belief and life. For example, God has prohibited loan with interest. It is therefore impossible for any Islamic government to legalize interest simply because it is the wish or interest of its people. The same thing applies to adultery, capital punishment, bribery, hoarding, alcohol, narcotics, etc.

Thus, while Islam has made consultation and people's welfare the pillars of governance, prior to that it made Shariah the foundation. Once the foundation is not altered, anything can be built on it to achieve the egalitarian goals of social justice. That is why Idris insisted that if democracy simply means representative government based on consultation, election, etc, then it is simply a variant of the principle of *shura* which Islam has recommended since its inception in the 7th century. If, on the other hand, democracy means transfer of sovereignty from God to People, then it will be difficult to find its accommodation in Muslim societies.

Dr. Ismat, the contributor from Egypt's Islamic Brotherhood which is the main opposition party in Egypt was more pragmatic than Idris. In Egypt, he said, all parties, including the Socialists Party, have agreed that Shariah is the basis of legislation, meaning that no legislation can be valid if it contradicts Islamic precepts. The constitution, he said, has even given the Supreme Court in Egypt the power to annul any legislation that contradicts Shariah. But Idris was not convinced that any true socialist will accept Shariah as the fundamental basis of legislation as Marxism is a contradiction of Islam. The acquiescence of the socialists is simply a ploy not to run against the current of Islamic revival in the country.

I agree with Dr. Ismat that Muslim countries can fashion a democratic government that can make Shariah the foundation of its legislation. The details of the political process and structures, like elections and form of government, can then be left to the peculiarities of each nation. This understanding, simple as it is, is not acceptable to Western political establishment. Democracy in the developing world, to the West, must have two principal properties: One, it must come through a corrupt process, never transparent; two, its values and form must be Western.

The above requirements – corruption and Westernisation – must be met not only by the Arab and Muslim nations but by all

developing countries. While corruption ensures economic subjugation of a developing country, adoption of Western values guarantees the perpetual mental enslavement of its people. Corruption allows room for the CIA and other organs of Western imperialism to manipulate the electoral process and allow its puppets to surface as winners. Adoption of western values, which now includes free market and the ascendancy of capitalism as an ideology, limits the capacity of the brain to locate solutions to problems of under-development outside the Western capitalist horizon. Once the two conditions are met, by Western standards, a democracy is invented and, behold, it is hailed by Western governments and their mass media. If it is nationalistic in outlook and has values that contradict or threaten the superiority of Western economic or military domination, then it is evil and dictatorship.

Thus, Zimbabwe is not a democracy even if Mugabe holds elections regularly and is supported by the majority of peasants. His sin is in returning to the native population land that was stolen by "white" thieves with colonial conspiracy. The opposition in Zimbabwe backed by imperialist forces in London, New York and Washington can appeal only to brainwashed elite in cities. China is not a democracy even if its government is representative. It requires a presidential or parliamentary system before it could be so qualified.

On the other hand, Hosni Mubarak in Egypt is regarded as practicing democracy even if only the candidate of his – The National Party – is allowed to contest the presidential elections. In addition, while Zimbabwe is subjected to sanctions, Egypt receives for over two decades a grant of over \$2billion annually from the United States alone. And where is the Western value of human rights when America supports this most brutal regime on earth after Saddam? In the same vein, President Obasanjo of Nigeria was quickly congratulated by George Bush after the April 19 election that were globally recognised as a sham. But who can win elections and protect American economic interests better than a director of Africa Leadership Forum, a CIA outfit, as many have written previously?

Algerian and Iranian experiences in democracy have uncovered the hypocrisy of the West regarding democracy. After the Iranian revolution of 1978 that terminated American exploitation under the Shah, citizens of Iran went to referendum and approved an Islamic constitution. Based on the constitution a government was formed which has been holding elections as prescribed by the constitution. Iran has therefore fulfilled all conditions of democracy as a representative government. But because the values of Iranian democracy are not derived from the imperialistic values of the West, Iran is described today as evil, in line with the dictatorship of Syria and South Korea. What freedom then did the American President mean when in the last State of the Union Address he said to the Iranians: "As you stand for your freedom, America stands with you." Where was this rhetoric when Iran was under the Pehlavi monarchy? We are waiting for the invasion of Iran to institute 'democracy', though, as it was the case with Iraq,

the pretext now is nuclear weapons.

In Algeria we saw the shameless and brutal suppression of democracy by France and the CIA. When FIS, an Islamic party, won the majority in local government elections, the military were promptly recruited to topple the democracy and execute one of the most inhuman crackdowns on leaders and followers of FIS. Their crime is simple: why should they form a political party, contest and win elections when their heads are filled with notions of Islam, not of American imperialism?

Curious enough, Saudi Arabia is not under pressure on democracy from United States and Britain as is Zimbabwe. Saudi Arabia is a monarchy that makes leadership the exclusive preserve of House of Saud. Hardly do we hear Bush or Blair speak about democracy in Kuwait or Saudi Arabia. Why should they, when the Houses of Saud and Sabah are allowing them unfettered access to oil wealth? Why should even Bin Laden be arrested, in spite of the advancement in positioning technology, when his family, like the House of Saud, is a business relation of the House of Bush?

It is therefore difficult to ascribe the failure of democracy in Arab countries to the ideological difference between Islam and Western values or to a myth peculiar to the region. The Muslim Brotherhood in Egypt for example has been proponents of democracy since the 1940s. But with the support of the former Soviet Union during Naser and of America since Sadat, they have been frustrated consistently through proscription, massive arrests, most severe tortures kangaroo trials, mass executions and other forms of inhuman abuse for over sixty years now. What is happening is therefore clear: It is not in the interest of the West for any developing country to become truly independent to the extent of granting its citizens the freedom they need to advance their development. This policy will never change as long as western economic and military supremacy survives.

In conclusion, it is apt to quote for the third time in this column *Democratization* of Professor Nwabueze to support the view that Western concern about democracy in our countries is mere hypocrisy. Nwabueze quoted John Stuart Mill who in 1859 said: "Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually affecting that end. Liberty, as a principle, has no application to any state of things anterior to the time when mankind have become capable of being improved by free and equal discussion. Until then there is nothing for them but implicit obedience to an Akbar of Charlemange, if they are so fortunate to have one." *Ya kobsa*.

Nwabueze also added: "Lord Bryce, writing in 1920... (said) democracy and free government were not suitable nor meant for, and should not be embarked upon by 'backward peoples' among whom he classified the rest of mankind apart from Britain, Europe, North America, Australia, New Zealand and Japan; despotism, he said is what is good for them, and the democratic 'experiments that are now being tried might have been better left untried.' And if at all "the working of fitting' such peoples for self-government is to be attempted, it should be done by slow

degrees.”

Some people hardly change.

APPENDIX 45:

The Affairs of Hypocrites

Wada Nas¹

Very predictably, and quite in character, the battalion of the highly motivated media, emergency political supporters, and their political masters came out hysteric, shouting all manners of popular rhetoric over the amputation of the hand of the cow thief of Zamfara, Malam Buba Bello Karegarke Jangebi.

Without exception, they all went to town denouncing the action as barbaric or gross human rights violation. President Obasanjo added his own executive voice by towing their line. Lately, Mr. President seems to have assumed the position of a Supreme Court Judge over the Shari'a issue.

It would be recalled that a few days to the outbreak of hostilities in Kaduna, he described expanded Shari'a as unconstitutional and illegal. And when pleaded with to have his pronouncements tested in the courts, his government declined perhaps in the belief that his position on the matter was as good as a valid judicial opinion of the Supreme Court variation.

Anyway, when all the crowd of the holy pretenders were denouncing the amputation as barbaric, they do not mirror how hypocritical they are. A cow could not be stolen in the manner a piece of items could be stolen. Cattle hustlers are armed robbers who use dangerous weapons to carry out their dirty trade. According to Jangebi himself, he has been engaged in the trade for over six years until the law caught up with him at last.

Under our common law, the punishment for an armed robber is death by firing squad. This is regardless of the amount involved, be it one Naira or a million. Thus, over the years, the state, with the active support of the public and the media has been sending many to the gallows for armed robbery involving not more than one thousand Naira. Some are known to have used toy guns. Apart from this, many suspects have been gunned down without any proof of their guilt. In other instances, some were burnt alive or lynched on mere suspicion and this has been the case in Lagos, especially where we have the crowd of human rights pretenders.

Given this scenario, had Jangebi been tried in our regular courts for armed robbery, he would have been squad-fired today and those talking of barbarism would have been glorifying the state for bringing a notorious armed robber to justice. No one would have been singing human rights violations. This is hypocrisy. When the state sends armed robbers and thieves to the gallows, no one talks of human rights or barbarism. When the Lagos crowd burns suspected thieves alive, no one knows about human rights. When OPC officials justify the criminal killing of non-Yorubas in Lagos, Shagamu, Ketu, Ibadan etc., the same media and politicians shouting human rights violation go extra length to defend and justify the actions of the OPC terrorists.

Some political mongers do indeed refer to them as patriotic Yoruba warriors, all for killing Ijaws, Igbos and Northerners in Lagos. When the Igbos killed about 8,000 Northerners, as popularly alleged, following the Kaduna crisis, the whole lot of the pretenders, including their media fronts and partisan recruits sang the praises of the Igbos for carrying out this criminal act.

¹*Abuja Mirror*, 12 Apr/2000.

Many Nigerian military personnel suffered death sentences for plotting even unsuccessful coups. Until post June 12, the town criers of human rights never saw any wrong in the cases.

Presently, we are witnesses of judicial plot through political connivance to have some political prisoners sentenced to death at all cost. Curiously, the very media preaching human rights are the same characters that are being used to engage in the media trial of the political detainees so as to justify their eventual conviction.

Already keen observers have concluded that the suspects have been found guilty before judgement. Until the case of the Zamfara cow thief, perhaps, they have never been aware of what human rights violation means.

With due respect to Mr. President, perhaps he has never been aware of what his good friends in America wrote about the human rights violation of his regime. In case his attention has never been drawn to it, he should do well to read some recent copies of the *Vanguard* Newspaper where details of the report were carried. Among others, it condemned the rampant invitation for chats with security agents without telling invitees their offences; detention without trial as in the case of Colonel Yakasai.

By the way, what is the fate of this officer? Why have we not been hearing of him? Is he safe and healthy? The report also noted that pressures are being put on the judiciary to tow the line in certain cases. They must be saying this in relation to the trial of the political detainees who already have been found guilty by the Chief Judge of the Lagos State and some highly motivated media.

Since the massive killing of Ijaws and Northerners in various parts of Oduduwa land by the OPC terrorists, we have never heard of a case where one person was brought to court to answer charges for involvement in the deliberate killings of these people, giving the impression, rightly or wrongly, that the state does not bother.

Indeed when some Oduduwa leaders shouted at the Presidency over the matter, nothing was heard again except invalid talks to arrest Ganiyu Adams, the leader of the terrorists, who is being shielded by the same media preaching human rights violation. OPC under the leadership of Ganiyu Adams must have killed about 200 innocent souls. Yet the champions of human rights, in the media and polity have been giving him protection, for violating the most basic of human rights. Shame.

Now, it has been detention without trial. Ask Zadok of APC and the leader of the Biafran project. One of the fronting newspapers roped in a one time Minister and the security people believed the falsehood and had the man arrested. Maitama Sule was also a victim. In short, the age of detention without trial is coming back in full force and our tribes of human rights promoters are championing its return with delight.

Where there are trials, the media are used to sound false alarm in order to scuttle fair hearing. The Libyan story is a typical example. So also the trick that some people were arrested trying to secure a British driving license for Bamaiyi, while others were planning to storm the prison to release him along with other detainees. The plot, of course, is on purpose, to scuttle his application for bail. There is no worse human rights violation than for the state to seek to rope in a citizen at all cost perhaps as a vengeance.

Mr. Vice President has forgotten that there was a time his own house was attacked in which eight people were killed. Why is there no investigation into the attempt on his life while some citizens have been taken to court for attempting to murder Adesanya and Ibru. It is important to note that while no soul was lost in the attempts on the lives of the

two citizens, eight were lost on the attempt on his life (Vice President). Why isn't his own case in court? Perhaps, Sgt. Rogers has not been asked. Take also the cases of Marwa, the bombing of Onitsha Friday Mosque, Ilorin Stadium and Durbar Hotel, Kaduna, among others. The impression being created is that the lives of some citizens are more important than those of others or as some would say, there is judicial discrimination going on. And this is a worse form of human rights violation.

When copies of *Abuja Mirror* Newspapers were seized by security agents for reporting that 2,000 Northerners were killed in the East, our champions of freedom of speech kept mute. They saw and heard no evil. Indeed, some were silently happy that the killing took place. They have demonstrated this over Kaduna. Some stories carried in the media of basic freedom were aimed at getting the people kill themselves the more.

Since it was Kaduna, let it burn to ashes, so there was a situation where the champions of whatever, were too glad promoting violence perhaps as part of their commitment to the protection of basic freedom.

Such do they undermine human rights as they busy themselves hypocritically preaching same. If they were happy that about 600 died in Kaduna crisis, according to Police report, and 800 Northerners in the East as reaction to Kaduna, according to unconfirmed reports, what reasons have they to be angry over the Jangebi case. It is all deceit in order to gain political advantage. Secretly, some people would be too happy seeing the whole North up in flames.

After all, they have never seen anything good in the region including the Middle Belt, which they use from time to time, depending on circumstances. Joseph Tarka, of blessed memory must have left some notes detailing what they and their media did to him.

The attitude towards Kaduna has more than demonstrated to any one who cares to know, that left to some characters, the good things that should and ought to happen to the North is calamity or disaster and massive death.

Thus, we can't be deceived by the hypocritical ranting of sympathy towards Jangebi. The man was saved from the sword of firing squad by the humanism of the Shari'a law.

Under the common law, a robber does not need to kill in the process of robbing before he could face firing squad once the evidence of armed robbery, even with a stick, is proved. Which is worse, is it to hang a robber for an offence as small as taking away one naira, or not taking anything at all, or cutting off the hand for robbing someone of his cow. Which is more barbaric between hanging a thief to death and cutting off his hand? There is too much hypocrisy in the ranting.

In the last three years, Governor George Bush of Texas, now presidential candidate hanged two ladies through the use of electronic chairs for certain offences. Our human rights pretenders never cried "blue murder".

The question is, is there any punishment for a criminal offence that does not in any way or the other violate human rights or not barbaric? There is nothing more barbaric and criminal than hanging a person for robbing a citizen of one Naira without taking away his life. Such a criminal undertaking cannot happen under Sharia law.

Those who champion and glorify this barbarism of the common law, which allows the taking away of life for robbing a person of just one Naira should do well to appreciate the humanistic dimension of the Islamic laws. And by the way, of what use are similar Shari'a provisions on the Holy Bible, some of which provide stoning to death for stealing? There is nothing about Islamic law that has not been provided by the cannon

law of the Bible. For a non-Muslim, therefore, to remark that Islamic laws are barbaric means that he is referring to his own religious laws as such, all of which have been made binding by Prophet Isa (A.W.) There is no better interpretation than his saying that he has come to confirm the laws of Moses.

Meanwhile, after severe blows were dealt at *Abuja Mirror* Newspapers with a serious warning never to carry any report about the Shari'a at a time when some Lagos publications were printing falsehood about what happened in Kaduna without any one sanctioning them. *ThisDay*, tested the blazing fire of the gradual return to dictatorship, which for long, I have been warning against. The motivated media refused to reason. What we hear is "death to any critic of the administration", so to speak, as if it is infallible. Now, the doomsday is emerging, the dictator is showing its fangs. For sure, media houses would continue to close their eyes. After all, *ThisDay* does not strictly belong to the mainstream in their own estimation. If it had been one, it would not have carried its recent editorial denouncing the arrest of Zadok and the leaders of the Biafran project. By this editorial, it is one of the "enemies" of the administration and, therefore, it deserves no sympathy.

