

# WOMEN'S ISSUES AND HUMAN RIGHTS

## ▲ INTRODUCTION

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Most of this book has been written during the time the events described are happening. It is only during the final editing stages that the dust has settled somewhat and headlines shifted to other concerns. For this reason, I have found myself shifting tenses throughout, sometimes using present tense, sometimes past. That's what happens when you are writing about the happenings, movements, ideas and things in which you yourself are immersed, about the things that surround you and define your daily life. It is difficult to write about them in the past tense.

This chapter has two main foci: the place of women under sharia and human rights. These are overlapping subjects, but not the same. The subject of human rights issues is wider than that of women. However, in the sharia context it would only be with great difficulty that one could discuss the former without bringing in the subject of women, while it is simply impossible to discuss

the subject of women without bringing in rights issues. That is the reason they are lumped together in this one chapter.

You know by now that among the educated elite fierce struggles are being waged about sharia. Some of these centre on religious concerns; others are more politically motivated. As human motives go, not infrequently the concerns are mixed, which can be both good and bad, depending on which aspect receives the priority. Most of these elite favour an extended sharia, but they differ widely on the shape it should take and roundly condemn each other.

One is tempted to describe the situation in terms of “conservative” or “traditional” versus “liberal” or “progressive,” but those terms are misleading in this context. According to some scholars, the so-called conservatives, that is, those who defend the social status quo on basis of popular Islam, have actually deviated from classical authorities. One cannot call them progressive Muslims, but neither can one consider them truly conservative or traditional Muslims. Socially and politically they may support the status quo; Islamically, they have deviated from the classical sources. In fact, they are often ignorant of them.

On the other hand, those whom we may be tempted to dub “progressive” often base their views on classical Islam and its sources from many centuries ago. These are then held to be authoritative and representative of genuine Islam. We have read some of their arguments already and will come across more in this chapter.

My question is: What is genuine Islam? Does the era of the Prophet *exclusively* represent the genuine article? Or the next few centuries when the basic doctrines were being developed and defined? Are modern ideas excluded from the definition? Must progressives build *exclusively* on age-old tradition? Are there no legitimate new inspirations that can qualify as authoritative? I pose these questions because the chapter before us leads us into a jungle of contradictions that mean life or death for people caught in the middle, in many cases not without some responsibility of their own.

So, while we discuss issues of sharia as related to women and human rights in this chapter, keep the above questions in mind.

### ▲ PRE-ZAMFARA WOMEN'S ROLES AND RIGHTS —

Women's issues have been central concerns ever since the 1977 CA. There are a good number of articles on the subject in *The Pen* and *Alkalami* from the pre-Zamfara era. The majority of the authors are socially “conservative” writers—that is, they support popular Islam and the Zamfara type sharia—but there is also a significant smattering of the more “progressive” ones who may be in favour of an expanded sharia but are critical of the Zamfara style.

There is a pattern to the arguments of the social conservatives. They tend to begin with an emphasis on the equality of women with men, with the high place of honour women occupy. Women are entitled to all human rights. Then these writers move on to the primary and most honoured and influential work of women, namely that of education. The education referred to means almost exclusively the training a mother gives to her child at home. And, of course, to protect her honour, she needs to be shielded from the gaze of all men, except husband and close relatives, either in *pardah* or in *burqa*. And *voila*—that free, equal and highly honoured creature ends up after all in her traditional role of housewife. Not by conscious choice, of course; the situation is defined by the men in her family. Their traditional status is so ingrained that most women hardly know anything different. They all base themselves on sharia—as they see it, the popular version. They would not think of demanding changes. This is the world they know and makes them comfortable.

An article by Abdulkadir Orire, at the time Grand Khadi of Kwara State, introduces you into the world of the fully obedient woman. I can only summarize. You will have to read the rest from Appendix 34. According to Orire, the husband relates to his wife as a farmer does to the soil. 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 makes sure he does not 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.” The wife, in turn, must “obey her husband in all matrimonial issues” as long as they do not harm her or violate the commands of God. She must not leave the house without his permission. He is a lucky man who is “pleased with her sight; who, if he orders her to carry out a command, she willingly obeys him; who, if he is away, she protects for him her person and his property.” She is to keep him and home happy. “She should try to appear to him beautiful as well as carry out his orders patiently and dutifully.”<sup>1</sup>

That’s a classic picture that many readers will expect. That’s the picture the media paint over and over again. It is not false; such situations exist, perhaps more often than it would be politically correct to admit. Orire, of course, is a man.

Rabi Wali, a woman, seems a bit ambivalent about the place of women and appears to want to eat from both sides of the fence. Some might call her approach “middle of the road.” “Through the sharia, we see that a nation is made up of groups of people living together as free and equal citizens submitting to the Will of Allah.” “In terms of social and economic development, the family is the nucleus of a nation” and its “cornerstone.” For a nation to be healthy, it needs a firm cornerstone. “The leaders of the family are [thus] the source of any progress, development, prosperity and strength of the community.” Wali then asks a number of questions about the role of women in the above scheme. “Do they have equality with men concerning all the activities of nation building or not? Do they have the same rights? And must they do the same duties in order to be equal? What is the relationship between man and woman in the family structure?” There is a *hadith* in which someone asked the Prophet about the “rights of our women on us.” He replied, “Feed them and clothe them as well as you do yourself

and do not beat them and do not abuse them.” The Qur'an and *Hadith* also tell us

*that women are partners in building a family with mutual consultation. The women are allowed and expected to do everything that would raise their spiritual and material levels like their male counterparts. The women of the early Islamic period were participating very actively in political affairs to the extent that they could demand their rights from the highest leader.*

