

Appendix 24:

Sharia – What Really Is It?

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(Muslim activist Malam Sidi Ali Sokoto here speaks on the essence of the sharia, which is the subject of much controversy in Nigeria these days.)

***NNW:* What exactly is Sharia?**

Sidi Ali Sokoto: **Sharia**, that has become the talk of the town now because Zamfara State has started it and other states are thinking of following suit, has been there for long. It is not as if sharia has not been there. It has been there in Northern Nigeria. Even when late Sardauna (Sir Ahmadu Bello) came, there was sharia. In fact there was a strongly entrenched sharia which ensured peaceful coexistence, discipline and respect; everybody respected one another. And there was fear then to contravene sharia. It was like that before the late Sardauna came and became the Premier of Northern Nigeria and before (Abubakar) Tafawa Balewa became the Prime Minister of Nigeria. In Northern Nigeria, for instance, let's take Kano during the reign of Emir Abdullahi Bayero, the father of the present Emir, Alhaji Ado Bayero. Anybody who drank beer wouldn't step into Fagge, let alone Kano. If he did that and was caught, the person would spend the night in prison. Afterwards he would be brought before the Emir of Kano and be given 80 strokes of the cane because he merely consumed beer.

Sharia is not about cutting hands only. It is more than that. It is not also beheading someone. No, that is not what it means. Sharia is dwelling in everybody's house in Nigeria. Between you and your wife, co-exist peacefully, don't slap her on the face, don't abuse her parents, don't harass her, and give her her due rights. If she cannot cook, enter into the kitchen, cook and serve her the meal. Even the leader of creatures, Prophet Mohammed (SAW) sometimes cooked in the kitchen. Prophet Mohammed (SAW) could sometimes, out of interest, go into the kitchen, cook food and afterwards serve his wives. The prophet was merciful, full of fair play, of leadership, of trust, of sincerity and of equal treatment to all.

If government said it is not supposed to be so because of the constitution, the same constitution provides that any state that so wishes can take any appropriate action as it affects chieftaincy, sharia and religious issues. Specifically, people are granted the right to worship, say wood, if one so desires. That is what sharia also tries to do. If sharia thrives, these big-time pen robbers in Nigeria, these hypocrites, these thieves will be stopped. If it's time for alms giving and they fail to uphold it, they should be averted and their wealth divided into 40 and one part taken as alms. He can go away with his 39. His wealth has not been seized, but that is alms. That, in a way, has guaranteed peaceful co-existence.

For instance, if sharia becomes entrenched, the way governors' wives go on tour or how money is lavishly spent would be regulated. Yes, it is agreed governors' wives can go on tour, but only to meet fellow women; they should be dressed properly where people won't see their faces; she should hide her beauty and there should be no male except under five years of age in the entourage. That is sharia for you. If sharia is entrenched, in fact, cash deposited in the bank won't attract interest – would be dropped. We welcome this sharia because during hajj, Muslims would not wait for the government to fix hajj fare. We will pool funds, bring learned scholars together and form a committee on hajj operations as obtainable in Pakistan, Indonesia, Yemen, Sudan, Egypt, Abu Dhabi, Kuwait, Libya, Syria, Algeria, Morocco, Mauritania, etc. Government would only assist in issuing passports and medical services. Apart from that, anything about hajj operations is the Muslims' responsibility in a sharia set-up. Then Islamic scholars and leaders would lead their fellow brothers and sisters on pilgrimage. Many resources would be pooled, and after what is needed for hajj is taken, the rest can be saved and be diverted to provide vehicles for transportation. You see, there would be no difficulty in all this if there is sharia. If we want peace, certainly we must fall back on sharia. If we fall back on sharia, traditional rulers should be given the leverage to adjudicate on legal matters in their palaces; Islamic judges should be allowed to decide on cases; if this becomes obtainable, there would be peace. Still on the sharia, if it becomes operational, if any stranger lands in any part of a town, his abode would be known and the leader of the community would be questioned on the kind of person you are so that if the stranger is a dubious person, that would be determined. If there is no sharia, such a thing would not be possible. That is why rascals and infidels find their ways into Nigeria and collude with citizens to wreck havoc. If there is sharia, this can be taken care of.