I have gone this far to demonstrate that no official of his administration has the proper moral standing to talk of human rights violation essentially because the administration is not immune from it. Indeed, it has been emerging in acts of human rights violation and the denial of basic freedom laced with motivated court trial and judicial discrimination.

Since May 29, the media now shouting human rights violation in respect of the Zamfara episode have been criminal conspirators in promoting and defending human rights violation. Indeed the greatest danger our baby democracy faces today is the media conspiracy in defending human rights and constitutional violation.

Except for a few practitioners such as Waziri Adio and a few others who act above and over base sentiments, most practitioners who claim to be champions of democracy, human rights and basic freedoms lack the basic courage to preach to Nigerians any more these noble virtues. The devils in the house of democracy today are the human rights pretenders and their type.

Finally, the human rights tribe should thank the Shari'a for saving Jangebi from the gallows of firing squad, for he would have been in the grave today but for its application. The common law takes away life for robbery. Shari'a takes away only the hand, for the same offence. Which is more barbaric?

APPENDIX 46:

It is not anybody who can implement Sharia -

Sheikh Ibrahim Zakzaky¹

*Malam Ibraheem Zakzaky, leader of the radical Islamic movement, writes the Weekly Trust correspondent **Abdullahi Doki**, had in fact insisted that although it was a welcome development for Governor Ahmed Sani Yerima to apply Sharia in Zamfara, Islamic law is not meant to be practised under an un-Islamic system. According to Zakzaky, "if you bring Sharia under an un-Islamic system then it will be exploited and no court should be above the Sharia and the Sharia is not limited to courts If the (Zamfara State) government wants to implement the Sharia in courts of law only, then I am afraid it will be turned into an instrument of oppression where the ruling authorities will be on top of the Sharia and the Sharia will be used against the **Talakawa** (masses)".*

Weekly Trust : How can the Sharia be successfully implemented in any state wishing to do so like Zamfara?

Sheikh Ibraheem Zakzaky: Sharia is the Islamic legal system. It is in itself not complete unless as a legal system of an Islamic system which is a complete whole. It is a sort of sub-system within a parent system. The parent system is Islam which encompasses all aspects of life -political, economic, social, cultural, legal and what have you. But a country which does not practice Islamic system cannot apply Sharia as a legal system because Sharia envisages that the leader of the society is someone whom allegiance is paid to and is seen to be a sort of representative of Almighty Allah on earth.....and he is the custodian of not only the Sharia but the Qur'an as well.

In any case I am not saying that I am against any move by any individual state or someone in authority to think of applying the Sharia. As I said earlier it is a welcome development. At least it shows for one that those elected are now responding to the yearnings and aspirations of those who elected them. Those who elected them are Muslims and there is no doubt that the Muslims are yearning for Islam. But this had to be approached in its methodological way. Alright!

We have witnessed in the history of this area of ours that Allah (SWT) had raised Sheikh Usman Ibn Fodio among the people and he called others to the establishment of Islam until he emerged victorious and Islam was established in this part of the world about two centuries ago. And also about two decades ago, we witnessed the Islamic revolution in Iran in which Ayatollah Khomeini struggled until he succeeded. This is the natural process of establishment of Islam. There was no time when God Almighty sort of appointed a Pharaoh as a prophet so that there would have been no need for a Moses!, or raising the King of Gobir instead of Sheikh Usman Ibn Fodio, or making Shah Reza Pahlavi, the Ayatollah !

Similarly, today we cannot expect a governor of a state or head of state to now decide to apply the Islamic system. The same natural process has to take place, if we are talking of establishment of Islam. We cannot think of a governor or a head of state applying it for

¹*Weekly Trust*, 8-14 Oct/99.

us. One has to undergo this natural process and be himself transformed by the Islamic process.

WT : Let 's say you and your Islamic movement are part of the natural process, What contribution are you going to make to the Zamfara State government to make its Sharia programme successful?

Zakzaky: They would have to see themselves as part of the instrument of the struggle to gain the Sharia , not to apply it , because for now , it is not possible for a state within the country , a sovereign country , to have a complete system running it contrary to the system running the whole country. To me, it is just the beginning and not the end of the struggle.

WT : If you are asked to be categorical about contributing through your movement and followers to see that the Sharia programme is successful what would that contribution be?

Zakzaky: I think if there is anybody contributing it is the governor of Zamfara and those who supported him contributing to what we are doing. Why because we had started the struggle twenty years before they thought of it ,and it must be a bye-product of our struggle. In other words they should think of themselves as joining the struggle rather than leading it.

WT : Would it be correct to say that you would be happy to see that Zamfara State is going to implement Sharia because it is more or less the result of your struggle?

Zakzaky: You should get it clear that I have already indicated that if the Sharia is restricted to the courts of law, then it is not sufficient. It might end up being an instrument in the hands of those in authority which would be used to judge those in lower class, but the upper class would be above the law. So I have to differentiate between whether they are talking of a struggle to establish Islamic system to run the society in which we are living or they want the Islamic law to be applied in the courts of law. There has to be this difference. If you are talking about struggling to see that the Islamic ideals are being applied in the society as a whole, this is a welcome development. But I have my reservations as to applying the Sharia in the courts of law, because I am afraid it might end up being an instrument of oppression.

WT :Would it be correct to say that what a state like Zamfara is trying to do can be perceived to be the first step towards being fully Islamic?

Zakzaky:You mean the whole country...?

WT :The state.

Zakzaky: But it is hardly possible for a state within the country to be fully Islamic because the whole country maintains a single constitution. The states are not independent. They are not even autonomous, how much more of being independent. They are part and parcel of the whole, and the federal laws surpass those of the states. So in case of a contradiction, the federal laws will be sovereign. Unless we can see it as part of process of bringing about awareness of the Muslim people as to what should be their future, that might steer other sates, apart from Zamfara, may be Sokoto, Kebbi, Katsina, Kano, Jigawa these sorts of states which have more or less 100 percent Muslims and then on to other states which have combinations of Muslims and Christians, and maybe on the whole there would be such demands by the majority of the Muslim people and then in the end, we'll end up having some concession at the federal level. But I hardly think it is possible for a state in itself to apply it independently.

WT : Are Muslims in Nigeria so powerless, so emasculated that we cannot live according to the Islamic system. Or in other words, if we can, cannot people like you who lead an Islamic movement rise up in such a time as this and guide these people, if you perceive that they are not doing things right, so that they do it successfully?

Zakzaky: This natural process which normally takes place is the Sunnah of Allah that does not contradict, you see no changes in it. It has to take that natural process. The system which was established by the colonialists was meant to be against the Islamic principles. And it is the same colonial set up which is in control all through, even after the so called independence. So one naturally comes into conflict with the present system running the country which is anything but Islamic. In other word, it is not Islamic. Call it anything but it is not Islamic. And it negates Islam. To establish an Islamic system one has to do away with the present system. So when you are talking about establishment of Islam you are actually talking of removing the present system. Now the present governors of the system were elected or selected to run the system. They cannot come naturally and run a system contrary to the system they were elected to run.

So it will be a sort of contradiction. They will end up using the emotions of the people and yearnings of the people to deceive the people. The natural process has to take place. As you were saying, the struggle to establish Islam had already started long ago. Now it is not the question of any people who think that what the struggling people are yearning for should be established. It is the question of joining the struggle. When you are talking of Islam you wouldn't call just any Muslim. There are experts on Islam. But like I said, I am not condemning what they are trying to do but I know for sure if they go ahead with it, they will come directly in contact with the reality, that at the end of the day, they have to be part of our struggle.

WT : All changes in the world are started by recognised leaders. Meaning once a leader rises up and shows the people the right way, they will give him allegiance. So if in this regard people like you should rise up to give this issue their full support, majority of Muslims would reject the system for Islam.

Zakzaky: This is what we have been doing for the last two decades. But we are talking of natural process. You don't accelerate it by force. You allow things to take their natural course.

WT : The Taliban accelerated the natural process in Afghanistan. And in Iran too, as you said.

Zakzaky: The circumstances taking place within a society determine how quickly it will go or how slowly. The Nigerian society has been meeting challenges since the last military regime which has accelerated their general awareness. In a similar way, when someone comes and say he would apply Sharia in a state, maybe people would support him. But when they find that he establishes himself above the Sharia and use the Sharia to oppress people, they would come to realise that it is not anybody who can implement Sharia.

WT : Isn't it your responsibility to prevent those people from misusing power, prevent Muslims from waiting until that happen?

Zakzaky: Good enough. You are precisely helping me do that. My view has been that it is a welcome development in that for the first time we see those elected have started addressing the hopes and yearnings of their people. In that angle, it is a welcome development. But one has to understand that there is a long task ahead.

Also please read [Zakzaky, Toro oppose Sani on Sharia](#) (second interview with Muallim Al-Zakzaky)

APPENDIX 47:

Zakzaky, Toro oppose Sani on Sharia

Agaju Madugba¹

Note from Zakzaky: *The Guardian correspondent got things mixed up - my ideas, that of one Emmanuel Toro and his own commentaries. I can only fully own those statements which he attributed to me and which he placed within quotation marks. Those statements in his reported speech contained some of his impressions.*

THE recent adoption of Sharia by Zamfara State is procedurally flawed, as it can not operate under any superior authority which the Nigerian constitution represents. Besides, the Governor Ahmed Sani may ultimately be unfit to rule on Islamic state which is demanded to be the representative of Almighty Allah and must, therefore, be a rarefied soul. Leader of the Islamic Movement (popularly called Shi'ites), Sheikh Ibraheem El-Zakzaky and another prominent northern leader, Mr. Emmanuel Toro (SAN), made these declarations yesterday. Following the endorsement by the Zamfara State legislature of two bills on the issue, Sani had last week announced that the state would formally adopt the Sharia from October 27. Reviewing the religious and legal implications of the development, Zakzaky and Toro, who spoke with The Guardian in separate interviews in Zaria and Kaduna, said the application of Sharia by any state government was impracticable, adding that secessionist interpretations might be read into the governor's pronouncement, since Zamfara State is an entity under the authority of the Federal Government of Nigeria.

Toro described the governor's proclamation as a "fundamental challenge to the authority of the Federal Government and our constitutional framework," while Zakzaky argued that Sani erred by not following laid down procedures before the application of Sharia in any society. Zakzaky, a protagonist of an Islamic state for Nigeria, who had been detained on several occasions in the past over his campaigns, however, said the proclamation should constitute the last stage in a series of processes aimed at operating the Sharia in any society.

He insisted that Zamfara could not enforce Sharia because the governor derived his powers from the authority of the Federal Government and the constitution. Indeed, he added, the governor might not be the ideal candidate to preside over the implementation of the Sharia, since according to him, there existed certain procedures in the selection of a leader to rule over a true Islamic state. Zakzaky noted that the least the governor could do in making Islam relevant was to promote and enforce Islamic moral principles in the administration of the state.

Zakzaky said: "Sharia is an Islamic legal system and it can only be applied by an Islamic government. For now in Nigeria, we have a sovereign state with a constitution and a President who is the Commander-in-chief of the Armed Forces. The office of the

¹The Guardian, 14 Oct/99.

governor was created by this constitution and he derives his powers from it. Whatever he (the governor) does, including application of the Sharia, must be delegated to him by the constitution.

"The constitution is supreme. In order to operate the Sharia effectively, it has to be superior or placed above the constitution and any other law. If you have a law superior to the Sharia, then the Sharia cannot work. Application of the Sharia envisages a society that has already accepted the supremacy of the Almighty Allah.

"And the leader of that society must be someone who is seen as a representative of God on earth. He must be knowledgeable and pious. Certainly, it is not a job for every Tanko and Bala.

"I have the belief that the governor has an idea of what he wants but he mistakenly called it Sharia. Those who know Sharia will tell you that it encompasses all aspects of life. Certainly, it cannot be applied under the present dispensation and circumstances."

He added: "What the governor should have done is try to enforce certain Islamic moral principles in the state, like the ban on the sale and consumption of alcohol and eradication of prostitution. The use of the word 'Sharia' in this case is a misnomer. Actual application of the Sharia should be the last stage in the process of implementation of its principles. First of all, you have to remove the present government which is not Islamic.

"The next thing is to consolidate Islamic principles and provide pure Islamic environment. Sharia should come last. Application of the Sharia in a society cannot be achieved overnight. You do not just wake up one morning and proclaim an Islamic state. One may start the process but it takes time.

"In as much as we desire an Islamic state, it has to follow some processes. You cannot place what should come last first. Sharia is the law of God, you have to establish its supremacy first before the application."

Zakzaky further explained that the enforcement of the Sharia in any state of the federation would have been practicable if Nigeria was operating what he called a true federalism where the Federal Government had limited powers over the states.

He, however, restated the commitment of the Islamic Movement to the establishment of an "Islamic Republic of Nigeria."

He said: "We still have that hope. But we can not say when it will materialise. It is in the hands of the Almighty God. Our duty is to pursue it as far as we can. If it does not materialise in our life time, the next generation will continue the struggle."

Toro, a constitutional lawyer, warned that if the Zamfara State governor goes ahead to impose Sharia, that it will clash with provisions of the Nigerian constitution which, he noted, did not recognise certain unwritten laws, including Islamic laws. According to him, "as far as we are concerned, customary laws include Islamic laws. If you are going to impose punishment under Sharia which says 'chop off the hand for stealing or pay compensation for murder,' that will automatically conflict with provisions of the penal code and other provisions of the constitution.

"I bet you, most of what you have under the Sharia will conflict with Chapter Four of the constitution dealing with fundamental rights, especially the section dealing with freedom of association. I do not see how the Zamfara exercise is going to survive the test of the constitution."

Toro stated that it was immaterial whether the Zamfara State House of Assembly passed the Sharia bills for, as he put it, "any law, whether passed by the National Assembly or

the State Assembly, which is in conflict with the constitution, must be struck out, because the constitution is the fundamental law of the country. It is the document out of which all other laws take their legitimacy."