*The wives of the Sahaba<sup>2</sup> were going and coming freely from their economic activities. Thus, Islam allows Muslim women to strive and reach the highest levels within the confines of sharia and the comfortable limits Allah provides for her. Men are required to make everything easier for them.*

*On the other hand, the woman is encouraged by Islam to appreciate the fact that she is also required to give her full share to the all-round development of the marriage. She should endeavour to make the house a paradise on earth for all the members of the family. This is easier for her because of her biological makeup. Her natural role as mother and comforter, her character should be essentially gentle, beautiful, loving, forgiving and merciful and should be recognised and utilised to the best interest of the family. The husband and wife should complement one another. Women are not deficient mentally. They should be the best teachers during the most important period of a human life, the formative years that is before conception to five years.*

*Therefore, despite the fact that Islam allows women to take the role they wish, it is in their best interest and the interest of the society that their chief role should be that of building the miniature nation peacefully, with as little tension and conflict as possible. This is the stand of Islamic justice, love and tranquility from individual families leading to a just, loving and strong nation.*

Unfortunately, that is not always how it is among Nigerian Muslims, Wali laments.

*Women are the backbone of the economy. They farm, they tend livestock, they process food, they fetch water, they trade, they contribute in taking care of the family in every sense through their commercial activities in arts and crafts.*

*Yet they are never fully recognised seriously in decision making. Although things may be changing, formal education is not considered as part of a woman's right. She is on the whole considered a commodity with marriage as her destiny as far as she is young and beautiful at the end of which she is discarded.*

*Then there is also the fact that women have been denied the proper Islamic knowledge of their role. So they just have to accept whatever is dished out to them by their menfolk in fear of being branded as "woman liberators," a term which has been imported from the Western world and which is meant to confuse, rather than clarify the issue of woman's identity. The religious interpretation appears to be a conspiracy of silence even on her lawful rights from the husband or fabrications supported by misquoted and misinterpreted verses and Hadith.*

In contemporary society, where sharia is ignored, "Muslim women find themselves in a dilemma. They are expected to do the impossible. Society has now become like the time before Islam or even worse. Women are expected to assume many roles and as a result they cannot even identify their personalities."<sup>3</sup>

Fatima Zubair, also a woman, wrote an article about the ascent to power by fellow female Benazir Bhutto of Pakistan. Zubair wants to carve out a larger space for women. She wrote,

*Islam stands for spiritual, social, economic and political*

*equality between the oppressor and the oppressed, the ruler and the ruled, the haves and have-nots and, most of all, between men and women. It insists on a just treatment of women as a basic fundamental right. It did away with prejudices and injustices which were practiced against women through the ages due to social and historical causes.*

*A woman, Islam insists, is an individual worthy of dignity and respect. She is also an independent human being. She is a social, legal and responsible person, a free citizen, a servant of God and a talented person, endowed, like her male counterpart, with heart, soul and intellect. She has a fundamental right to exercise her abilities in all areas of human activities.*

Though Zubair is not impressed by Prime Minister Bhutto, she does fully approve of her having obtained this exalted position and is an admirer of Margaret Thatcher.<sup>4</sup>

Zubair was challenged by two men. One was Aliyu Dauda from Bayero University. He sought to correct his "dear sister." He firmly denied that the sharia allots to women "a fundamental right to exercise their abilities in all areas of human activities." This holds true especially in the area of leadership. "No matter how qualified and able a woman is, Islamically speaking, she is not qualified to be appointed an imam, a judge or a head of state. The Qur'an makes it clear that no woman was ever appointed a prophet (Qur'an 12:109)." Furthermore, according to a *hadith*, "when the news reached the Prophet that the persons have made their daughter their queen, He said: 'That nation will never prosper which hands over its affairs of government to a woman.' The issue of a woman having a fundamental right to exercise her abilities in all areas of human activities, and that of political equality of Muslim men and women to vote and be voted for are not in consonance with the sharia."

The sharia also regulates the travels of women

*in order to protect their honour and guard them against pos-*

*sible molestation by some animalistic men. It is not permissible for any woman to undertake a journey lasting over a day and a night, unless she is accompanied by some relative who will never Islamically marry her. Our sisters in Islam should therefore be very careful with some un-Islamic influences of Western Euro-American culture as imparted to them through Western system of education.*<sup>5</sup>

The second male challenger was Ajani Azeez from Irisa, Oyo State. He asserted,

*It is high time to let our Muslim women know and accept their fate about what they are created for. Socially, economically, politically and even educationally, there are limits specified by Almighty Allah, talk less of holding the post of leadership like President, Prime Minister, Governor or even Chairman of local government. Too many Muslims appeal to the story of Queen Bilqis. They should realize it was sun worshippers who appointed her, not Muslims. So, why all the fuss about Bilqis? Besides, no woman has ever been called a prophet in Islam. As to Benazir Bhutto's election to power, that is the work of wolves with sheep skin. It is the work of America.*<sup>6</sup>

I also alert you to a more liberal speech by Aishatu Lemu in 1989, at the time National President of the Federation of Muslim Women's Associations of Nigeria (FOMWAN). She indicted men for withdrawing their wives and daughters from educational institutions, a practice she dubbed as "oppressive and deceitful." She insisted that Islam emphasizes the acquisition of knowledge, also for women. She encouraged Muslims to emulate the liberal policies of Danfodio and warned them "not to hide under the cloak of Islam to oppress women."<sup>7</sup> Lemu's contribution is representative of the era and is enclosed as Appendix 42.