Since a man who cannot even feed himself and his family cannot be punished for stealing to feed his family under a sharia system, and this is the situation currently prevailing in the country, is this not an obstacle to sharia?

The present situation of serious economic problems was also experienced during the Guided Caliphate, Sayyidina Umar (*Tadia-Allahu-Anu*). Someone stole and was brought forward to have one of his hands amputated but it was stopped because the economy of the society at that given time had become seriously distressed. There was serious dwindling of resources. And this man was brought forward but was discovered that actually he was not a thief. He was only tempted because of suffering. It is applicable today. If someone is caught with stolen property and in the real sense, were not a thief, that he was only tempted to steal, he could be treated this way. But if the person is a perpetual thief, there is no alternative than to prosecute him before a sharia court.

Zamfara State has officially started the sharia system. What is your own advice to them?

Prophet Muhammad (SAW) said that all of you are shepherds; you would be called upon to give account of your stewardship – between husband and wife, between father and son, ward head and his people, district head with his people, ruler and his subjects, governor and his state, head of state and his citizens. The governor of Zamfara must be patient; he should be steadfast and firm, as well as fear Allah. A situation where you recourse to the path of truthfulness, you are bound to face problems, insults, assault and criticisms. But if you maintain your cool, and not give in, you don't look back in regret, surely you will reach success. You may be passing and people shouting at you; tomorrow you pass and they rain abuses at you; the next day you pass, they still abuse you, but the next time you come back, there would be a warm reception for you. If initially you react, the whole thing would go wrong. The governor must also watch out for the Hausa race. We are not good fellows. Because we are used to hypocrisy, falsehood and cheating, hold on to your cabinet and know how to carry them along. Again, should anyone bring report of someone who has contravened any law, don't rush into ruling. Investigate and get to the root of the matter. That is why Allah admonishes us to investigate any report brought before us. Rushing to pass judgement always leads one into disaster. Prophet Muhammad (SAW), when he entered Mecca from Medina, met people in chains and handcuffs; the captives were only waiting for the Prophet to decree their death, but Prophet Muhammad (SAW) ordered their release. The Holy Prophet only said whosoever wishes can join the religion of Allah and who doesn't like can continue in his state of disbelieving. Islam is not a

compulsory religion on anybody. That is what the Prophet has said. Because of this step taken by the Prophet, many of those prisoners embraced Islam; the holy Prophet is merciful and not one cut out for punishment. We hope the governor of Zamfara State would follow the footsteps of Prophet Muhammad.

Zamfara governor has been denounced for waving off corporal punishment in Islam because he said such practice contravenes the Nigerian constitution in which case he is said to have denounced Islam by giving superior status to the constitution over the Qur'an.

In sharia there is necessity and provisions for making deductions. It is like one is in the forest and is hungry; if you find carrion, you eat, so that you don't die. Praise be to Allah, we have just started. That he undertook such measure, I support him, because Prophet Muhammad (SAW) when he began his Prophethood, he didn't order Muslims to start observing prayers, fast, give alms, pilgrimage and other obligations right away. It was gradual for 23 years before Islam was perfected. So for the governor he should take it step by step; if it happens that he would not be the one to make it to the desired point, his successor(s) can complete it. This is okay. The same Nigerian constitution has given the governor the power to establish sharia in Zamfara. The established sharia has done away with brothels and beer parlours and homosexuality. You can see in sharia, three issues have been achieved out of five. That is our luck. As time goes on and we soldier on, praise be to Allah, it would certainly be completed. Those who are making these allegations are not on the path of truth because when the Holy Prophet was barred from performing lesser hajj (*umra*), he dialogued with unbelievers where it was said that anybody who denounces Islam and comes back, he should be allowed and that if someone embraces Islam, he should be allowed to come back to Mecca, the Holy Prophet didn't object. If I may ask, how many Muslims are knowledgeable on sharia? So all the noise being made is not correct. People should remember that sharia can't come at once. Now can people imagine that even one so-called revered scholar seen as apostle of the late Sheikh Abubakar Gumi was on the air criticising *Yeriman Bakura*? So all those criticising it are just opposing. They are the same people who would also see people always doing wrong. Since Alhaji Ahmed has banned sale and consumption of beer, prostitution, homosexuality, and would make life comfortable for workers to avoid the temptation to steal, we have achieved this and went ahead to say it's Islam all through. If out of 10, five has been achieved, he has tried. In a country that is said to be a secular state and someone blazed the trail and came up with sharia, he has tried.