<http://www.ngrguardiannews.com/>

APPENDIX 48:

Nigeria's Unsung Heroes (9)

Selfless Service: The Legacy of Professor Ishaya Shuaibu Audu

By

Paul Mamza

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Gamji 241, 2005

Power in Africa is a veritable instrument for primitive accumulation of public wealth and coercion. Nigeria mirrored the rhetorical image of the giant of the black continent in that the very act that haunts the continent by a way of its peculiar undoing is playing a magic struck in Nigeria, haunting its people but keeping the system moving on a crashing disorientations. The country moved swiftly from the institutionalization of corruption to the internationalization of corruption in the recent times. Material worships had eaten deep into the fabric of the society not because Nigerians are the poorest but because their hearts are traumatic effects of greed, avarice and easy virtues, while the descriptions of power is vested in a person rather than the people. Immorality rule the roost in the Nigeria system and credibility of conduct both at public and private levels are at its lowest ebb. To most Nigerians ethics is the innovative power of deception, fraud and kleptomania. Mercilessness garbed as a the crudest form of irresponsible leadership had presented a kind of odd heroism supplying the expectations and demands of an already corrupt society, corruption being the language of understanding of most Nigerians. Based on these crooking infiltrations into the fiber of the Nigerian society, the moral crises had also tendered a lack of appreciation of the core value systems that make a society achieve efficiency, progress and accuracy in public service, transparency and justice in governance. For a long time the values are thrown to the winds, at present buried in the graveyard of mindless irresponsibility and there's little hope that Nigeria would rise again and imbibe the verifiable qualities of humanism and civility in the near future. The fact is that Nigeria is not an empire lasso for radical changes due to the ailing-class dominance and its pervaded mindset against humanity. It is easier to summarize that the leadership in Nigeria had planted a demystifying apocalypse in some recklessness of an act. If the truth

must be told, it requires a radical tormenting physical to uproot the very basis of the country's prevailing catastrophe. No country in the world had been so deceived, cajoled and subdued in a ranking negative like Nigeria. That is why men of due honour hardly make it to the end in the contest of the squeezing realities or immortalized because their valuable images are anti-dote to the sustenance and growth of corruption. Professor, Ishaya Shuaibu Audu is one personality that had lived a life full of devotion to the service of mankind and selfless leadership. Born on the 1st of March 1927 in Anchau, Ikara Local Government area of Kaduna State. Professor Audu was a personal physician to the Premier of Northern Nigeria, the 1st indigenous Vice-chancellor of Ahmadu Bello University Zaria (1966-1975), a Honourable Minister of External Affairs of the Federal Republic of Nigeria (1980-1983) and Ambassador and permanent Representative of Nigeria to the United Nations, New York (1983) among the many positions and appointments, he held but had only his integrity and humility as its product. In an era when even a Local Government councilor can secure an overwhelming access to public treasury for personal enrichments as mansions, streams of choice cars etc, Professor Audu's held about ten national assignments, even at an era of the oil-boom, at the tender age of 39 as the Vice-chancellor with his school mate and brother, General Yakubu Gowon as the Head of State he would have enrich himself for the nine years, in the second Republic he was a Minister of prominence that would have prepared him for the rainy days especially when there was a national feast of public funds. Before his death he was the Chairman National Health Insurance Scheme. But here was a man who could not sponsor himself for medical treatment abroad! Here was a man who established a Clinic (Savannah Polyclinic) and a Church (Charity and Faith Mission inc.) with his meager resources just for the service of humanity. I could remember accompanying a sick colleague to the Savannah polyclinic at the outskirts of Samaru town (Zaria) but was marveled both with services rendered and the architecture of the Clinic. No doubt the services rendered are the best but the lacking flamboyance of the buildings made me initiate a study of the personality of the gentleman Professor Ishaya Shuaibu Audu. One additional desire was when Professor who treated my colleague that day ask him to go and bring the charge fees anything he is ready! Unbelievable, I murmured in my heart. I was later to found out that the gesture is a piece-meal of Professor Audu's concern and

sympathy for the underprivileged and distressed humanities. His psychological attachment to the want of the local community was no doubt a rare feat. Amongst the many condolence messages written to eulogize the attributes of this great Nigerian which included the President's, Vice-President's, Head of service and governors' to mention a few, the Emir of Zazzau's message captured the true picture in accordance to my thinking of the man. Said the Emir "Late Rev. (Prof.) Ishaya Audu had lived an exemplary life as a Medical Doctor, Educationist, Academician and Seasoned administrator of high repute. His great contributions to the development, peace and progress of Nigeria as whole stand him out amongst the likes of few eminent Nigerians". Amongst his contemporaries one can hardly count ten Nigerians that had the leadership qualities of Professor Ishaya Audu. Here was a man that left Ahmadu Bello University in 1975 as its Vice-Chancellor but still attached to the university in character-building, consultancy and advisory capacities without anticipation of any reward. When he established the School of Basic Studies in 1970 he had in mind a vision for encouragement from the educationally disadvantaged areas in mind without compromising merit. Some of us that were involved in similar assignment often find Professor Audu's advises very valuable. I could remember meeting Professor Ishaya Audu on several occasions for his contributions when I became the pioneer Deputy Director of the newly re-established School of Basic and Remedial Studies (SBRS), which was located in Funtua, Katsina State. The Charity and Faith Mission which he established within the trekking premises of University also aided in transforming the lives through reformations of the predominantly young people mostly students of Ahmadu Bello University into a model emulative of the life of Jesus Christ that emphasizes selflessness and sacrifice. At one time he was a part-time Chaplain of the University, several years after his retirement from active service in the University.

The Charity and Faith Mission Inc., which he established ran a center for continuing Education that award diploma, certificates in public health care, with pastoral discipleship training and extra moral lessons barely free of charge. Professor Ishaya Audu no doubt lived an exemplary life, a life of complete devotion in the service to God and humanity without expecting rewards on earth. His diligence, patriotism and contributions to nation building were evident in his flag of discipline and fundamental ideology. He left a big and long shoe that can hardly be warred by diligence, patriotism, selflessness, prudence,

the fear of God and open-mindedness. As a humanist, he had left a big vacuum that would for long-time be left intact due to the self-centered tendencies of the majority of Nigerians. He was a true Christian by the attributes of exemplary life, a true academic by the urge of acquisition of qualitative education and a true administrator by the show of gracious inspiration. Nigerians must thread the path exhibited by this great man of God in-order to find the succor of national restitution and true progress.

- Mamza, a political columnist with the Leadership Newspapers writes from Ahmadu Bello University, Zaria.

APPENDIX 49:

Shariacracy On Trial¹

The adoption of Sharia hasn't reduced crime and corruption. Nigerian advocates of Sharia – governance according to the norms, principles and rules laid down by Islamic law (as defined by Professor Ali Mazrui) – face a reckoning this year. The poverty and frustration that drives support for Sharia in the north may yet overwhelm the politicians who have adopted it as a tactic for addressing popular discontent. Almost two years ago, Governor Ahmed Sani proclaimed that Zamfara State would adopt the Islamic criminal code and eleven more states followed. Sharia supporters claimed that it would make northern Nigeria safer, wealthier and godlier. Yet in most northern states, Sharia-compliant or not, crime is still rising, state corruption continues, and so does grinding poverty for most of the talakawa (people). Zamfara remains not only one of the poorest places in Nigeria but one of the poorest in Africa.

Encouraged by the mallams and imams, northern politicians are promoting “Shariacracy,” seen by some as a counter to the shift of power and wealth to the south. Resentment at poverty in northern Nigeria runs deep after 40 years of Independence, most of it under northern-led military governments. The south has oil but the north's agrarian economy is in shreds. Northern soldiers dominate politics but most big business is southern-owned. Privatisation and liberalisation under President Olusegun Obasanjo – a southerner, elected with northern votes – reinforce that dominance. For many, Sharia is a challenge to the Westernisation and globalisation to which Nigeria has succumbed.

Supporters of Sharia may start demanding still more radical responses if they see that like western law in Nigeria, the Sharia system is weighted grossly in favour of the rich and powerful. Moreover, there are several Islamist groups wanting to push the Sharia train further. Already some nationalists are arguing that Sharia may critically weaken the north by exacerbating its divisions on class and religious lines. The slogan of Ahmadu Bello, the first post-Independence Premier of northern Nigeria and advocate of Islamisation – “One north, one destiny” – is looking more hollow these days.

¹*Africa Confidential*, 31 Aug/2001.

APPENDIX 50:

Islamists Brewing Terror and Insurrection in Northern Nigeria

Elisabeth Kendal¹

On January 25, 2004, UN Integrated Regional Information Network (IRIN) reported, “Nigerian security agencies have in the past voiced concerns about the activities of certain Islamic preachers whom they feared were radicalizing Muslims in parts of the north. Many were suspected of having links to terrorist groups and foreign organizations.

“In the aftermath of the September 11, 2001 terrorist attacks in New York, several Afghan and Pakistani preachers and other residents were arrested and deported because, according to the authorities, they could not give satisfactory explanations of their mission in Nigeria.”

UN IRIN expressed the concern that a recent violent but failed insurrection in the northern state of Yobe by the Wahhabi militant group Al Sunna wal Jamma (“Followers of the Prophet”) could be evidence that extremist Islamist ideology and terrorism could become a threat to Nigeria’s peace and security.

The recent arrest in Kano of a Sudanese Islamist named Sheikh Muhiddin Abdullahi confirms the fears of analysts who have suspected that the northern sharia states would become an incubator for radical Islamist ideology and a breeding ground for militants.

It is alleged that Sheikh Muhiddin Abdullahi helped channel funds from Saudi Arabia through his Almundata al-Islam Foundation to Al Sunna wal Jamma.

The Almundata Al-Islam Foundation is a “charity” that builds new mosques in Nigeria – 42 in Kano. It promotes Wahhabi Islam and is funded by wealthy Saudis. It has been reported that Malam Mohammed Yusuf, who is believed to be the ideological leader of the Al Sunna wal Jamma, has fled to Saudi Arabia. Nigeria has asked Interpol to help apprehend him. Meanwhile, officers of the State Security Service have taken Sheikh Muhiddin Abdullahi and an associate to Abuja for questioning.

Nigerian authorities are now trying to unravel the extensive network of cells through which Islamist militants are being recruited from all across Nigeria and beyond. They are also trying to put together the details of how this group got its weapons and training. The Al Sunna wal Jamma militants in custody in Yobe are mostly well-educated university students and the children of “notable” Nigerians. The police are not releasing their names.

The growing evidence of foreign involvement in Islamist militancy in Nigeria is grounds for concern, especially as UN IRIN points out, “Nigeria was mentioned alongside Jordan, Morocco and Saudi Arabia in a tape purportedly released by Osama bin Laden, the fugitive leader of Al Qaeda, as a country where Muslims need to be liberated.”

UN IRIN reports (25 Jan), “Political analysts and security officials fear the emergence of the Al Sunna wal Jamma (Followers of the Prophet) group may be an indication that extremist Islamic groups have found enough foothold in Nigeria to make Africa’s most populous country a theatre for worse sectarian violence than it has seen in recent years and acts of terrorism.

¹*Christian Courier*, 15 Mar/2004.

“What I find striking is that the group had operated in Nigeria for some time, had a cell network of members that included highly educated people and could use weapons,” said Ike Onyekwere, a political analyst. “Though they appear to have been put to flight, there is a chance they might still regroup and emerge in another, perhaps more deadly form.”

Background: the December 2003 Insurrection in Yobe

Toward the end of December 2003, some 200 Muslims of Al Sunna wal Jamma or “Followers of the Prophet,” led by a man calling himself Mullah Omar, invaded two areas of Yobe state. They ransacked the local government headquarters and the police station, killing one local policeman and stealing ammunition. They distributed leaflets complaining that the Yobe state governor, Abba Ibrahim, was corrupt and not complying with Shariah (Islamic law).

They then took over a local primary school, renamed it Afghanistan, hoisted their own Afghan flag and sent local residents into forced exile.

Soldiers had to be deployed to contain and eventually quell the insurrection. In the end, the fighting left three policemen and at least a dozen rebels dead. More than 200 Al Sunna wal Jamma militants have been taken into custody.

This group had also targeted many other villages, leaving at least 10,000 people displaced by the insecurity. The militants designated their base an “Islamic state” and declared that their aim was to establish an Islamic state in Nigeria.

They also vowed to kill all non-Muslims and declared a holy Islamic war on Christians and the national government.

UN IRIN reported January 5, 2004: “The Al Sunna wal Jamma group has been active in Borno and Yobe states over the past two years, preaching strict adherence to Islamic Shariah law and expressing admiration for the Taliban movement in Afghanistan. However, this is the first time they have been known to take up arms.”

APPENDIX 51:

Knowing How to Differ

Ahmad Z. Hammad¹

“The problem with Muslims is that they cannot agree on anything.” I have heard this statement countless times in communities across the Muslim world. This is untrue. *Our dilemma is that we do not know how to disagree.*

There is a certain spirit of mercy and tolerance that must prevail when Muslims differ. That can only happen when a person begins to understand that the *Shariah*, which touches all of human activity, is miraculously flexible.

Yet the message that Islam is a comprehensive way of life will be empty if we fail to agree on the mentality that one must come to the *Shariah* with, and to recognise that understanding is a human quality which can naturally result in varied opinions and conclusions.

We need to have a new attitude and fresh way of thinking about the world of differing. In this direction, it is hoped that we can agree on the following “heart-set”:

1. *Whosoever accepts true Tawhid, Allah’s Oneness, expressed in the Quran and the Sunnah, is a brother or a sister to every Muslim and must be loved and accorded loyalty and support based on the integrity of that commitment.*

2. *The principal Muslim references are the Book of Allah and the **Sunnah** of His messenger. Their interpretation must be based on the principles of the Arabic Language, without contriving meanings.*

3. *Blind or absolute loyalty to one person or a particular juristic School is not befitting of any Muslim. The *Shariah* recognises the wisdom of following juristic authorities; learn the basis of their judgements and approach them with an open mind for guidance or correction – even if they differ with one’s own bias or juristic affiliation.*

4. *All that has been reported to us from preceding generations (in harmony with the Book and *Sunnah* of the Prophet) is accepted with awareness of the context involved. *Insult, accusation, and innuendo regarding people of the past are beneath the dignity of a Muslim.* (See Quran 2:134)*

Let our position towards *fiqhi* differences regarding the details of the *Shariah* go only this far: *“Our opinion is correct, but liable to misjudgements; differing opinions are misjudgements, but plausibly correct.”*

¹*Islam: The Way of Revival*, vol. 1, as circulated by www.youngmuslims.ca, 4 Sep/2003.

APPENDIX 52:

Sharia: 25-yr-old man to die for raping 76-yr-old woman to death¹

A high court in Jigawa State has sentenced a 25-yr-old man to death for raping a 76-year-old woman to death, while a Sharia court in Bauchi has ordered the amputation of the right hand of a man for stealing domestic items estimated at N19,800.00.

Also, a Sharia court in Bauchi State has sentenced a 35-year-old man to death by stoning after admitting making love 13 times to his friend's wife.

Yanusa Rafin Chiyawa, father of two, was sentenced to death by stoning after confessing that he made love to his friend's wife in Ningi Local Government Area of Bauchi State. The convict admitted smuggling a four-month-old pregnant housewife, Aisha Haruna, 25, of Rafin Chiyawa village in Ningi Local Government to Alkalari in Alkalari Local Government, where he had marathon sex with her.

In spite of several adjournments by the court to enable the convict to make a rethink, Yunusa repeatedly insisted that he committed the offence.

Aisha, however, escaped the punishment of stoning, after swearing with the Holy Qur'an that she was hypnotised by Yunusa throughout her stay with him in Alkalari.

Earlier, the prosecuting police officer, Police constable Idris Usman, told the court that Yunusa was arrested by the police at Dogon Ruwa village following a complaint by Aisha's husband, Haruna Abdullahi. Abdullahi accused Yunusa, his friend, of allegedly causing the disappearance of his wife from her matrimonial home to an unknown destination for 14 days.

Idris told the Sharia court that Yunusa was accused of illegal trespass into his friend's house, criminal breach of trust as well as luring another man's wife to commit illicit sex.

When the charges were read to Yunusa, he pleaded guilty and confessed to making love to Aisha 13 consecutive times and not 14 times as claimed by Aisha, adding that he had been longing to have her in bed.

"I did it because I love her," Yunusa told the court.

In his judgement, the presiding judge, Mohammed Sani Bal, said the court needed no further witness since the convict pleaded guilty and, therefore, sentenced him to death by stoning.

In an interview shortly after the judgement, Bal said that he had explained to Yunusa to be mindful of his confessions and gave him several opportunities to change his mind, but to no avail.

"The court gave him enough time to understand what he was doing and to see if he was drunk or on drugs but all to no avail," the presiding judge explained.

He said that Section 143 of the Sharia Penal Code of Bauchi State clearly stated that when a person confessed to an offence, even if it was once, he should be punished.

According to the Sharia judge, Section 453 of the state Penal Code states that "whoever agrees to have committed adultery should be punished accordingly, while Section 379 of Fathul-jawadu says that such a person should be stoned to death in public."