Zaiab Sa'id Kabir, a woman on the faculty of Bayero University, was interviewed by A. Lawal of *Alkawari*. She was naturally asked about the place of women in the home. Her answer was quite standard. Bringing up the children is the woman's responsibility. Through their influence on the children, women have a great influence on the nation. Her answer to the question about women leadership in society, including politics and even becoming head of state, showed considerable openness. She began and ended the discussion with the remark that opinions vary greatly. Her own answer was quite pragmatically determined by the current situation in the country rather than by ideology, tradition or theology. Given the fact that Nigeria is multi-religious and that Christian women are opportuned to climb to any height in the country, it would be unwise to prevent Muslim women from the same opportunity. It is better to have a Muslim woman as head of state than a woman of another religion or of no religion at all. After all is said and done, Muslim leaders are divided on this issue.<sup>8</sup>

It seems that any time a woman argues for a more liberal position, a man will arise accusing her of ignorance with respect to Islam. So in this case, Muhammad Sani Omar of Rijiyar Lemo, Kano, properly rebuked her under the Hausa title "Zainab Kabir You Are Wrong."<sup>9</sup> Being educated, she should know better. He adduced that most favourite tradition in which the Prophet explained that a country with a woman at the helm will not progress. He advised her to check things out with the sharia experts at Bayero.<sup>10</sup>

These writers once again demonstrate the variety of viewpoints, not to say opposite, most religions contain and tolerate. It is difficult to generalize. Though popular opinion may be weighted in favour of the status quo, among the more educated in the pre-sharia era opinions vary widely from "right" to "left," from "traditional" to "liberal." Again, terms we easily use but that do not really apply. As the saying goes, you know what I mean!

**▲ WOMEN UNDER THE NEW SHARIA** 

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The rights and status of Muslim women came central stage in Europe recently through the headscarf or *hijab* dispute in France especially, but not only there.<sup>11</sup> Nigerian developments gained international attention at three fronts. First, there was the Miss World debacle that resulted in violent riots that left 200 or more dead and was subsequently moved to the U.K.<sup>12</sup> The second was the death sentence pronounced by sharia judges on some Nigerian women for alleged adultery. The third is the issue of women's rights under sharia in general. It was especially on points two and three that both national and international attention has been focused, mostly in the way of strong objection. In Monograph 7 the explicit voice of the Nigerian Christian community will be heard on these issues.

Adultery cases in sharia court caused great commotion in the world of human rights and other interested organizations, both nationally and internationally. So much happened and so much was written that I can only scratch the surface. I will sketch only the two most famous cases.

Though most of this write-up deals with elites from Nigeria and beyond, the sharia fever also penetrated grassroots and even pitted Muslim village women against each other. Adebola Adewole tells the story of how a horde of women came down heavy on one Hauwa Mohammed for allegedly committing adultery. She was running down the street surrounded by a “stampede of the hollering crowd, swearing and hurling indignities as well as pelting stones” at her. “She wailed and dashed around wildly, trying to wrangle her way through the human ring formed around her. Despite her obvious pains and welts, her tormentors were relentless in their gruesome attempt to teach her the lesson of her life.” Hauwa had “incurred the wrath of the faithful” who—rightly, according to Adewole—believed that such treatment is according to the sharia.<sup>13</sup>

## 1. ADULTERY

### a. The Case of Safiyatu Hussaini

Safiyatu Hussaini, a thirty-five-year-old woman from Sokoto State, was accused under sharia law of adultery with a married neighbour. Residents of her village, Tungan Tudu, upon noticing she was pregnant, reported her to the police. Judge Muhammad Sanyin Lawal acquitted sixty-year-old Yakubu Abubakar, a cousin to Safiyatu, who was accused of having impregnated her. Yakubu told police he had sex with her three times. However, the judge dismissed the testimony of three policemen who had heard his confession, for sharia requires four witnesses.<sup>14</sup> In addition, Yakubu withdrew his confession. According to sharia, if a man withdraws a confession, he must be acquitted, unless four men testify that they witnessed the act. He even told the judge that he had never met her, even though they are from the same village. She then claimed to have been raped by a neighbour but withdrew the accusation after the neighbour absconded.

Things are simpler for women but certainly not easier—or fairer. The only evidence required under Sokoto's sharia is for the woman to be pregnant. If she was a virgin before the relationship, she will be accused of fornication and will be sentenced to flogging. But if there is a marriage or divorce, then the charge becomes adultery and the mandatory penalty, death by stoning.

BBC's Isaacs was not impressed with Safiyatu's lawyer, Abdulkadir Imam Ibrahim. He allegedly was not on top of the facts of the case. At the time of Isaacs' writing, Ibrahim had not been to her village and he had not requested that Yakubu answer charges of rape. "He has been acquitted. Why should he be made to suffer again?" asked Ibrahim. He intimated that some members of the establishment really want the stoning to proceed. They see the appeal method as "inappropriate and even un-Islamic."

Apparently, Isaacs interviewed the Sokoto State Attorney

General, Aliyu Abubakar Sanyinna. The latter explained that it is the law of Allah. When we execute anybody, we are simply complying with God's law. "So we don't have anything to worry about." The size of the stones? Oh, perhaps like a fist. The method of execution depends on the judge of a case. The convict could be placed securely in a pit and then stoned. Alternatively, she could be tied to a tree or pillar.<sup>15</sup> Apparently, Safiyatu's actual sentence was to be stoned to death while buried up to her neck in sand.