Fear is being expressed by people over sharia; do they have any cause to entertain this fear?

Thank you. Those who are afraid of sharia are not Muslims. They are not truthful. When Prophet Muhammad (SAW) was in Medina, one fellow was caught committing adultery and contravened sharia law which goes with capital punishment. The culprit was brought before the Holy Prophet. He requested not to be tried under sharia law. The prophet then asked him, under what law do you want to be tried? The fellow said he preferred to be tried under *Attaura* (Old Testament) laws. The book was brought and looked into, and in the process, the crime carries the same punishment as in the Qur'an. The Holy Prophet tried to cover the portion, but his hand was swiftly shunned aside and it was insisted that the law says you should face capital punishment and accordingly, the culprit was executed as strictly outlined by the law. If people are afraid of this sharia, they should fall back on the Bible – the Old Testament where they would find clearly that anybody who commits adultery would face capital punishment. It is the same Bible which decreed that he who consumes beer should be punished. The problem is that most people really don't understand the real meaning of sharia. They think sharia in Islam means forcing people to come under it or killing people. Also it is not that you as a Christian would be forced to abandon your religion. For Islam it is not so. If two people – a Muslim and a Christian – come before judgement, the judge would not look at you on the basis of your religion. The judge will only be fair to all, apportioning blame to the guilty. For instance, the Holy Prophet once settled a feud between a Muslim and a Jew. It turned out that the Jew was on the right path and the Prophet ensured that the Jew's right was upheld. The Muslim all of a sudden felt the Holy Prophet had been unfair and straight away he went to Abubakar, the lover of justice, and was turned down. He then went to Umar Ibn Al-Khattab who asked the aggrieved who presided over the case. He answered that it was the Prophet and said exactly how the Holy Prophet handled the matter. Umar then asked him that with the Holy Prophet's decision you are not okay, and the man said he was not okay. Umar went into his house, came out with a sword and cut off the Muslim's head. So if a Muslim can be killed because he refused sharia, just to uphold a non-believer's right, it has shown that sharia is not a cover for Muslims to oppress or cheat non-Muslims.

One perceived problem observers tend to point out is the dearth of sharia scholars.

There is no problem in that direction. We have woken up from the slumber. From fifteen years back, the North has rediscovered itself. The scholars are there. At least we have 200 of such scholars in Zamfara State who studied in universities in Cairo, Medina, Libya, Kuwait and Sudan. We have them. We have learned scholars.

Because of the controversy that greeted the Zamfara Declaration, some Northern states are a bit hesitant in joining the new phenomenon. What are your comments?

Any Northern state or others elsewhere who want to adopt sharia should not develop any cold feet. They should just go on because the devil is all over the place among people. If you want to embark on a good job, the devil is working hard to stop such effort. We pray the sharia would be embraced by all. They should not be deterred. If there is no sharia, the society would decay. Any Muslim who says he is not bothered about sharia, means such person cares less about Islamic religion. Any Muslim who doesn't care about sharia invariably doesn't care about the Qur'an either, and his faith has waned seriously. He has to come back and proclaim again the article of faith. Because sharia is the Qur'an; it is the article of faith.

Governor Umaru Yar'adua gave a condition that unless the constitution is amended, sharia in Katsina State would have to wait.

The constitution need not be amended. The same constitution has given the right for sharia entrenchment. Did Zamfara governor, out of the blue, just entrench sharia? Didn't he seek for permission from those above him? He sought approval. It's not because of madness or illiteracy that pushed him to start sharia. He made other consultations before deciding on sharia.