¹*Vanguard*, 24 June/2002.

On how Aisha narrowly escaped the punishment of death by stoning, the judge explained that Sharia does not punish anybody within three categories, which are temporary madness, madness and underage, below 18 years.

“In the case of Aisha, she falls within one of these exceptions, since she swore by the Holy Qur’an to have been hypnotised by Yunusa,” the judge added.

Meanwhile, Aisha’s husband, Abdullahi, has taken the matter to fate by agreeing to take back his pregnant wife.

Yunusa, a farmer, has 30 days to appeal against the judgement.

Man to hang for raping

A high court in Hadejia, Jigawa State also, sentenced a 25-year-old Haruna Danbaba to death by hanging for raping of a 76-year-old woman in Baturiya village of Kirikasamma Local Government Area, to death contrary to Section 221 (A) of the Penal Code.

The convict, who was dragged before the court by the police, was accused of raping the old woman and the action resulted in the sustenance of injuries and her subsequent death.

Prosecution police officer, Salisu Abdu informed the court that in February, 2000, the convict broke into the old woman’s house in Baturiya village and forced himself on her, a situation which left the deceased motionless and unable to free herself from the attacks.

The police further stated that neighbours rescued the victim from the incessant assaults when her granddaughter, who was terrified at the sight of what she had seen, raised an alarm, which attracted neighbours’ attention and they caught him in the act.

In his submission, Danbaba denied the charges but admitted having sex with the old woman, maintaining that he entered the house with the consent of the deceased, who invited him to her house for fun-making.

Defence counsel to the accused urged the court to be lenient on the accused person because of his age and that the prosecution evidence did not prove the accused guilty of the murder charge against him.

The presiding judge, Tijjani Abdullahi, however, said he was convinced beyond reasonable doubt that the accused committed the offence, based on his admission and prosecutor’s evidences which provided sufficient ground to convict the accused.

Abdullahi convicted the accused and sentenced him to death by hanging and gave the accused three months to appeal against the judgement.

Sharia court orders amputation

Meanwhile, a sharia court in Bauchi has ordered the amputation of the right hand of a 20-year-old man, Abdulhamid Mohammed, for stealing domestic items worth N19,800.00.

The judgement brings to five the number of convicted persons awaiting amputation in the state.

Abdulhamid was arraigned before the Sharia Court II at Tasha-Babaye in the state capital, on charges of illegal entry into the house of one Waziri Unguan-Doya, where he allegedly carted away household items worth over N19,000.00.

The prosecuting police officer, Corporal Saleh Garba, who presented two witnesses against the accused, said the offence contravened Sections 186, 150, and 175 of the state sharia Penal Code.

Abdulhamid pleaded guilty and said he committed the offence voluntarily, and that he was neither on drugs nor alcohol, but rather to satisfy some of his needs.

He, however, prayed for leniency, adding that he was not well lettered to look for a job.

Delivering judgement on the case, the presiding judge of the court, Alhaji Hashim Abdubaki, said, from the evidence before him, the accused had committed an offence by breaking into a house that did not belong to him, where he carted away electronics, shoes and clothes.

Abdubaki said that the court was satisfied with the witnesses' testimony and ruled that the right hand of Abdulhamid be amputated as provided for by the Holy Qur'an, Sharia Penal code of the state as well as Section 172 of Muwalda-Malik.

Four other convicts were recently sent to Gov. Ahmadu Mu'azu for assent before their hands could be amputated.

APPENDIX 53:

Sharia Can't Succeed Amidst Poverty - Zak-Zakky

Bala Abdullahi¹

Leader of the Shi'ite Muslim group, Sheikh Ibrahim el-Zak-Zakky has said for Sharia legal system to succeed, the society must first get rid of poverty, illiteracy and other societal vices.

Speaking at a press conference yesterday in Katsina, Sheikh Ibrahim stated that “our people are living in abject poverty and illiteracy, what they should do at the moment is to help educate our people, wipe out poverty and then establish the just and egalitarian society which Islam envisages before thinking of Sharia application,” he said.

The Islamic scholar stated that there are wide misconceptions by both the Muslims and non-Muslims that Sharia was all about amputation of limbs and stoning of people to death, saying that there was need for a thorough education on what Sharia entails.

He said that given the present level of poverty, caused by the rulers themselves, it would be unjustified to arrest anybody who steals and to try and amputate his hand because, such person may have been pushed into committing the act as a result of poverty caused by the government itself.

Sheikh El-Zak-Zakky said there was the need to first of all address the thorny issue of poverty to which the people were subjected to due to a decade of mismanagement of the people's resources by those who forced themselves on the people.

“Then lastly provide the conducive atmosphere by removing the present system of government which is unIslamic and replace it with Islamic system and then you can apply Sharia law,” he added.

According to him, majority of those judges presiding in the area courts are graduated high court messengers and that there was the need to upgrade these courts to fare like modern magistrates and those to run them would also be manned with full knowledge of the Sharia.

He said haphazard introduction of Sharia may lead to early collapse of the system in states where it is applied, saying that the envisaged conducive atmosphere should be laid before the system could be sustained.

The Islamic scholar also stated that the people should be interested with regards to who is championing the introduction of the Sharia.

He said what Zamfara State governor did was like putting the cart before the horse. Sharia has a lot of stages before the final one which was implementation.

The Islamic scholar said Sharia was an Islamic legal system, which is practised in an Islamic system of government, observing that Nigerian system of government is never near Islamic system. “The system has to first of all change, then Sharia could be established and be consolidated,” he stated.

Sheikh Zak-Zakky also said the “entire system needed thorough reforms including the legal system because whoever introduces Sharia is supposed to be near Allah, who

¹*New Nigerian*, 2 Nov/99.

fears Him and be seen to be a true representative of Allah on earth. People should be interested in how he runs his own family. But here is somebody who is not known in Islamic crusade issues championing the cause of Sharia,” he stated.

APPENDIX 54:

Shari'a Claims First Victims

Labaran Abdullahi¹

When on January 27, Governor Ahmed Sani of Zamfara State, after signing two new laws signaling the commencement of the Shari'a legal system in the state, told a crowd of Muslim faithfuls that neither himself as a governor, his deputy nor any other person should be spared in the dispensation of justice, cynics dismissed the claim with a wave of the hand.

But residents of Gusau, the Zamfara State capital know too well that their chief executive meant his words.

The state last week recorded the first victims of Shari'a punishment. On February 1, the Shari'a court located in the palace of the Emir of Gusau was besieged by hundreds of people who came to witness the adjudication on a case of alcohol consumption prohibited under Shari'a law.

The suspect, Malam Dahiru (32) was brought in the courtroom at about 11:00 A.M. He was escorted by the police prosecutor who presented first hand information of the case to the Alkali.

When the Alkali, Alhaji Ibrahim Ruwan Dorawa came into the court chamber, the suspect was brought up by the police presiding officer. The case was then read and the charge against Dahiru was that he was seen by volunteers (Yan'agaji) at Mada walking like a drunk. They promptly arrested him for taking alcohol.

The Alkali asked the suspect whether at all he had consumed alcohol? The suspect answered yes.

The Alkali again asked why he took alcohol and Malam Dahiru answered that he took the alcohol because he wanted to relieve his depression brought on by his wish to get married, but not having money, he could not. He also said he had to do what he did because he had only recently lost his dear mother. He added that relief would only come from alcoholic drinks, saying that after consuming so much, he felt happy and forgot about his problems.

The judge (Alkali) Alhaji Ibrahim Ruwan Dorawa asked the suspect whether alcohol was taken freely or bought with money. The suspect quickly answered that he used his money to buy the drinks.

The Alkali then summarily tried the suspect under the new Shari'a penal code of the state which forbids the sale and consumption of alcohol. Dahiru, a Muslim, was sentenced to 80 strokes of the cane to serve as deterrent to others. He was caned inside the courtroom.

At the end of the trial, Dahiru Suleiman was asked by journalists who covered the case, whether he was satisfied with the judgement? "Being a Muslim, I'm satisfied," he said. On whether he would take alcohol again, Dahiru replied that nothing would make him to take alcohol again, adding that he would now try to resist the urge.

¹*New Nigerian*, 19 Feb/2000.

In another development six men were Tuesday, February 16 arraigned before the same court presided over by the Alkali Alhaji Ibrahim Ruwan Dogara for conveying women on motorcycles contrary to Zamfara State penal code of 2000.

Five suspects, Lawali Mohammed, Sirajo Ladan, Sule Lawali, Mohammed Tukur and Murtala Isa were brought to the court by prosecuting police officer, Shehu Garba, who told the court that the suspects were arrested the previous day, while conveying women on motorcycles contrary to Zamfara State penal code of 2000.

According to him, the suspects were riding the motorcycles without proper documents and the machines had no trafficators nor horns nor side mirrors. On the second charge, the chairman, Joint Court of Shari'a Committee of the state, Malam Abdullahi Umar (alias Black) told the court that the accused were also arrested for conveying women on motorcycles contrary to Zamfara State Shari'a penal code.

The Alkali Alhaji Ibrahim, after hearing the case, read from the Qur'an and Hadith which forbid men from going near a woman in order to fornicate with her. He said in both the scripts and Hadith, Allah forbids an attempt at committing fornication.

The accused however pleaded not guilty of the charge. The Alkali then adjourned the case, and ordered the accused to be remanded in prison until March 1 this year.

A third case of wife beating involved one Dantani Liti, came up at the Tsafe Shari'a court, which sentenced him to a fine of 167,934.70 Naira fine for slapping his wife, Halima, resulting in the removal of her two teeth. Delivering judgement, the Shari'a judge, Alhaji Idris Gusau, said that Halimah reported to the court that her husband had beaten her and that she lost two teeth.

On hearing about the case, the court ordered for medical investigation to ascertain the condition of her teeth.

Idris said that the medical investigation confirmed that Halimah's two teeth were removed by force.

The accused pleaded guilty to the charge and begged for leniency, explaining that it was the devil that pushed him into slapping his wife as he still loved her.

The judge quoted an Islamic book, known as *Jawahirul Iklil*, volume two, page 161, and passed sentence that Liti should pay 167,934.70 Naira as compensation to his wife for damage to her health.

APPENDIX 55:

Sharia Is Above the Constitution

Ibraheem El Zakzaky, leader of the radical Islamic Movement, popularly called Shiites, spoke to TELL on the raging religious controversy triggered off by the Zamfara State government. Excerpts:

Danlami Nmodu¹

In spite of your advice that there should be caution about the Sharia being implemented in Zamfara State, the government there went ahead to launch it. How do you feel about this (now)?

I will say it is a welcome development. My caution has been that one should understand the Sharia to be the last in the series of forces in the establishment of Islam. Sharia is a code of life which makes law on all aspects of human endeavour. It should not be narrowed to a sort of punishment. That sort of law envisages that an environment has already been created which is conducive for the application of the Sharia. It means that the environment is already clean and the laws are there to protect the ills from coming back.

Do we have that kind of environment in Nigeria now?

That is why we always say that it looks like what is supposed to come last is being brought to be the first step. However, I know for sure, that when they go ahead they would come to terms with reality.

What sort of reality do you mean?

Well, in the process, they might find that, one, people need to be educated and that, two, an Islamic environment has to be created and that a balanced and egalitarian society has to be there. It is like Zamfara is starting a building not from the foundation. When the building collapses, you will now have to understand that you have to start from the beginning. However, this is a beginning of the process. At least, it has created awareness; the yearning of the people has been for the first time addressed. But we have a long way to go before the people will be satisfied.

Some of the comments you have made in the (recent) past show that you are worried about something. What exactly are you worried about?

Here, the Nigerian society can be likened to the Meccan society of those days, where we ought to address the issue of faith first and follow the same process until a pure environment is created. Then laws will come to safeguard that pure atmosphere. But

¹TELL, 15 Nov/99, pp. 22-23.

now, it seems people think the wisdom behind the Islamic law is to come and clean an impure society by imposing punishment on offenders. That is wrong. The Islamic laws are there to safeguard the purity of the society which has already been purified, so that it is not spoiled again. And the verse of the Quran says, “Do not spoil the earth after it has been repaired” ... So, the wisdom behind the Sharia law is to safeguard the society which has already been purified. You cannot expect the Islamic law to work under a system which is contrary to it. All right? Here, we already have a law...

The constitution you mean?

Yeah, which surpasses all laws and that law is not Islamic. In any case, even if you don't understand, at least there is one question which each and everyone can answer. Simple. Is the government Islamic? Zamfara or any other? The answer is no. All right. How do you expect a government which is not Islamic to operate an Islamic law and Islamic legal system? An Islamic legal system should be operated by an Islamic government in an Islamic environment after an Islamic atmosphere has been created.

Critics of the introduction of Sharia have been saying that this may just be an instrument being used to destabilise the nation.

No, not at all. Majority of people misconstrue what Sharia is or what Islam is. A lot of people just don't understand what is Islam. I feel that there should be some steps towards enlightening and educating the general public about what Islam is all about.

Is Sharia really feasible in Nigeria, with its multi-ethnic and multi-religious nature at the moment?

Now, what is Sharia as it is known by Islamic scholars and what is Sharia as it is being talked about and being applied in Zamfara? The two seem to be different. In any case, if you like, you can give a word any meaning you so wish, if that is what they consider to be Sharia, (it is) certainly possible to be applied given the present circumstances, but it is not meant to, because the law is supposed to be part of a complete whole. You should not take one per cent and proclaim that you have done the remaining 99 per cent.

But is the Sharia feasible with the Nigerian reality – given the constitution? Are we not going to be creating crisis?

There will be some conflicts. That is why I said it might be the beginning of the conflict which may culminate in the establishment of the true Islamic state. At least, the people have been yearning for it ever since they were defeated by the British colonialists. We had Islam governing our lives before the colonialists came. They defeated us with their weapons of massive destruction and then imposed their own system of life upon us. And it has been our yearning to realise what we lost for the last one century which is about to end now. So, this might be a sort of beginning of awareness. I am not saying that we have already got what we want. But it is a sort of beginning.

I have heard people also saying that, if care is not taken, this may also lead to the dismemberment of the country based on religion ...

Well, as of now, one can say that the country consists of many nations.

You mean we can say that?

Yeah, it is a political entity; it is a state with a federal government and a constitution. But if you look at the country as a whole, you will find out that there are many nations. Inside these nations, there are, of course, Muslim nations which have always been misconstrued to be called North, or Hausa, or sometimes, Hausa-Fulani, words which do not have meanings to us. We are actually Muslims and that is how we see ourselves. Hausa is simply a language. And the Fulanis are among the different people. There are the Kanuris and the Nupes. They are all part of one single, cohesive nation, the Muslim nation. So far, to those of us who form this part of the Muslim nation, it has always been our yearning and aspiration to have Islam govern our lives. So, at the end of the day, we just have to have it with Nigeria or without Nigeria.

Some people are saying we need state police, now that others are saying we need Sharia. Do you see this as part of the democratic environment for states to have their own code of laws governing them separate from the federal constitution?

Left for me, I would wish that those yearning for anything should take it at the wider level, so we may not end up having pockets of several countries at the end of the day... If the struggle is taken at the wider level (national level), then we might be able to strike at some sort of compromise, with some concessions given to different areas to act according to their own ways but in harmony with the centre. Yeah, that would be a good idea. But this sort of confusion which has been created now centres around the understanding of the meaning of Sharia, which Zamfara State wants to apply.

In fact it is not only Zamfara. It is spreading to other states in the North...

Starting from Zamfara, it may spread and later on create that sort of demand at the national level to strike some sort of compromise.

It may even be the beginning of a true federation that will satisfy the yearnings of the people?