Her appeal drew much attention. "Lawyers, activists, journalists and a few members of Hussaini's family packed into a sweltering courtroom" in Sokoto to observe a panel of Muslim elders hearing the appeal. The crowd included ten defence lawyers, some of whom were funded by human rights groups while others were volunteers. Prosecutors began by rejecting the earlier defence argument that the case be thrown out, because the required four witnesses had not come forward. Prosecutor Mohammed Kamarawa countered that these witnesses were not necessary, since the birth of the baby last year was sufficient. The prosecution also stated that Safiyatu had confessed to the crime, but the defence denied it. The defence brought up the curious argument that she had been impregnated by her former husband "some years ago"! Supposedly, it is possible that seven years pass between conception and birth. Though that seems biologically improbable, Islamic law recognizes this possibility. As lawyers are wont to do, many arguments flew back and forth, but we cannot let them all detain us. Bello Silame, the presiding judge, commented that the alleged adultery had taken place before sharia went into effect, but Kamarawa urged that the law be "applied retrogressively." And, of course, the case was once again postponed.<sup>16</sup>

The position of the FG favoured Safiyatu. The Federal Attorney General and Minister of Justice, the now late Bola Ige, condemned the verdict as "harsh and crude." He did not want to see it happen. It even seems Ige was supporting the appeal financially, "a clear indication of the contradictions" of the Nigerian

legal system, according to Isaacs. He predicted that if this case reaches the federal Supreme Court, "we can expect serious political fireworks."<sup>17</sup> Jerry Gana, Federal Minister of Information and National Orientation, without giving details, confided that the government had a hand in Safiyatu's acquittal "so that Nigeria would not be treated again as a pariah state." He also observed that the sharia states "were drifting towards total disregard for human rights," which, he said, "no reasonable government would tolerate." Gana disclosed that the government had set up an advisory committee to see how sharia "had affected the people's rights and the nation's image." President Obasanjo had warned that Nigeria was facing "international isolation over the case."

However, Governor Attahiru Bafarawa of Sokoto State, the state where this drama took place, attacked the various rights groups and the European Union for their critique. He reportedly received over 500 letters of protest against the conviction. He commented, "Unfortunately, most of the human rights groups were not patient enough to allow justice to take its course. Instead, they chose to put pressure on the executive arm of the government to interfere with the course of justice."<sup>18</sup>

International outrage was strong. The European Union and the Italian Parliament, along with many non-governmental organizations, all sent in their protests and appeals to save Safiya. On behalf of his European political colleagues, John Corrie thanked Obasanjo for intervening and encouraged him to prevent the execution. "No one should underestimate the strong views in many countries around the world that all laws should respect international human-rights standards. I trust that you will do all in your powers to stop this and future executions." Bola Ige reported he received "hundreds of letters daily" against the procedure.<sup>19</sup>

On March 25, 2002, Safiyatu won her appeal. Judge Mohammed Tambari-Uthman overruled the earlier sentence, because the alleged offence had taken place before the new sharia

took over. Isaacs reported that the judge in effect “tore apart the conduct of her trial.” The judgment by the four senior appeal judges represented by Tambari-Uthman caused a “pandemonium in the cramped court.” It was, of course, “widely welcomed” by human rights groups the world over.

Safiyatu planned to return to her village and remarry her former husband, whom she divorced some two years earlier. A later report has it that she married another man, Mohammed Sani, and relocated to Ijebu Ode, Ogun State. Their choice fell, understandably, on a non-sharia state.<sup>20</sup>

#### **b. The Case of Amina Lawal**

A perhaps even more famous case was that of Amina Lawal Kurami, a peasant woman from Kurami, a village in Katsina State. Almost the same time that Safiyatu was acquitted, Amina was convicted of adultery for becoming pregnant after her divorce and she, too, was sentenced to death by stoning. Judges in Katsina on March 22, 2001, ruled she could breast-feed her baby for eight months and then she would be executed. Pregnancy outside of marriage is considered sufficient to convict a woman. The man involved admitted to a relationship but denied having had sex with her. Charges against him were dropped because the mandatory four eyewitnesses did not come forth. Isaacs reports that Amina’s divorced husband is the father, according to her lawyers. The fetus allegedly “lay dormant in her womb” since the divorce two years earlier.

Amina had thirty days to lodge an appeal. She was allowed to return home to care for the baby until January 2002. At that time, her male relatives were to deliver her back to the court. She did reappear on schedule to be heard by four judges. She was represented by lawyers funded by human rights organizations. The case was adjourned for yet another month.<sup>21</sup>

The next time around, the sentence was upheld. Reactions varied widely. One group let the cry “*Allahu Akbar*” ring out in vic-

tory. "Amina was led away in tears," according to one report. The staying of the sentence was, of course, to the consternation of and contrary to the expectations of many others. However, human rights groups decided to appeal again and they were again given thirty days. This group included the federal Minister for Women's Affairs, Aisha Isma'il. It also included Amnesty International (AI) with its very aggressive approach to the issue. Access to Justice, another human rights organization, strongly condemned how Amina was convicted and sentenced. It "joined all lovers of freedom to call for the repudiation of the conviction and sentence, urging Katsina State to revoke its laws such as stoning that offend fundamental constitutional tenets." Its Director, Joseph Otte, declared "that the conviction violates the autonomy of human decision making" that is guaranteed under the constitution.<sup>22</sup> The various bodies wrote letters to President Obasanjo and some of his ministers. They organized a worldwide letter-writing campaign of protest. They would take the case up to the Supreme Court in Abuja, where many, including the President, AI, sharia governors and a host of other parties, would like to see the sharia either challenged or confirmed once and for all. Supporters of sharia say "they will not be deflected from upholding laws they see as the will of God." But there was a reprieve: the sentence would be carried out after two years, when Amina would finish weaning the child, a measure that would take us into 2004.<sup>23</sup>