Could be possible; I really wish that those who started it had started it at that national level rather than some sort of state level, in consultation with other Muslims. If they make one front to demand one thing, they will definitely get it. Even if they didn't get the whole of it, they might get part of it.

As an Islamic cleric, how do you react to people not known to be clerics championing the cause of Sharia? The suggestion is that they are probably using religion to cover some of their own bad records. Can these people lead the struggle?

I don't think they consider themselves as leading any struggle. For example, the governor of Zamfara State has declared times without number that he is obedient to the Nigerian constitution and he derives his authority from the Nigerian constitution. That even he derives the authority to apply Sharia from the Nigerian constitution and he remains, so to speak, a secular politician because he was after all voted on the platform of the APP, and APP has nothing like Islam in its manifesto. This does not affect the struggling Muslims who have been known to be struggling and yearning for the establishment of a true Islamic (system) which I am fortunate to be part of. We are still doing our struggle. We only think that what the governments are now doing only adds some sort of upliftment to our struggle because now, for the first time, we are hearing secular politicians who hitherto used to tell us that politics and religion don't mix (*laughs*), now, entering into our arena, by themselves saying that Islam should govern their people and that Islam and politics, in a way, they are not separable.

If eventually we have a system whereby the Sharia becomes predominant in the North, what will become the fate of Christians?

I think you have to be very clear about one point. Don't mix me up with what these governments are doing. My understanding of Sharia is that it encompasses all. It governs the society. Even the governor, head of state has to be under Sharia. Sharia is the law of God and it has to be above the law of man. The whole laws of the country, including the constitution, have to be under the Sharia. So, even the Christians have to be under Sharia. But if it is the Sharia of the governor of Zamfara State, (he) can answer you better.

You have argued that the way Sharia is being implemented now, it could be abused by those in authority.

Yes, a Sharia envisages a totally Islamic society which is pure and its leaders are knowledgeable and pious. If, in the present circumstances, Sharia is limited to the courts of law where punishments will be prescribed for offenders, I am afraid that it might end up being the instrument in the hands of those in authority where they will put themselves above the Sharia and use the Sharia to oppress the *talakawa* (the masses).

In Iran, after the revolution, it took some years before they started implementing Sharia. So what are the stages under which Sharia could come?

First of all, you must have an Islamic environment. Before you have an Islamic environment, you must have an Islamic government. Before you have that Islamic government, you have to remove unIslamic government. The present government running the country, federal or state, is anything but Islamic. Therefore, it has to be removed first... Even when you have an Islamic government in power, it doesn't mean

that overnight it will implement everything in the Sharia. It will go about it bit by bit. Because that is how it came, even at the time of the prophet. When he established the Islamic state in Medina, it was not immediately that all laws were applied. It took some time, some even in stages. One example which is often given is eradication of alcoholic drinks, which came in stages. If you have some social ills, you don't remove them by law. For example, if people are unemployed, you don't make a law and say therefore anybody who is caught and he is not employed he would be punished. You have to provide jobs for people first. When there is no reason for someone to become idle, then being idle becomes a crime. Similarly, if you have prostitutes, you don't say that overnight, there should be no prostitutes. You provide a situation whereby there would be no prostitution, then prostitution will be criminal. Under the present circumstances, people are forced to steal because the society chastises them and forces them to look for what to eat and that might even lead them to committing some crime. If you say now you will punish them for what you have forced them to do, it is nothing but oppression.

APPENDIX 56:

Sharia Respects Pluralism--Ibrahim Sulaiman

By Ibrahim M. Umar¹

When Zamfara State Government declared its intention to adopt Shari'a in running the affairs of the state, I had the premonition that it is only a matter of time before the press, especially from the southwest, starts unleashing a campaign of calumny, blackmail, outright lies and propaganda against the move. You don't have to be a journalist to foresee that. You only have to be a product of our educational system to know how well our people are brainwashed and programmed to perceive and treat anything that has to do with Islam with contempt, ridicule and terror.

Under such circumstances, my first instinct, as well as anyone who cares to learn what Shari'a truly is, is to start "digging the trenches" and launch a counter offensive.

Indeed, I wrote a full page article with the law of Moses – a word for a word, an argument for an argument – as my guide countering the false allegations and deliberate misinformation by some bodies and individuals against Shari'a. However, on contacting Dr. Usman Bugaje, an articulate scholar well versed in the area and a man whose views I hold in high esteem, I was advised to contact specialists in the field with Malam Ibrahim Suleiman and Dr. Suleiman Kumo as immediate references.

I went to Zaria to meet Malam Ibrahim Suleiman at the Centre for Islamic and Legal Studies, where he is the director, armed with a dozen questions for an interview. He wouldn't allow me to use a recorder, insisting he is not a good speaker and would not want me to reprint the interview verbatim. Moreover, the Council of Ulama which he is part of was about to issue its stand on the Shari'a issue. Reprinting a verbatim interview would amount to preempting them. However, I was able to persuade him that I will write an article on all we discussed, attributing it to him.

By the time Malam Suleiman addressed just two of my questions in barely fifteen minutes, I was completely disarmed and pleasantly disappointed. Disappointed not because he couldn't answer my questions properly but because he simplified issues seemingly so confusing and complex into amazingly straightforward and comprehensible matters that I had to withdraw my ten remaining defeated and conquered questions because they have all been addressed in the first two! It was a rare encounter of meeting a gifted scholar who reduces what seems to be complex and mystified matters into something elementary. Below is how it went.

Through all the ages Shari'a has been the only system that rather than impose itself on others, respects pluralism in society. If truly Shari'a is imposed by the sword on non-Muslims, why do you find, for example, not many Tiv people are Muslims despite the fact that they were (partly) under Muslim caliphate before colonialism? Why also are the Maguzawas in Hausa land remaining non-Muslim despite being in the midst of Muslims?

¹*New Nigerian* November 2, 1999

The truth which the majority of people are ignorant of is that Allah Himself warned the Muslims: “Let there be no compulsion in religion. Truth stands out clear from error.” (HQ II:255)

Indeed on matters of Shari’a law, God told Prophet Muhammad (SAW) when he was the leader of Medina not to judge in disputes among Jews but to ask them to judge themselves with what God had revealed to them in the Torah. “If they do come to thee, either judge between them or decline to interfere. If thou decline, they cannot hurt thee in the least. If thou judge, judge in equity between them. For God loveth those who judge in equity. But why do they come to thee for decision, when they have (their own) law before them? (HQ V:45-46)

According to the Holy Qur’an, “To each among you have We prescribed a law and an open way. If God have so willed, He would have made you a single people...” (HQ V:51)

It has never been the teaching of the Qur’an that all men must live under the same law or be forced to adopt other cultures. For instance when a Jewish woman was brought to the Prophet (SAW) by some Jews on the charge of committing adultery, the Prophet (SAW) told them it is not for him to judge them but if they insist, then they should go and bring the Torah and see therein what is the penalty for adultery and implement it. Hence Qur’an questions: “But why do they come to thee for decision, when they have (their own) law before them?” (HQ V:46)

Similarly, according to Shari’a law, in a city where Muslims and non-Muslims live, the non-Muslims should be allowed to practice what they believed in. If taking alcohol is not offensive in their religion and culture, they can do that in their own part of the town. If a non-Muslim steals alcohol kept by a Muslim, the non-Muslim will not be punished for theft by Shari’a, because alcohol does not belong to a Muslim and it is an acceptable thing to the non-Muslim. So it belongs to him. On the other hand, if a Muslim steals alcohol from a non-Muslim, he will be punished because he takes what did not belong to him.

It was with the coming of Europeans that tolerance and pluralism were wiped out. For instance, instead of establishing English to compete side by side with other languages and the Arabic script, they insisted that it must only be English. It was imposed and the millions of people in Northern Nigeria who hitherto used Arabic as their script were declared illiterates! Ever wondered why in a state like Katsina, Zamfara or Sokoto where majority of the people are of Hausa origin are using English as the only official language in the State Houses of Assembly, if not for colonial mentality?

In terms of making laws, the constitution of Nigeria said that it is the responsibility of state houses of assembly to make laws for their people based on their customs, culture and way of living. So what is wrong if the state house of assembly in Zamfara made laws based on the customs and culture of Zamfara people, which is Islamic? It is only natural, normal and acceptable. Why can’t we have other official languages in state houses of assembly in addition to English, which is still an alien language?

In a state that adopts Shari’a, institutions like the *riba* banks and secular schools are not going to be forcefully closed as many wrongly assume. Islamic banks and schools will only be established to compete side by side with them and offer choice to people. But now what secular zealots are saying is that there should be no alternatives

and everybody must have only what they want. Is that tolerance? Where is freedom and choice? For instance, in Malaysia where Shari'a law is allowed to exist side by side with secular laws, investigations have shown that some multinational oil companies do deposit their money in Islamic banks in preference to conventional banks because of more profitability and other favourable conditions and services existing in Islamic banking. Why can't we have that in Nigeria in order to give choice to customers?

With democracy, federalism and human rights, there must be divergent views and demands. The only way to guarantee that different groups have what they want is to encourage pluralism and provide alternatives. But the secular elements in this country are blindly and arrogantly insisting that everybody must live according to their only way and all must be forced to drink from the same cup. The danger of colonialism and secularism is that everybody is forced and programmed to think and behave in one and the same way, with no tolerance to alternative viewpoints.

What the Odua Peoples Congress want is more autonomy to enjoy their culture, take pride in their language etc. What the Ogoni people are asking is to have the economic side, to enjoy from the wealth that is coming from their environment, which the federal government recognizes by giving concessions in form of OMPADEC (now NNDC). If the people in Zamfara, who are over ninety percent Muslims want Shari'a, why should you deny them that? Don't you think they also have rights as others?

Democracy, which the southwest press have been yearning for is bringing about changes but the secular fanatics are afraid of getting out of the colonial system sustained by military dictatorship of doing things in only one way. They are scared of change. But only a fool resists change.

In a federal system like the U.S., state laws handle all criminal issues and similar disputes. Supreme courts are only concerned with constitutional matters. Federal laws cover a limited area. Everywhere in the world now people are crying for autonomy to live according to how they want. Kosovo was supported by the West because the people are fundamentally different from the Serbs of Yugoslavia. East Timor is being supported to get independence from Indonesia because majority of them are Catholics while over ninety percent of Indonesians are Muslims. In this era, despite globalisation, every people want to have the freedom to run their affairs according to their ways.

The responsibility of federal government is not to impose unitary laws on states but to find ways of managing the different yearnings and aspirations of the different units of the federation. Coordination of the conflicting interests is the responsibility of Abuja. Indeed, mostly it is on foreign relations, external security and monetary issues that the federal government dominates.

Now to people like Governor Makarfi of Kaduna state who is condemning Zamfara government for adopting Shari'a on allegations that it is unconstitutional and unrealistic. Does Makarfi as a Governor of Kaduna have responsibility and authority to standardize weights and measures in his state? Does he have the obligation to make sure school children are not forced to wear only pants? Does he have responsibility to make sure Indian hemp is not sold openly on Ahmadu Bello Way? If the response to all these are yes and the penal code, which is the state law addresses these issues, then Governor Sani of Zamfara along with his State Assembly have the right to administer laws that are acceptable in Zamfara people who voted them into office.

The fear of the West is that if Shari'a is allowed to take root in Zamfara, other northern states will follow suit. Similarly, other West African countries sharing same religious, ethnic and cultural ties with these states like Niger, Chad, Cameroun, Gambia, Senegal, Mali etc. will soon

adopt Shari'a also. What the whiteman put asunder through colonialism and creation of artificial geo-political boundaries will now evaporate! The implication is that Muslims in West Africa will turn away from secularism and westernization to Islam. I can hear someone from 10 Downing Street, someone in Paris and someone in the White House crying, "Help! Help!! Help!!! West Africa is getting out of our grip!" That is the fruit of democracy, human rights and freedom!

Muslims must not allow these enemies and their local agents, especially in the press and government to distract our attention from this noble pursuit which will have far reaching consequences on the destiny of not only Nigeria but West Africa at large.

However, we may ask: What does it take to make Shari'a work? We need to create a socio-economic atmosphere that will guarantee everybody the chance to live within the law. Also knowledgeable and incorruptible judges have to preside in the judiciary. I agree wholeheartedly with Dr. Usman Bugaje who cautioned that the Shari's should be implemented with absolute wisdom and sincerity. We should not allow euphoria and emotion to blind our vision and perception. If we reduce our match to the ideal Qur'anic state into mob action, terror and violence against others, we will end up doing more harm than good, more so in the exalted name of Shari'a.

But those who complain that Shari'a is too harsh as in amputating the hands of theft and stoning the adulterer, we ask: why do you insist on being a thief and an adulterer? Definitely those who have been visiting aggression on others and those who have sickness in their hearts and have been enjoying their undisciplined acts with impunity will have a tough time under Shari'a. However, while the criminals worry and complain, those who want to remain innocent and law abiding can rest assured that they will enjoy absolute calm and security.

APPENDIX 57:

Violence by Muslim Militants in Nigeria Sponsored by British Saudis

Obed Minchakpu¹

Government security agents have reported the arrest of a Sudanese Muslim businessman who heads a Saudi Arabia-funded charity in connection with financing bloody attacks on Christians in Nigeria.

Sheik Muhiddeen Abdullahi, director of Al-Muntada Al-Islami Trust, was arrested February 20 in the northern city of Kano pending investigations into his organization and activities, but was released 10 days later.

A State Security Service official told Compass that Sheik Abdullahi was arrested following “the discovery of financial transactions running into millions of dollars between him and an Islamic fundamentalist cleric, Alhaji Sharu, in Kano.”

In December of 2003, a group of Islamic fundamentalists calling itself “Nigeria’s Talibans” declared a part of the country an Islamic republic and launched attacks on Christian communities.

The Islamic militant group fought a series of battles with the police and army units. Security agencies subdued the group after two weeks of battles that left two policemen and a dozen militants dead, and thousands of people displaced from the Christian communities targeted by the fundamentalists.

Security agents arrested 47 of the militants. One of them, Muslim cleric Alhaji Sharu, provided them with a confession exposing the activities of the charity headed by Abdullahi.

Sharu reportedly disclosed that he acted as a middleman between Islamic fundamentalist groups in the country and the Al-Muntada al-Islami Trust, a charity funded by wealthy Saudi Muslims that maintains headquarters in Britain.

Charitable funds had gone to finance religious violence in Nigeria, according to Sharu. In addition, the trust had been propagating the Wahhabi sect of Islam. Afghanistan’s ousted Taliban regime and Osama bin Ladan are adherents of Wahhabi Islam.

Muslims protest release of radical leader

Abdullahi’s release sparked a mass protest by more than 5,000 Sufi Muslims in Kano city, calling for the immediate closure of Al-Muntada Al-Islami Trust offices.

Protesters chanted, “Allahu Akbar, Allahu Akbar” (“Allah is great”) as they marched to the state assembly house. They demanded the Wahhabi Muslim sect be banned from the country.

“As a matter of urgency, the state government should close the office of Al-Muntada Al-Islami because of its activities which have resulted in religious unrest in Nigeria,” Abduljabbar Nasiru Kabara, spokesman for Qadiriyya Sufi Muslims, told journalists during the protest march.

¹*Christian Courier*, 29 Mar/2004.

Like the protesters, the majority of Nigeria's Muslims profess the Qadiriyya Sufi tradition of Islam.

"We don't believe in the use of arms as a means of propagation of Islam and we don't encourage militancy," Abdullahi told media representatives upon his release from police custody. "Our objective is Islamic propagation through education."

Iran active in Nigeria?

Abdullahi's arrest came just one month after the Nigerian government announced that an Iranian diplomat was arrested on January 23 for spying on church and government buildings in the Nigerian capital of Abuja.

"The suspect was found with a digital camera, taking photographs of sensitive places," Inspector General of Police Alhaji Tafa Balogun announced at a February 3 press conference in Abuja.

The police chief listed the National Ecumenical Center, Christian churches, a presidential villa, the defense headquarters, and the embassies of Israel, the United Kingdom and the United States as sensitive places. Inspector Balogun refused to disclose the identity of the Iranian diplomat.

Mrs. Oluremi Ayo, special adviser on the media to Nigerian president Olusegun Obasanjo, told Compass in Abuja that the Nigerian government is committed to fighting terrorism and would pool resources with other states in the war against terror.

"The president of our country is a core player in the global fight against terrorism and has ensured that all of the security agencies have taken measures to root out any element that may want to disturb the peace here," she said. "He again underscored the fact that this nation would not be used as a base for any terrorist organization."

APPENDIX 58:

SECULARISM, SHARI'AH AND THE NIGERIAN CONSTITUTION

Dr. Banu Az-Zubair

Could the constitution not accommodate the Shari'ah as well as the secular laws others wish for? What is constitution? By constitution it is meant that assemblage of laws, institutions and customs, derived from certain fixed principles of reason, directed to certain fixed objects of public good, that compose the general system, according to which the community has agreed to be governed. That is to say, a constitution is the document in which are set out the rules governing the composition, powers, and methods of operation of the main institutions of government, and the general principles applicable to their relations to the citizens. A constitution is a thing antecedent to a government, and a government is only a creature of the constitution. A constitution is not the act of government, but of a people constituting a government. In Nigeria, the only constitution that fits this criterion is the one left by the founding fathers. Further, a constituted authority is one that is defined, and there can be no definition which does not of necessity imply a limitation. A constitutional government is and must be a limited government if it is constitutional at all. Whatever its form may be whether aristocratic, democratic, or theocratic, in any state that we may properly call constitutional, the supreme authority must be defined and defined by a law that puts bounds to arbitrary will.

Our founding fathers demanded and received a federal constitution from the British colonial rulers, with this as one of its cardinal principles: "Each Region shall have complete legislative and executive autonomy with respect to all matters except, 1. Defence; 2. External Affairs; 3. Customs; and, 4. West African Research Institutions." The House of Commons later also resolved that the Nigerian constitution should provide greater Regional autonomy and to remove power of intervention from the Centre in matters that could, without detriment to the other Regions, be placed entirely within Regional competence. They also recommended that the regional legislature should become sovereign, and no other body in Nigeria could have the authority to alter their decisions on their own subjects.

The implications of this meant that each region could develop its own constitution reflecting its values, custom, and even religion. The federal government as the government of the Federation would have specific duties delegated to it. This, in addition to those adumbrated, of course, will include Postal Services and monetary policies. This is similar to the arrangements in the United States, where the individual states are sovereign and have their constitution separate from the federal constitution. There is no reason why our separate regions could not develop their own constitutions.

It is primarily to address the interest of the Muslims that our founding fathers settled for a federal constitution. This is to enable the Muslims to continue to practise the constitution they have had all the while, before and during the colonial period.

The Shari'ah had been practised in the North long before the British colonial rulers came. It is our view, therefore, that our federal constitution must make room for the Shari'ah if it is not to oppress a very large section of the population. The federal

government could and should have a secular Supreme Court as well as a Shari'ah Supreme Court. It is a travesty of justice that a legal matter initiated in a Shari'ah court should end, on appeal, in a secular court. The Shari'ah is not a law in the western sense, but it is a very important aspect of a Muslim religious worldview. Shari'ah governs and determines what is right or wrong in any act, spiritual (*ibadah*) or non-spiritual (*mu'amalat*) matters, as well as all aspects of a Muslim's personal and inter-personal, private and public, ethical, social, political, national and international relations. It has, as its basic objectives, the protection of the religion, life, mind, ownership of property, commerce, family, and society of Muslims. The Shari'ah, then, comprises all that might be positively called law and occupies the central place in the Islamic system of final authority and ordering principle. Abiding by the Shari'ah is a religious requirement, and so is judging Muslims by it. It is well within Muslims' right to demand to be governed and judged by the Shari'ah within their territorial space. A Federal System is well suited to accommodate this; hence the demand of our founding fathers for it.

What is the basis for the objection to Shari'ah? We cannot see or imagine one and none has been tendered, except for the simple hatred of Muslims and Islam. The Shari'ah is not a law to be imposed on non-Muslims in a Muslim territory. If the Jataus, Okogies and their kind had genuine complaints, they could have demanded for a special Bill of Rights to be incorporated into the Federal Constitution, to safeguard the rights of minorities in any of the regions in the country. Islam appreciates the fact that non-Muslims may not wish to be judged by the Shari'ah, and adequate measures are there within the Shari'ah itself to protect the interest of non-Muslims, in addition to which the federal government could create a Bill of Rights. It is sad and disappointing that learned people such as Archbishops Okogie and Jatau are making statements about something they appear to have no knowledge of. Muslims do not dabble in other peoples' faith, particularly when the matter has no direct bearing on themselves; why are the Christian ministers worried that Muslims may have Shari'ah? We live in a multi-cultural and multi-religious society; those who are in the position of influence should be careful that their unguarded utterances do not stir passion and hatred among our people. Making such reckless remarks, given our political and religious sensitivities, is a most evil thing to do.

Finally, they said, "They want to pray for the peace of our fatherland where all should be free to practice our faith or religion according to our conscience and conviction." Why are they putting obstacles in the way of Muslims trying to observe their religion according to their conscience and convictions?

APPENDIX 60:

GWAMNATIN BORNO TA HANA SAYAR DA GIYA

Tijjani Usman Bello¹

Gwamnatin Jihar Borno ta soke lasisin masu dako da sayar da giya tare da haramta duk wata mummunar dabi'a a fadin jihar a ci gaba da shirye-shiryenta na fara aiki da shari'ar Musulunci a ranar Juma'a mai zuwa (wato 1/6/2001).

Gwmnan jihar, Alhaji Mala Kachalla ne ya bayyana haka a lokacin da yake jawabi a ranar Alhamis da ta gabata wajen taron kara wa juna ilimi a kan aiwatar da shari'ar Musulunci wanda kwamitin aiwatar da shari'a ya shirya.

Gwamnan ya ce soke lasisin dako da sayar da giya da hana munanan dabi'u ya zama dole domin bin tsarin shari'ar Musulunci wanda jihar take shirin fara aiwatarwa. Ya kara cewa, tuni ma an bai wa mata masu zaman banza wa'adin kwashe nasu ya nasu su bar cikin jihar matukar ba za su canja halayensu ba. Gwamnan ya kara da cewa, babu shakka gwamnatin jihar tana nufin daidaitawa da gyara halayen al'ummar jiha ta yadda za su dace da shari'a ta Musulunci. Tuni dai majalisar dokokin jihar ta amince da kudurin da gwamnatin jihar ta yi na aiwatar da shari'a a jihar kuma gwamnatin jihar ta sanya hannu a kai, ya zama doka.

Har ila yau gwamnan jihar ya yi kira ga wadanda ba Musulmi ba da kada su damu domin shari'ar ba ta shafe su ba. Ya ce suna da zabin zuwa kotunan da suka ga dama don yi masu shari'a.

Daga nan sai gwamnan ya nemi jama'ar jihar su ba gwamnatinsa hadin kai don samun nasarar wannan shiri tare da samar da zaman lafiya da ci gaban arzikin jiha da kasa baki daya.

Ta bangaren karatun allo kuwa, gwamnan cewa ya yi za a kashe makudan kudade wajen gyara tsarinsa don samun nasarar shirin.

Haka kuma kwamitin shari'a ya gama shirye-shiryensa tare da tsare-tsaren yadda shari'ar za ta kasance a jihar kuma sun mika wa gwamnatin jihar don kaddamarwa.

Kwamitin dai yana karkashin shugabancin mataimakin shugaban Jami'ar Miduguri ne, wato Furofesa Abubakar Mustapha.

¹T. Bello, 28 May/2001.

Shi kuwa mai martaba Shehun Borno, Alhaji Mustapha Umar El-Kanemi ya bukaci al'ummar jihar ne su zauna lafiya da junansu, musamman ma wadanda ba Musulmi ba, don samun ci gaba da karuwar arziki a jihar kuma kada su damu domin shari'ar ba za ta shafe su ba. Ya tunatar da su cewar tun tuni da ma akwai shari'ar a cikin tsarin mulkin kasa, watau Final Kod, wanda aka tsara don gyaran al'ummar kasa.

Shi kuma kwamishinan 'yan sandan jihar, Alhaji Uba Bala Ringim, ya shaida wa 'yan jarida cewa rundunarsa za ta yi bakin kokarinta wajen hana munanan dabi'u a duk fadin jihar. Daga nan sai ya yi kira ga jama'ar jihar su ba su hadin kai.

A yanzu haka dai karuwai da masu caca da mashaya giya tare da masu sayarwa da makamantansu, suna ta yin kaura daga cikin jihar zuwa wani gari na daban, duk da cewar gwamnatin jihar ba ta ba su wa'adin cewa, ga lokacin da take so a bar garin ba.

APPENDIX 61:

SHARI'AH AND YOU

Baba Ejiga¹

Of recent the echoes of debate and discussions on the issue of Shari'ah has reverberated in every nook and cranny in this country. And the issues raised range from the very bizarre to the ordinary. It amazes me the level to which people exude their ignorance on an issue which they know next to nothing about, and also on an issue which does not affect them directly or indirectly, if they are good citizens of this country. Even though I am not an expert on Islamic jurisprudence, as a researcher of comparative religion, I do know some basic rudiments of rules governing the existence and relationship of persons. I also know that part of the laws governing this country is a derivation of our customary laws, English laws and to some extent the commandments as contained in the Christian Torah. I do know also that all religions have their body of laws. However, the degree to which some of the religions cover issues vary. The reason for this is the basic fact that the world's religions are introduced at various times in human history by God's prophets from different races and countries of the world. Given this scenario and since Shari'ah is purely related to Muslims, adherents of other religions have no basis to fear anything. Indeed, it is the Muslims for whom it is meant who should complain if at all they do not want it. And since no good Muslim can detach himself or herself from God's Shari'ah, I honestly feel the issue of Shari'ah should be left for Muslims alone.

Islam is an embodiment of religion which all adherents are proud of, not only because Islam is the sum total of life but because Islam recognizes other religions before it and puts them into perspective. A little over 1,400 years ago, God gave mankind the message of the Holy Qur'an through the holy Prophet Muhammad the son of Abdullah (peace be upon him) who is the last of all prophets. God equally stated in the message of the Holy Qur'an that "Today have I perfected your religious law for you and have bestowed upon you the full measure of My blessings, and willed that self-surrender unto Me shall be your religion." (Al-Ma'idah 5:3)

Similarly, God stated in Surah Al-Imran 3:85 that whoever practices any religion, other than Islam (self surrender unto God), it would not be accepted from him. Therefore Islam, which means obedience and submission to the will of God, is the embodiment and sum total of the will of God because the laws for mankind have been completed and perfected. That person who submits himself to the will of God and obeys what God asks him to obey is a Muslim. A Muslim believes in God as the creator and ultimate judge of the worlds, believes in all the prophets, believes in the revealed books and believes in the last day. Therefore if you believe in all things stated here, you are a Muslim. However, the difference is the degree to which you believe and practice Islam. Islam has no half measure. It is either you practice it in full measure and succeed, or you ignorantly ignore its tenets and suffer the consequences on earth and possibly in the hereafter. This preamble has become necessary to attune our minds to the subject matter, Shari'ah. The problem we have in the world today was the same problem older generations had. God in His wisdom and mercy sent prophets with good messages, but the people refused the messages and in most cases threatened to kill the prophets. The truth which the prophets of old preached is still the

¹B. Ejiga, 13 Nov/99.

same truth today and forever. Therefore, whether anybody believes in God or His laws or not, it does not add anything to God. Rather, the will of God (Shari'ah) is for the good of mankind.

Before I define Shari'ah further, let me add here that people are quick to express their fear about God's Shari'ah because they have perfected their own worldly ways through deceit and cheating. The worldly ways are shrouded in deceit and cheating which are creations of the people's minds.

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

Consider a world where people would not walk haughtily and boastfully. Consider a world where people will not covet their neighbours' property or kill other people. Consider a world where people learn to know each other and appreciate each other. Consider a world where people know and obey the will of God. Consider a world where people exhibit honesty and goodness at all times and on all issues. Surely, everybody will like to live and enjoy their lives there. But what do we have today?

A world where people kill other people and cheat. We live in a world where people do not think and reflect about the will of God, the creator. We live in a world where we glorify our own achievements and think only of our own wisdom and dexterity. We now live in a world where the winner takes all. We live in a world where adultery and fornication are as pervasive as the AIDS scourge. That is why people fear Shari'ah today, because operation of Shari'ah in its truthfulness will correct all these vices.

We should not sit here to condemn Shari'ah; we should applaud Shari'ah and whoever encourages it. But Shari'ah has no half measure. Where success is desirable, Shari'ah must be practiced in full, as it is done in Iran and Saudi Arabia.

I cannot claim to be a Muslim and deny God's Shari'ah; more so, when I know that God's judgement is the ultimate judgement which I must face. Not only that, the constitution of the Federal Republic of Nigeria provides for the practice of one's religion in full. How then can one practice his or her religion without going by the will of God? Therefore, everybody must submit to God (Islam) and His will (Shari'ah). Such a person who has submitted to the will of God (Muslim) in full measure is bound to reap the abundant measure here on earth and in the hereafter.

Why People Reject Shari'ah

Full operation of Shari'ah makes people to be responsible to themselves and others around them, but the modern secular arrangement does not encompass that. For instance, where Shari'ah is in operation, a Muslim must give *zakkat* (tithe) annually, which is about 20 per cent of one's annual income. These *zakkats* are collected in a treasury (*Bait-ul-Mal*) and redistributed among the less privileged. However, the modern taxation in operation is discriminative and evasive.

Secondly, Islam is the only religion that encompasses the totality of life. There is Shari'ah in the way you eat, the way you walk, the way you talk, etc. With the supreme position of Islam, adherents of other religions feel a little uneasy and even jealous of such standards and cannot

therefore readily come to terms with such standards for fear of being labeled apostate by their brothers. People also fear that Shari'ah being Islamic should not be given prominence as they think that such promotion might relegate other religions to the background. But people should realize that Islam does not need them through entreaties; rather it is them that need Islam.

Permit me to say also that Shari'ah is not a new concept in Nigeria. We are not just trying to start Shari'ah. Shari'ah has been part of man from the first created man – Prophet Adam (God have mercy on him) – down to the last prophet of God to mankind – holy prophet Muhammad (peace be upon him) – and up till today. But people are running away from Shari'ah because they want to live according to their own terms and dictates. The ideal Shari'ah was exemplified by the holy prophet and his immediate successors, the worthy Caliphs like Saidna Abubakar, Umar Bin Al-Khattab, Usman B. Affan and Ali Bin Abi-Tallib. For instance, after the Muslims went through persecutions in the hands of the unbelievers, God gave them success and life became better and easier for them and the community grew more prosperous. But as per commentaries of Muhammad Assad of Glorious Qur'an, this ease and prosperity was not reflected in the household of the prophet whom as before, allowed himself and his family only the absolute minimum necessary for the most simple living. "In view of the changed circumstances, it was no more than natural that his wives were longing for a share in the comparative luxuries which other Muslim women could now enjoy; but an acquiescence by Muhammad (p.b.u.h.) to their demand would have conflicted with the principle observed by him throughout his life, that the standard of living of God's apostle and his family should not be higher than that of the poorest of the believers." The holy prophet used simple clothes, simple foods and beddings.