In a report dated January 24, 2003, we are told of another delay till March 25, 2003. The prosecutor, Hamzat Kurfit, said his ministry was not prepared to continue until some "relevant things" are "fine-tuned."<sup>24</sup> Come March 25 and we read of still further delays. This time the reason is the coming election. Dan Isaacs reported that the judges simply failed to turn up! Holding this case in the midst of a heated campaign would likely have inflamed tensions that are never far below the surface, he wrote. Amina now had to wait till June 2003.<sup>25</sup> And guess what! In June we learn that she

“has had her appeal adjourned until 27 August, 2003, as she seeks to overturn her conviction for adultery.”<sup>26</sup> On August 27 the routine continues. The judgment will be reserved till September 25! I won’t bore you with the arguments and reasons. Only lawyers could find them interesting and important. The eight-hour trial, conducted by five sharia judges, was attended by a “large presence of foreign media representatives.”<sup>27</sup>

Finally, on the appointed day, Amina won her appeal! Again, it was read to a “packed courtroom.” The panel of judges explained that the original trial was “based on procedural errors.” In addition, “her adultery was not proved beyond doubt.” The lower court had been wrong when it refused to allow Amina to retract her confession. Once again the cry of victory, “*Allahu Akbar!*” rose up from the crowd.<sup>28</sup> At least one local was negative. “I would have preferred Amina to be stoned to death. She deserves it,” he said. Amina’s lead lawyer, Hauwa Ibrahim, stated, “This is a great victory for justice. The law of justice has prevailed over the law of man.”<sup>29</sup>

According to AI, Amina’s acquittal is great, but serious questions remain about a legal system that took her through the wringer. Furthermore, there are others awaiting their final fate for similar reasons. Nothing basic has changed. The struggle for doing away with such laws remains. Paul Marshall of Freedom House commented that Amina’s acquittal “does not show that radical Islam is in retreat in Nigeria. Rather, it shows that sufficient international pressure can cause the militants to back off for a time.”<sup>30</sup>

According to Yemi Akinsuyi, at least one Nigerian women’s group called for radical anti-sharia action in response to the Amina case. He wrote,

*Nigerians have been enjoined to take a second look at the implementation of sharia, particularly as it relates to women and their rights. Making the call through a statement by Mrs. Joke Adisa, the coordinator of Women Defence Project, Women*



*Department of the Committee for the Defence of Human Rights, the group noted that the world was gradually turning into a global village and that Nigerian women should not be left behind. The women's group congratulated and rejoiced with Amina Lawal over her deserved victory judgment. The historical and landmark judgment is to us a vindication of a truth we have said times without number that the bestial ruling by sharia courts was persecution of womanhood. We therefore say, with all emphasis, that the verdict discharging and acquitting her is a triumph of justice and the rule of law.<sup>31</sup>*

The role of the Federal Government vis-à-vis sharia has been ambivalent throughout, to say the least, though there may be valid reasons for that stance. In Chapter 5, we have been told why the government could or would not intervene in the sharia question in general. What of the Amina case? Were or were they not involved? The previous paragraph makes mention of the involvement of the Minister of Women's Affairs. However, Agabi, Attorney General, denied the government would even provide legal assistance. However, he is also quoted in the same article by Onwubliko and Bello that the government would "only facilitate her lawyer's argument but we will not be joined as a party." Go figure! They wanted to see the case addressed at the Supreme Court, but the government could not take it there. Shortly afterwards, we are suddenly told that now the government will assist Amina's lawyers if the case ends up in the Supreme Court. The confusion may also lie with the media, of course. Dan Isaacs of the BBC commented that "a confrontation" between supporters and opponents of the sharia "now looks almost certain."<sup>32</sup> The government's reluctance to get involved was, of course, partially to prevent antagonizing the Muslim community. But another seems also to have been Obasanjo's expectation that the court system, guided by the constitution, would ultimately spare Amina.<sup>33</sup>

Towards the end of 2002, Nigeria was to host the Miss World Pageant. Some of the candidates threatened to boycott the event if these adultery cases were not soon settled satisfactorily. Besides my own articles on the pageant, I especially draw your attention to a powerful article by Natasha Walter, relating the pageant to the situation of Amina and others in Nigeria.<sup>34</sup> In that context, the Federal Government finally took a firm stand. It vowed “to block Islamic courts from carrying out any executions by stoning” and promised “to hold the line against sentences in northern states” that have provoked all these protests. This assurance from Dubem Onyia, an official from the Ministry of Foreign Affairs, was the “sharpest statement yet” on the matter. “Nobody will ever be stoned as a result of sharia law. Nobody,” he declared. He further explained that the cases “will be overturned individually in appeals before federal courts.”<sup>35</sup>

The Nigeria Labour Congress (NLC) was upset with the situation and admonished the Federal Government “not to abdicate its role of protecting Lawal’s right to life.” The Assistant General Secretary to the NLC, Chris A. Uyot, requested that the Katsina governor “exercise the prerogative of mercy so that the death sentence could be revoked.” The NLC considered the sentence itself as “unfortunate.” It is “like a bad dream that has refused to go away.” It goes against the grain of Nigeria’s attempt to “join the global league of democratised nations and to liberate women” and will retard Nigeria’s “sustainable national development.”<sup>36</sup>

As with the case of Safiyatu, here, too, Europe spoke strongly. In language reminiscent of “repugnancy” terminology, they declared the death penalty by stoning a “cruel and unusual punishment.” Apart from the stoning, the death penalty itself was of deep concern to them. Without mentioning either Nigeria or Amina, an official of the EU indicated that her case was the immediate target of these comments. Such “cruel and inhuman penalties,” Europe urged, should “be stopped immediately.”<sup>37</sup> Through its Foreign Minister, Alexander Downer, Australia roundly condemned the penalty. Like

Europe, Australia is in principle opposed to the death penalty, but “death by stoning is a cruel, inhuman and degrading form of punishment,” recognized as such by various international conventions to which Nigeria is signatory. Italy and Brazil both offered Amina asylum. Former U.S. President Bill Clinton, before an audience that included Obasanjo, hoped “that the legal system will find a way to pardon a young woman convicted to death for bearing a child out of wedlock.” The world, he said, will be cheering when this happens. “It is a small thing for a great nation to forgive.”<sup>38</sup>

Europeans and their Nigerian human rights counterparts have the habit of claiming universal validity for their theories. Nigerian Muslims often do not buy into their thinking. *The Guardian* conducted an interview with Yai Akorede, Chief Imam of Akure and Chairman of the League of Imams in the South West, an influential position throughout Yoruba land. The paper wanted to hear his opinion about Amina’s original death sentence. The chief hailed it. He explained that “the judgment should be viewed from the angle of its corrective measure on the general society and not from the sentiment of a woman about to be killed for adultery.” Non-compliance with the sharia is “mainly responsible for the high level of moral decadence among the citizenry and corruption among government officials.” Allowing the sharia to operate, he insisted, “would lead to the cleansing of society.” Besides, the woman knew ahead of time the penalty for this crime. “Why are people now condemning the judgment but not the woman who did wrong? Are they promoting moral decadence? he asked.”<sup>39</sup>

Governor Sani sought to justify the situations described above. He reminded people that punishment for adultery can be applied only if one is caught in the act by “four people at the same time.” That makes it almost impossible as far as men are concerned. Admittedly, for women it is easier to determine if pregnancy results and she is single. The Governor said this all apparently with a straight face! Hey, what’s the big deal? It’s only 10 percent of the

entire sharia!<sup>40</sup>

Nigerian human rights advocate Abiola Akiyode-Afolabi, whom I believe to be a Muslim, writes

*that the thinking of the court and supporters of sharia is that only women can be guilty of the ‘offences’ of adultery or fornication. What happens then, in the case of seduction of minors or rape? This suggests that men living under sharia have been given a license to rape women and seduce or assault minors, or even impregnate them in the course of a relationship and then deny responsibility and watch them face a death sentence.*<sup>41</sup>

The BBC published a long article in its “Talking Point” series that features the opinions of a wide international range of people on the question of amputation and capital punishment for adultery. I summarize two Nigerian Muslim opinions from the list. Ali Mukhtar, living in the U.S.A., states that since sharia is supreme, “it should prevail in an Islamic land.” He is disgusted when other countries want to impose their laws on Nigeria. Adulterers have brought this on themselves and should “be prepared to suffer the consequences.” The argument of discrimination does not hold, since the law “applies equally to both men and women.” Mohammed Mukhtar, living in Nigeria, confesses to being surprised at all this debate around the globe. Western media have hyped it up with their own slant on it. But Mukhtar is sure that “justice will prevail.” That is, the “process will not be hijacked by media warlords.”<sup>42</sup> Sorry, sir, it was.

## 2. GENDER SEPARATION

There is a strong Muslim tradition of gender separation in almost all circumstances except in the confines of the immediate family. This tradition was revived with a vengeance under the new sharia regime with drastic results in some areas of social life, espe-

cially in transportation and education. From the beginning of his programme Governor Sani wanted to put an end to this indiscriminate mixing "so that all these immoral activities can be eradicated in the society."<sup>43</sup>

### **a. Transportation**

In Zamfara State, women, whether Muslims or Christians, would in future not be able to mix with men in public transport. The state made plans to make other provisions for them. In the meantime, they can use taxis provided by the state. Eventually, Sani hoped private companies will follow suit, but not everything can be done at once. Within four years he hoped to have buses in place with men sitting in the front and women in the back.<sup>44</sup>

The programme took off earlier than predicted, apparently. Only a few weeks later, Sani "inaugurated free bus service to transport female commuters." This was "to alleviate their transportation burden," since they could no longer ride commercial motorcycles. The service, flagged off on January 31, 2000, appeared on the major streets of Gusau, with loudspeakers announcing the inauguration of the free service. The programme started off with twenty buses. In addition to these free buses provided by the Ministry of Religious Affairs, there was a "fleet of taxis and buses operated by the State Transport Authority, which charge fares and which are likely to carry only female commuters." All buses within the state are "the exclusive preserve of females, while the motorcycles are to convey only the menfolk." The arrangement for interstate buses is to have separate rows for the genders. The report claims that a "cross-section of residents welcome the introduction of this mode of transport and commend the government for the action as gain of the sharia system."<sup>45</sup>

In reality, much public transport continued as in the past. The major immediate change was that women were no longer allowed to ride on the commercial motorcycles, the "*kabu-kabu*," because they are too dangerous for women. In Islam, women are held in

high esteem “because of their nature. God has told us that they are really precious and should be given utmost care.” So, we are trying to provide them and families with proper public transport.<sup>46</sup>

Around the end of February 2000, five commercial motorcyclists were taken to court for conveying women passengers. Though they all pleaded not guilty, “the sharia court accepted their cases and ordered the accused to be remanded in prison custody.<sup>47</sup> By August, the number arrested was over 200. During that month two motorcyclists received twenty lashings for the same offence. Three hundred people gathered to witness the event.<sup>48</sup>

Adegbite is skeptical about enforcing the segregation of genders in public gatherings and public transportation. He advised the Zamfara Government to rethink this one. “Both sexes should be allowed to use common facilities. It would be sufficient to assign each gender separate areas within these facilities.” He also urged that the cost of enforcing separate transportation systems should be considered.<sup>49</sup>

In May 2005, five years after the inauguration of sharia, Governor Shekarau of Kano announced that his government would soon “launch its new transport scheme, which would address the problem of gender mixing in commercial vehicles.” A new law is to ban males and females “from sitting together in commercial vehicles.” The government has already “procured buses and tricycles (100 apiece)” for this purpose. The programme would be launched as part of the celebration of the Governor’s second year in office. It has become necessary in view of the “increasing incidence” of gender mixing and is codified as Chapter 228 of Kano State laws, while it is in line with sharia. It is “compulsory for us to carry out our activities in accordance with Islamic tenets.” It is also “in conformity with the culture and tradition of the people of the state.” The announcement did not specify the penalty for non-compliance.<sup>50</sup> But do note that the new law is part of the common law, not of sharia, though in conformity with the latter. That means Christians

are also subject to the provision.