Similarly, the Caliphs followed the standard already set by Prophet Muhammad (s.a.w.) because he is a model for all Muslims. During the time of the first caliph, Abubakar, his wife requested to have a sweet dish; but Abubakar replied that he had no money to arrange same. The wife sought for his permission to save from their daily allowance from the Public Treasury (*Bait-ul-Mal*) to enable her to have the dish of her desire. The Caliph agreed, but when the wife brought him the money she saved to make purchase for the sweet dish, he said, "It seems that we have had so much over and above our needs." He therefore deposited the savings in *Bait-ul-Mal* and for the future, got his allowances cut down by the amount saved by his wife. Umar Bin Al-Lkhattab followed the same legacy of simple living.

Now, in what part of the world can you find leaders with absolute authority behaving like the prophet and the caliphs? Obviously, you cannot find any, but in societies where Shari'ah is adopted, such as Saudi Arabia and Iran, they have an ideal society where oppression is less. The problems are not in the Shari'ah but with our minds and worldly thinking. Shari'ah has been there, and you cannot introduce what has been in existence. Just like God. He is present with us and in our mind every time, but some fools merely ignore God and go about their activities ignorantly, and that does not take away God from within and around them. But when such individuals begin to stir God's consciousness in their minds, they begin to gain illumination and act godly. That indeed is what is happening in Zamfara State. Zamfara is not an Islamic state and cannot be an Islamic state within the confines of the Federal Republic of Nigeria.

Shari'ah in Zamfara State

Operation of Shari'ah in Zamfara State is not operation of the Shari'ah in Nigeria. People should realize that the population of Zamfara State is 99 per cent Muslim and if we must allow everybody to freely practice his or her religion, we should instead applaud the decision to adopt the Shari'ah

in that state instead of ignorantly and jealously attacking the Zamfara Muslims on the pages of newspapers. Perhaps the attack will be justified if a small segment of Muslim population in that state resent the idea of Shari'ah in their state.

Let me also mention here that adoption of God's Shari'ah will not solve the problem of oppression and cheating in Zamfara State by mere adoption of Shari'ah. They were Muslims in that state before when all sorts of uncharitable things took place. Where was God's Shari'ah? Were they not aware of God's Shari'ah? As a Muslim, Shari'ah is you and you are Shari'ah. Therefore, for Shari'ah to succeed and come to stay in Zamfara State, the people and its elected leaders must change their old ways. The governor must behave like the prophet of God and his worthy companions like Abubakar and Umar Bin Al-Khattab as exemplified above.

In talking about Shari'ah, especially within the last two months, some mistakes have been made by Zamfara State government, the press and even individuals and the Council of *Ulama* in Nigeria. It would be naïve for anyone to think that the average Nigerian Christian or traditionalist will not be suspicious as to the intention or reason for promoting the Shari'ah at this time. Yet even though the Zamfara State government did not declare an Islamic state, the press mischievously dubbed launching of Shari'ah as declaration of an Islamic state. If any territory qualifies to be dubbed as such, then the whole material worlds and the spiritual worlds are Islamic worlds since everything animate and inanimate are created by God and are all subject to his Shari'ah (laws).

The Christians and traditionalists should be assured that they cannot be punished in a Shari'ah court. The holy prophet of Islam, Muhammad (s.a.w.), did not punish unbelievers by Islamic laws. Rather, offenders were punished as per dictates of their faith. Ignorance and fears on the issue of Shari'ah in Zamfara State are real but it is not too late to dispel such fears in that state and elsewhere in view of the unintelligent ways the governor went about launching the Shari'ah. How many adherents of other faiths were sensitized? How many officials have been trained to execute the Shari'ah? How do they intend to blend the heretical view of life alongside Islamic principles which would come into force? What will be the fate of all those who drink burukutu, eat pig meat and the prostitutes? Do you wake up one day and abolish all those things? How and why were they allowed in these communities in the first place?

Honestly, the steps the government of Zamfara State ought to have taken include:

- Systematic elimination of corruption in the state
- Eradication of illiteracy, since most Northern state governments have long taken their subjects for granted as a result of the people's ignorance and illiteracy.
- Creating consciousness among Muslims and especially adherents of other faiths as to what Shari'ah is all about.
- Elimination of oppression and cheating.
- Provision of social amenities and infrastructure in all localities.

Any government that distances itself from any or all of the above listed items cannot operate God's Shari'ah successfully. It is not Shari'ah that empowers the people, rather it is the government through elected leaders, and because the Zamfara State government might not have put any of these things in place, I wonder how far the Shari'ah can go in the state. I am not given to sentiments; neither am I known for pretence, and for a worthy project of this magnitude to elicit popular support and acceptability, a thorough work ought to have been done. Therefore, if the truth must be told, then the people and government of Zamfara State must go back to the drawing board and do their homework very well. Shari'ah should not be promoted in a hurry, but because it is a worthy project desired by the great majority of people in the state, the government should

fashion out new policies preparatory to the take-off of Shari'ah and by extension, postpone the date for its take-off.

Critical analysis of all issues involved cannot be ignored in view of the fact that Zamfara State cannot act as an island within the territory of Nigeria. Such analysis is also more critical to other states that intend to promote God's Shari'ah so that they won't hurry the way Zamfara State has done.

In conclusion therefore, I would say that Shari'ah has been ignored, and when people now stir up their consciousness of Shari'ah and adopt it, it then becomes a worthy development. What is the gain of our democracy if people cannot demand for what rightly belongs to them? Those that want Shari'ah must be prepared to make it work. If they are not prepared to make Shari'ah work, it will fail just like the Common Laws have failed in Nigeria. From this we can deduce that the real problem, rather than being in the laws, is in Nigerians themselves. When we free our minds from cheating, oppression, adultery, drunkenness and all other vices, the society will progress and individuals will equally progress and succeed.

APPENDIX 63:

News Analysis:

The *Punch*'s Definition¹

The opinion of *The Punch* on the ban on the manufacturing, sale and consumption of alcohol in certain areas of Ilorin Township in Kwara State is nothing short of intellectual betrayal and adulation of unhealthiness and moral laxity. It is often amazing when individual or groups taken as guardians of opinion and intellect, resort to hiding under egocentric whims and sentiments to mislead people. The newspaper has been taken as a forum for discussing issues relating to the well being of community health and progress. But *The Punch* has conversely proven otherwise in its opinion/comment titled "Manifestation of Intolerance" on January 6th, 1988.

It is surprising that *The Punch*, which is not oblivious of the disastrous effect of alcohol on alcoholics and the society, should condemn the Kwara State Government for banning alcohol in 11 regions of the State capital. In its fury of impotent vituperations, *The Punch* wishes that those who spearheaded the promulgation of the law would live to witness its ineffectiveness because it sees it as a biased edict. This is only a wish and *The Punch* should realize that the government is committed to the cause and that is why it has taken the primary step in actualizing it.

The newspaper doubts the sincerity of the Kwara State Government to the ban because it has left untouched "a hotel (Niger Hotel) where alcohol lewdness are essential characteristics." This is a statement of a cynic. It is the press organization like *The Punch* that would raise dust if the ban covers hotels. They will say that the government is throwing innocent people out of business. It is thus a wonder that the paper is raising this. The aim of this exception is that those whose life string hangs on alcohol can drink their wits to stupor there without inhibition.

The call for ban on alcohol is a sincere wish of the indigenes of Ilorin backed by the Emir and the Government who felt that they had genuine reason. *The Punch* sees the ban as a sign of religious intolerance but the fact that certain areas where people of other faiths reside are not affected by the ban negate what it will want us to believe.

The people of Ilorin have never wanted an imposition. They simply want to live peacefully unbothered by any of the aftermath of alcoholism. Since the government is like an apostle which sees that the life of any member of the society does not come to harm, we commend its effort as a right one in the right direction. *The Punch* sees the alcohol edict as being narrow minded and unimaginative. We see no flaw in it because it is the common good of all. The newspaper makes a fool of the whole case by limiting its argument to religion. Doctors, sociologists and all right-thinking men know the harm the consumption of alcohol causes. Alcohol causes delirium tremens, convulsion, ulcer, malabsorption syndrome, neurological disorder, heart disease and anaemia. It encourages deviant behaviour. It runs home to and destroys personality as well as impending social progress. It is with these facts that the hullabaloo of *The Punch* can be taken as a mere intellectual chicanery.

¹*The Pen*, 13 Jan/89.

APPENDIX 64:

The March of Sharia State by State: A Summary

Jan H. Boer¹

This file presents a summary of the march of sharia in the sharia states not covered in volume 6, chapter 3. Not only does this file contain only summary information, of some states the information is very minimal. Not everything in every state can be covered. Nevertheless, the information provided is useful as supplement. It is, admittedly, not the result of the type of exhaustive research that went into the main text.

The first article deals with the establishment of the various sharia regimes; the second, with early developments based on sharia.

Borno State

Borno Governor Mala Kachallah appointed a committee to see to the implementation of sharia in his state and gave them a mere five weeks to report. Among other things, the committee was to hold public hearings on the issue. He took this action because of “the general yearnings and aspirations of the people who have been calling for the implementation of sharia in the state. When the Committee visited the Biu Emirate, the Emir, Umar Mustapha, assured them that he and his emirate supported the move. The Chairman of the Committee, Mustapha Ibrahim, explained that these public hearings were intended to “to give opportunity to both Muslims and others to express their feelings about sharia and to give advice.” Judging from the names on the list of members,² they were all Muslims, even though there is a significant number of indigenous Christians in the state.

The official event in mid-August, 2000, drew “an enormous crowd” to Maiduguri, the capital city--hundreds of thousands, in spite of the heavy rainfall.³ I am not quite sure just what is going on in terms of dates, since *The Comet* features a story announcing May 1, 2001, as the date of implementation. Neither am I sure about the announcement by the

¹J. Boer, 2006.

²A. Tapidi, 2 Feb/2000; 29 Feb/2000. T. Asaju, 6 Mar/2000, p. 20. Full bibliographical data found in Bibliography of J. Boer, vol. 6, 2006.

³BBC, 19 Aug/2000.

Police Commissioner, Uba Ringim, when he allegedly warned, “The laws that will be enforced immediately sharia is introduced are those on adultery, fornication, homosexuality, lesbianism, prostitution, alcohol production, sales and consumption, gambling and separation of sexes in public places.”⁴ In other contexts, we have been told that, since the Federal Government opposes the sharia, it has forbidden its national police force to enforce sharia laws. So what is this Nigerian Police Force Commissioner doing enforcing it in Borno?

GTFK, a Hausa-language government-owned newspaper with strong Muslim orientation, features a speech by Borno Governor Kachalla that I reproduce as Appendix 60 of volume 6 in its original Hausa language. I enclose it as an example of how governors address their people on these issues in an indigenous language. He placed strong emphasis on the elimination of alcohol from his jurisdiction. He also warned prostitutes --“*mata masu zaman banza*” or “women who live useless lives”--to leave the state if they did not plan to change their way of life. The government intends to work on improving the characters of the people of Bornu so that they conform to the sharia. He assured Christians sharia would not affect them.⁵ Whatever the language, the message from most governors to their people is the same.

It appears that suspicions arose about a hidden agenda of the Implementation Committee. Some people apparently feared that sharia would undermine aspects of their culture. Abubakar Mustapha, Chairman, reassured the people that there was no hidden agenda and that their beloved cultural events--“Durbar and other ceremonies or culture”--will still take place, except that there will be no gender mixing. Christians may even drink, except in public. The government is working on a social security system and continuing on widening the scope of sharia.⁶

YOBE STATE

We were barely into the new century when Yobe State Governor, Bukar Abba Ibrahim, announced that his government had established three committees on the implementation of sharia in the state. The committees were “advisory, technical and

⁴*The Comet*, 28 May/2001.

⁵T. Bello, 30 May/2001.

⁶ S. Abubakar, 9 Jun/2001.

Ulama.” They were to “guide the government on a continued basis to avoid denying groups or individuals their rights. He reported that the Christian Association of Nigeria (CAN) “was not opposed to sharia provided it would not discriminate or infringe on their rights, while the government had assured them of adequate protection.” He added that the move “enjoyed the support of the [State’s] House of Assembly.”⁷

Three weeks later, “the advisory committee on sharia”--not sure which of the three--submitted its report to Governor Bukar Abba Ibrahim. At the occasion all the normal and politically correct things were said. Sharia will not affect Christians, since it is only for Muslims. The sharia was within the provisions of the constitution.⁸ Early August, the Governor signed the sharia bill to go into effect on October 1, 2000,⁹ Nigeria’s Independence Day.

NIGER STATE

Niger State followed suit. Governor Abdulkadir Kure announced his court system “would be re-organised and fine-tuned to make it compatible with sharia.” The old judges would be relieved and replaced by new ones described as “capable hands.” “Only qualified and learned judges would be appointed.”¹⁰ In the meantime, the people started getting restless. Hundreds of people demonstrated in support of sharia, according to BBC.¹¹

A few days later, a large rally was held that brought in hordes of people and not a few leaders. It bespoke so much excitement and activity that I am going to give you a first-hand report of the event so you can feel something of the celebration yourself. Various paragraphs have been moved around to create a more logically flowing sequence of events.

Hundreds of thousands of Muslims have arrived in Minna, the Niger State capital, to participate in the launching of the sharia legal system. Though the gathering was meant for public enlightenment on the desirability of the sharia,

⁷A. Baba, 3 Jan/2003.

⁸A. Baba, 24 Feb/2000.

⁹BBC, 10 Aug/2000.

¹⁰B. Bitrus, 17 Jan/2000.

¹¹ BBC, 17 Feb/2000.

the faithful from various states in the north took advantage to embark on brisk business as they have taken over Bosso Road.

Minna witnessed a massive influx of people during the week, as some of them embarked on religious preaching and songs, using loud speakers mounted on buses. Assorted goods, mostly Islamic literatures, journals and books, prayer beads and mats, clothing material, medicinal herbs and roots, honey, audio and video cassettes of popular Islamic teachers, shoes and many other were on display, making the area look like a mini-trade fair.

The rally at the Minna Central Mosque was attended by a large Muslim congregation, who chanted Islamic songs and verses in the Holy Qur'an to support sharia. Governor Kure told the congregation that the state would embrace the sharia by 1st May, 2000.

Guest speakers, including the Governor of Zamfara State, Ahmed Sani, his host Abdulkadir Kure of Niger State and other veteran Islamic scholars and jurists condemned the Sokoto State Government for its silence over the sharia implementation in their state. Governors Sani and Kure said the majority of those opposed to the sharia were doing so for selfish motives, pointing out that any Muslim in a position of authority who refuses to adhere to the sharia was disobeying Allah.

Though the rally ended peacefully, hundreds of security operatives were at hand at various points in the capital to maintain law and order.

The Christians were there as well, Quite naturally, some of them “expressed concern that the adoption of sharia may spell disaster for the state. Their fears hinged on possible misinterpretation of the provisions for non-Muslims or the over zealousness of some Muslims who might take undue advantage of the system to deal with their perceived enemies.”¹² In fact, the atmosphere became so tense that Governor Abdulkadir Kure “had to personally go around Minna to meet members of the Christian community to allay their fears over rumours of possible attacks on them by Muslim youths. Christians, mostly Ibos, had gone for refuge to the army barracks, but were not allowed in. They then simply camped outside the gate. The governor assured them the rumours

¹²NN, 24 Feb/2000, p. 3.

were “the handiwork of some mischief makers and the government would get to them” and pleaded with all to go about their normal business. In the meantime, all the major cities in Niger state were on high security alert.