In June 2005, the Amalgamated Commercial Motorcycle Riders Association of Nigeria decided to hold a campaign to have its members accept uniforms designed by the Kano government. The point of the uniforms is to put some order into the service as well as stopping members from picking up female passengers. The Association agreed with the sharia prohibition regarding women passengers.<sup>51</sup>

An article indicating mixed feelings on the part of average Muslim citizens in Kano, both women and men, about the motorcycle ban on women appeared in December 2005. The women's complaints include the following. (1) While the intention is to protect the dignity of women, the law ends up contravening human rights laws. (2) Maimuna Abdu Yakasai agreed that women do not like "climbing motorcycles of men whom we do not even know, we have to do so because we cannot afford taxi fares and the tricycles of the government are not adequate." (3) Hauwa Idid of Sheka has a disability that prevents her from entering a car, but she can get on a motorcycle, provided the driver tilts the vehicle in a special way for her. (4) Habiba Imam, a *hisbah* member, agrees that women should not use motorcycles but her commuting problems force her to use them due to insufficient alternatives. (5) Easter Emmanuel of Sabon Gari, a Christian, feels that the law should not affect Christians. Besides, businesswomen need to move fast and thus do not want to waste time waiting for taxis. (6) Comfort Orji, also a Christian, cautioned that women "should be conscious about how they board motorcycles and stop exposing their laps."

Muslim men also had their say. Some feel that the government should reconsider the ban in view of the harsh economic conditions. A motorcycle ride is cheaper than a taxi. Salisu Magaji Gombe observed that "hoodlums have hijacked the law and are using it to their own advantage." He had seen how callously a woman with a baby on her back was pulled off a motorcycle. "Is this how sharia is practiced?" He suggested that the Governor go to

Iran to “see how sharia is practiced [there]. Sharia is not punishment.” Adamu Ibrahim is of the opinion that the government should defer the ban until it has sufficient tricycles.<sup>52</sup>

When you check the balance of the critique, it appears that opposition to gender separation in public transport is mild. There is more pragmatic critique of the way it currently works than principial rejection. It does seem to fit well in the culture of Kano’s Islam.

### **b. Education**

Governor Sani also wanted to put an end to gender mixing at secondary schools. In an interview with him, Director asked him what this would mean for schools, including federal schools in Zamfara. Sani did not intend to touch federal schools. They are not his business. But as to Zamfara state schools, he intended in the future to build separate schools for girls and boys with each having only teachers of their own gender.<sup>53</sup>

In his interview with Oladipo, Sani went into a few more details. The reason for the separation in the schools is that “the number of girls that are pregnant in mixed schools is increasing daily and therefore parents are withdrawing their children from schools and getting them married at a tender age. This [new] policy has changed the trend. The level of enrolment, specially in female schools, has more than tripled.” This policy is not in force for primary schools. There the boys sit in the back and the girls in the front.

Karima Sani, the Governor’s wife, recently gave girls’ education “a boost” when she declared that girls’ education would now be “compulsory and free from primary to tertiary levels.” In addition, she announced that child beggars (*almajirai*) of both genders would be given “vocational training and western education.”<sup>54</sup>

The ban on gender mixing did have its pockets of popular support, even among tertiary students. In mid-2003, students at the Kaduna Polytechnic protested the entry of female students to the male hostels. They had mounted roadblocks on the campus in



protest. Violence never being far below the surface in Nigeria, anti-riot police were deployed to the campus and environs, while the authorities decided to close the place and send students packing.<sup>55</sup> *Rigakafi ya fi magani!* Prevention is better than cure!

### 3. FEMALE DRESS CODE

Sharia has also led to a new dress code for women. Actually, this is a revisiting of an issue that predates the new sharia era.<sup>56</sup> The subject takes in a number of related topics, but underneath it all is the concern for female modesty so as not to unleash the sexual lust of men. It is one that always seems to haunt Muslim men. This concern has long been a confrontation front between the religions.<sup>57</sup> Please consult the references in the preceding endnote, so that you understand the basic issues without my repeating myself.

It definitely is not merely an elitist issue imposed on the masses. One Murtala Dodo Mujammad of Katsina State, a person of ordinary social status, wrote a letter in *The Pen* in which he warned against the dangers of sports. A major issue to him was precisely the matter of attire: "Most of the sports have a certain mode of dressing which is contrary to the teachings of Islam. Females are required to dress in shorts, thus exposing areas of their bodies which should not be exposed. The most incredible sport of all is swimming, where females are required to dress in bikinis. *Subhanallah!*"<sup>58</sup>

Shortly afterwards, the Kano government announced they were about to introduce nurses' uniforms that conform to Muslim standards of modesty. They described the current uniform as "almost naked" and expressed their strong contempt for that fashion.<sup>59</sup> For a recent and rather typical passionate article on it by a Muslim man, I refer you to Umar T. Umar in Appendix 36.<sup>60</sup>