Niger State appeared a bit slower than the others. Her Assembly passed six sharia bills as late as half-way 2001. They included provisions for *zakkat* and a sharia commission. The main idea was, according to Alohassan Toro, Speaker of the House, that justice would be done to all residents. The state had been careful: It had sent delegations to Zamfara, Sokoto and Kano “to compare notes.” Muslims are encouraged to see this step “as an opportunity to be pious” and not to upset the applecart of co-existence with others.¹³

KEBBI STATE

I have less information about Kebbi State. Governor Aliero planned to re-organize the existing court system to make room for sharia. The state would achieve this in stages so as to allow it to clean up the corruption endemic to the old order by getting rid of “the system of mischief and corrupt judges.”¹⁴

Belatedly I received further information about the Kebbi government’s work on sharia as well as its intention of outlawing both alcohol and prostitution.¹⁵

KATSINA STATE

In Katsina, campaigning for sharia was apparently not always favourably received by the government. Yakubu Musa Hassan, a leader of the Muslim group *Izala*, was arrested by the State Security Service “for questioning over his alleged involvement in acts prejudicial to the government.” He “had been in the forefront of a campaign for the full implementation of sharia in Katsina, an action which did not go down with the government.” However, “he was also declared wanted by the police last year over his alleged role in a clash between hoodlums and hoteliers, which led to the burning of seven hotels in Katsina metropolis.”¹⁶

¹³*NN*, 11 July/2001.

¹⁴A. Rahama, 17 Jan/2000.

¹⁵*TELL*, 27 Dec/99, p. 24.

¹⁶*NN*, “Katsina *Izala* Leader Nabbed.” 5 Feb/2000.

This was not to be interpreted as an anti-sharia attitude on the part of the state government, for only about three weeks later Governor Umar ‘Yar Adua announced that his government had “concluded arrangements towards the establishment of a sharia commission next week.” The government had already “approved the establishment of sharia courts’ at various levels,” but it wanted to ensure that its implementation would not breach the peace of the people.¹⁷ About the end of July, 2000, Katsina became the fifth state to formally adopt sharia. Governor Umar Yar’Adua spent the day opening up sharia courts. Unlike some other states, he had decided to take the step without public “fanfare,” the reason being that, since the people had lived with sharia all along, its expansion into criminal law “did not warrant a celebration”--an emphasis on continuation. An additional reason for the low-key event was not to scare Christians. He wanted them to feel secure.¹⁸

A month later, the governor said he wanted adequate planning before rushing into sharia, lest his people suffer inconvenience from an ill-conceived sharia.¹⁹

KOGI STATE

About mid-way February, 2000, Kogi State began to make moves towards sharia. The Speaker of the House of Assembly made the announcement that the House “was poised to implement sharia as one of the northern states.” However, the decision was “subject to findings from states already operating sharia.”²⁰

ADAMAWA STATE

Adamawa State was not to be left behind. A 54-member committee was formed to usher in the sharia era--but they were all Muslims, in a state with many Christians. The committee was to work on a bill to bring before the House for approval. The hope was for a “spiritual re-awakening.” The usual enlightenment exercises were called for in preparation of its implementation.²¹

SOKOTO STATE

¹⁷*NN*, 27 Feb/2000.

¹⁸BBC, 1 Aug/2000.

¹⁹Asaju, 6 Mar/2000, p. 20.

²⁰A. John, 14 Feb/2000.

²¹*NN*, “... Constitutes Committee...” 23 Feb/2000.

The Sokoto Governor, Attahiru Bafarawa, signed the sharia bill into law to take effect on May 29, 2000.²² He apparently met opposition and felt the need to re-affirm the state's resolve to continue with its implementation. He insisted that it "was a major aspiration of the people" and thus "we shall continue to struggle." After all, "sharia guarantees a refined moral impetus in society." "With sharia, immorality has been grossly checked and put at bay," said Bafarawa. "More than anything else, the case of sharia has been entrenched in our statutes in such a way that no government, now or in the future, can afford to remain insensitive to our aspiration to be governed by its dictates."²³

KWARA STATE

Like all sharia states, Kwara has been under Muslim control ever since its establishment. It has, however, a sizable indigenous Yoruba Christian component, which, according to Danlami Nmodu, constitutes "a slight majority." The state was dragging its feet. Perhaps because of the large indigenous Christian presence, Governor Mohammed Lawal "has not put a clear tab on sharia yet." This may have led the state's Grand Khadi, Abdulkadir Orire, to complain that the sharia has been politicised and to insist that it *is constitutional*.²⁴ _

JIGAWA STATE

Jigawa became the sixth sharia state, right on the heels of Katsina. An attempt was made to keep the event low key, but "loads of supporters" showed up in the small capital Dutse. It was a public holiday and the masses enjoyed the traditional Muslim grain distribution, even though they had been advised to stay at home to pray. Bars were closed; hotels stopped selling alcohol; prostitutes had already left. All in all, "the fiercely conservative" peasants appeared to favour the new sharia regime "overwhelmingly." After so many years of "misrule and corruption," people grasped at sharia as the final solution to their social and political problems."²⁵

²²D. Nmodu, 6 Mar/2000, p. 25.

²³TD, 31 Dec/2002.

²⁴D. Nmodu, 6 Mar/2000, p. 23.

²⁵BBC, 2 Aug/2000.

GOMBE STATE

Gombe played a slightly different sharia tune than the other northerners. It appears that the government tried to impose sharia on the people, but it backfired and ended up in riots that left 25 people dead. The governor then appointed a committee that concluded the people of Gombe are not interested in sharia. According to their report, 98% of the people oppose it because they regard it as divisive. Most people emphasize the right of all citizens “to practice and propagate their own religion” and opposed “the use of state apparatus to project the interest of Islam over that of other faiths.”²⁶

Only a few months later, we read that people were not confident the government was pursuing sharia as they would have liked. What changed? Or does some reporter have it wrong? One man complained that “the government is not demonstrating the seriousness that can convince us it is serious about sharia. They are still largely tight-lipped about sharia, even though the majority of the people want it.” The Commissioner for Information, Garba Jijji Gadam, said that Habu Hashidu’s administration “is not shying away from sharia.” He said that a bill for sharia had already been sent to the House, where it was now under consideration.²⁷

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Summary of Early Sharia Development in Miscellaneous States

Jan H. Boer²⁸

Whereas the previous article deals with the establishment of sharia in various states, this one summarizes early developments under sharia in states not treated in the main text.

KADUNA STATE

During 2003, six people had been sentenced to amputation because of petty thievery. In May, 2005, these people were all released by Justice Shehu Ibrahim Ahmad of the Sharia Appeal Court in Zaria. The judge found that the lower judges who had

²⁶REC, Jan/2001.

²⁷A. Bego, 29 Jun/2001.

²⁸J. Boer, 2006.

handled their cases “erred in law right from the beginning of the case.” There was no fair hearing; there were no witnesses. Hence the higher court “squashed the judgement of the lower court and acquitted the applicants. They had been convicted in July, 2003 and have been in custody for 2 years.²⁹ No wonder there was so much dissatisfaction and suspicion with respect to sharia courts. The lower-level judges did or do indeed need much training, something of which every sharia governor was aware.

KEBBI STATE

Four years into sharia, Kebbi Governor Aliero happily described his state as “a peaceful place for all Nigerians and foreigners, irrespective of its adoption of sharia.” This is “sharia without rancour.” His people, he declared, “are very loving, accommodating and resolute in their collective resolve to boost the state’s economic initiatives. Sharia is implemented in a peaceful and liberal spirit and affects only Muslims.³⁰

Perhaps agreeing with the above self-evaluation, Saudi came knocking with her moneybag--and probably with the Wahabi intention of injecting a more fundamentalist spirit. Abdul-Aziz from the Saudi consulate in Lagos announced his country was happy with the “remarkable successes” in the implementation of sharia in the state. He commended the government for emphasizing the empowerment of the people and thus reducing poverty. Social vices were on the decline; compliance with sharia was up and rising, while sharia had not led to infringement of human rights for non-Muslims. Hence, he announced that his government “had decided to finance the employment of Islamic religious teachers for educational institutions and Islamic preachers in the state to compliment the government’s enlightenment drive, for the adherence to sharia in the state.”³¹

KEBBI STATE

At end May, 2004, the town of Jega in Kebbi State was engulfed by a religious crisis between Muslims and Christians. Eight churches were burnt; 28 shops vandalised,

²⁹E. Mamah, 28 May/2005.

³⁰N. Ugah, 20 Jan/2004.

³¹*TD*, 20 Jan/2004.

150 suspects arrested and two people dead. Though Governor Aliero admitted that Christians were worst hit, he insisted it was caused by economic factors, not religious. He was supported in this interpretation by the chairman of the local CAN, Samuel Elebute, who reported that a group of unemployed youths, armed with cutlasses, daggers and sticks, had come to his house to attack him. How he knew they were unemployed, I do not know, but he thanked the Governor and the Emir of Gwandu for quickly nipping the riot in the bud.³²

However, *Daily Times* reported that the Governor attributed the violence to terrorists who “were bent on destabilising the state.” Though we usually think of terrorists as extreme Islamicists and, thus, as religiously motivated, the Governor emphasized that this was not a religious crisis. Muslim clerics condemned the perpetrators and wanted them dealt with. One cleric, Abubakar Nasarawa, attributed the mayhem to “the exposure of youths to indecent movies.” Furthermore, there is the factor of “lack of adherence to the stipulated punishment for anti-social behaviour.” Everyone goes “scot-free,” he complained.³³

KATSINA STATE

In June, 2004, K. Z. Dudari, Assistant Inspector-General of Police for the police zone that includes Katsina State, announced that, within his zone, Katsina was “the most crime-free.”³⁴ He did not give any explanation for this happy circumstance. The police officially not having anything to do with sharia compliance, he did not resort to sharia as a contributing factor. Undoubtedly, sharia enthusiasts would attribute the blessing to sharia implementation.

YOBE STATE

A group claiming to represent the Taliban movement raided eight towns in Yobe State during December, 2003, and declared their intention to establish an Islamic Republic. They vowed to kill all non-Muslims and declared a *jihad* on both Christians and the Federal Government. They called themselves the “Hijirah Movement” and

³²K. Dogon-Yaro, 1 June/2004.

³³*Daily Times*, 1 June/2004.

³⁴*DT*, 3 June/2004.

pledged loyalty to Mullah Omar, an Aghan Taliban leader. 2000 members had set up camp in a forest, while the group engaged in dialogue with Governor Bukar Ibrahim over their grievances. They set December 27, 2003, as the deadline for their demands to be met. They were pushing for the full implementation of sharia and were dissatisfied with progress so far. They accused all three tiers of government of “corruption, greed and lack of accountability.” It appears their targets were the local police station, which they burnt down and absconded with “large quantities of weapons.” In one location, they pulled down the Nigerian flag and replaced it with that of Afghanistan. The insurrection was put down by the police and army. The first attempt by the police was a disaster with the police retreating.

From the religious point of view, this situation was considered so volatile that authorities did not wish to discuss some aspects of it with the press. Said Fatai Fagbemi, the local Police Assistant Inspector, “We cannot discuss this in the media. Religion is a volatile issue that calls for caution. Please do not report the religious angle of it.” This was not the first time authorities were afraid of media reporting on the religious background of upheavals. They prefer other explanations--or, simply, silence.³⁵

The mayhem was creating tension and worry beyond the immediate local area. There were indications these Taliban may have established cells in other states. The Bauchi government took precautions against a possible spillover into their state. This violence was considered dangerous enough for the President to call a meeting of the Federal Executive Council and invited service chiefs to attend as well. An Iranian was arrested in Abuja for taking pictures of sensitive buildings in the city. He was interrogated for a possible connection with these northern Taliban. A nation-wide alert was issued to all security and military agencies throughout the country.³⁶

A month later, police arrested Muhiddeen Abdullahi, a Sudanese businessman who was funding these Taliban with Saudi funds as well as British Muslim connections, in order to propagate Wahabi ideology. The story is too long and too complex for our ++
+++ context. You are referred to both Appendix xxx (Kendal) and Minchakpu³⁷ for a

³⁵BBC, 5 Jan/2004, 7 Jan/2004, A. Borzello, 14 Jan/2004. *REC*, Jan/2004. N. Musa, 6 Jan/2004, 7 Jan/2004. *Vanguard*, 7 Jan/2004, 9 Jan/2004. *DT*, 13 Jan/2004. J. Lohor, 15 Jan/2004. O. Minchakpu, 19 Jan/2004. J. Boer, vol. 3, 2004, pp. 222-223. E. Kendal, 15 Mar/2004. Appendix xxx

³⁶J. Lohor, 15 Jan/2004. S. Awofadeji, 20 Jan/2004. M. Onuorah, 29 Jan/2004.

glimpse of this most enticing international network of schemers, involving the infamous channel of “charities.”

Please note well that neither governments nor mainstream Muslims support these “Taliban.” While the government sent in security forces to capture the culprits, a huge crowd of over 5000 members of Qadiriyya Sufis, said to be the largest Muslim tradition within the country, organized a protest march when the government released Abdullahi. They also demanded that the office of the charity behind the ruckus should be closed.³⁸

BORNO STATE

Towards the end of 2003, the Taliban struggle that began in Yobe State spilled over into Borno. Borno State Police arrested a suspected Taliban, Aliyu Abubakar, from Borno State and some others. A renewed attack was made on police stations so that a fierce battle ensued once again with 29 people or more being killed in the fracas.³⁹

At the University of Maiduguri, capital of Borno State, hundreds of “Muslim extremists unleashed violence” on Christians. Three Christians died and another 20 or so were seriously injured. Church buildings and other properties in the city were also destroyed and services violent interrupted. The Muslim dean of Student Affairs, Garba Ibrahim, said there was “no justification for the attack on these people.” At least part of the tension was due to the decision of the 12 sharia state governments to close Christian schools during the annual monthly Muslim fast. The federal Minister of Education ordered the university “to curb the activities of fundamentalists on campus.” The place was closed down indefinitely to restore order.⁴⁰

SOKOTO STATE

During the second quarter of 2005, Sokoto was the scene of clashes between Sunnis and Shai’ites. At least seven lives were lost and much property destroyed. But was it a religious event or was it another case of political manipulation and intrigue? Various commentators suggest that it is a matter between Governor Bafarawa, apparently

³⁷O. Minchakpu, 29 Mar/2004. Appendix 57. See also J, Boer, 2005, vol. 5, Appendix 2. P. Marshall, 2005, p. 118.

³⁸*Compass Direct*, 15 Mar/2004. O. Minchakpu, 26 Apr/2004.

³⁹N. Musa, 28 Sep/2004 .

⁴⁰*Compass Direct*, “Campus Violence...,” 15 Dec/2003. *REC*, Jan/2004.

a Shi'ite sympathizer, and the Sultanate that perceives Bafarawa a threat to its political interests. Bafarawa did not go beyond saying that the crisis was “master minded and fuelled by some unpatriotic politicians.; they were “unwanted elements.” Whatever the dynamics, Sokoto at the moment is not enjoying the expected sharia peace.⁴¹

ADAMAWA STATE

Around June, 2004, violence broke lose between Muslims and Christians over the location of a new mosque in Numan, Adamawa State. The place has a majority of Christians who apparently objected to the location. Christian youths attacked the construction workers at the building site. Violence spread and soon rival groups were clashing with each other all over. Three other mosques were destroyed, other buildings were set ablaze. At least 10 people died in the skirmishes.⁴²

⁴¹M. Kazaure, 17 June/2005. The matter is too complicated to pursue further. For access to the Kazaure article, please check Bibliography. See also A. Kurmawa, 20 June/2005.

⁴²IRIN, 9 June/2004. O. Minchakpu, 5 July/2004.