Kurawa occasionally "loses his cool" with respect to Christian criticism, if not ridicule, of Zamfara sharia dress provisions. He accuses one Reuben Abati of banality, drinking beer and enjoying "sexual fantasy" when the latter wrote the following about sharia

dress restrictions. “There is something sensual; that is, there is something that brings out the beast in us when we encounter beautiful women who are trying too obviously to shut us out. When a woman dresses freely, without any ideological encumbrances, we are likely to just look and thank the Good Lord. In Zamfara, however, lust stalks the streets.” Kurawa quotes the response to Abati of one Q. Adunmbaku, who reminds Abati that “freedom of expression has limits that every responsible member of any civilised society ought to respect for the common good.”<sup>61</sup>

In Chapter 2, I mentioned the decision of the Kano House of Assembly to pass only laws that are sharia compliant. Soon afterwards, the state made it compulsory for all girls in state-government schools to wear the *hijab*, regardless of their religion. This did not cover federal or Christian schools, but since the latter had been mostly closed, many Christian girls were affected. The Commissioner for Education, Ishaq Mahmoud Umar, explained that the measure was “part of the government’s efforts to uphold public morals and ensure that the teachings of Islam are applied in each and every aspect of governance.” But if you think this was a new issue, think again.

It took some time for the policy to be carried out. The Societal Reorientation Committee (*A Daidaita Sabu*) of Dala in 2004, for example, distributed 500 *hijab* to the students of Government Girls College “to make the college compliant with Islamic mode of dressing.” The Chairman of the local government, Madakin Gini, promised that soon all the schools in his jurisdiction would “enjoy the gesture.” Those who had not received one should practice patience, as theirs would soon arrive.<sup>62</sup> Governor Shekarau explained that the new dress code, in Hausa called “*suturar mutunci*” [“respectful dress” or “dress of respect”], aims to “re-establish proper dress for the youth,” while a programme to remove girl street hawkers, called *Fansar Yar Talla* [“Rescuing Girl Traders”], seeks to “restore the girls right to education.”<sup>63</sup> The Kano State Government also prohibited the wearing of dresses considered indecent on the

part of women in institutions of higher learning. Those who failed to comply were in danger of getting expelled.<sup>64</sup>

However, when Christians display a negative attitude towards the *hijab*, even for legitimate reasons, things can get very ugly. Please read the following story from Kaduna State.

*A group known as Foundation for Ethnic Harmony in Nigeria (FEHN) has called on Muslim Students at ABU, Zaria, under the aegis of Muslim Students Association, to drop the death threat it allegedly placed on a lecturer in the Faculty of Law, Mr. Andrew Akume. The group, in a statement signed by its National Publicity Secretary, Joy Omateyi Imeli, said Nigeria has suffered so much religious, ethnic and political violence, which had led to loss of many lives and properties.*

*There were reports yesterday of growing tension at the University, following a death threat on Akume by the Muslim students, who said he walked a fellow student out of class for putting on a hijab. The death order, said to have been issued after a meeting by concerned Muslim students, accused the lecturer of "assault on Muslim sisters and blasphemy against Allah and Islam."*

*FEHN said issuing a death threat is not the best solution to the matter, adding that "Islam is a religion of peace and abhors discrimination." "The Muslim students should have a rethink on the Fatwa pronouncement, because such statements and actions could lead to reprisal attacks or actions, which are not healthy for the growth and development of the nation in general and ABU in particular, considering the numerous closures the school has experienced as a result of various crises," it said.*

*Akume, who is a member of the University Senate and Assistant Dean of the Faculty of Law, is said to have gone into hiding. The matter has attracted the attention of Benue State*

*government, where the lecturer hails from. Reports say Benue State Governor, George Akume, had already written to his Kaduna State counterpart, Alhaji Ahmed Makarfi, urging him to intervene in the case.<sup>65</sup>*

Additional information has been provided by a British-based organization whose name and sources I am under obligation to keep confidential for the sake of safety. It collects information from responsible Christian leaders in Nigeria. In its report for October 7, 2005, we read,

*Two fatwas are circulating around a university in Zaria city, which condemn to death a Christian lecturer called Andrew Akume, who is dean of the law faculty. He is accused of “assault on Muslim sisters and blasphemy against Allah and Islam.” These charges arise from an incident when he asked a female Muslim student to remove the covering over her face. According to Akume, the Council for Legal Education bans clothing which hides the identity of a student. Akume has gone into hiding.*

The story speaks for itself.

Considerable heat was generated during 2001 about nurses' uniforms at the Federal Medical Centre in Azare, Bauchi State. Hospital authorities had ordered all nurses to wear a new sharia-compliant uniform. The uniform included trousers and veil. Eleven nurses refused and were sacked. They took the case to court, but the story of their reactions belongs to Monograph 7. Two years later, Caroline Cox, Deputy Speaker at the British House of Lords, was hosted in Nigeria by the Macedonian Initiative. After she met with the nurses in Lagos, she pledged to use her position to ensure that they receive justice. She would do this by initiating debate in the House of Lords and also by the British Foreign Office to urge Nigeria to reinstate them. Christian Solidarity Worldwide, a British human rights organization, was also working on the reinstatement of the nurses.<sup>66</sup>

In such a context Sani's announced plans to change sports uniforms for both women and men are not so outlandish. However, one easily reads between the lines that the real concern was women's uniforms. Men were mentioned only to avoid the impression of one-sidedness or discrimination. He announced, "New sets of sporting kits would be designed for Zamfara state men and women to reflect the teachings of Islam." This "became necessary in view of the state's adoption of the sharia legal system."<sup>67</sup>

Lateef Adegbite, in a speech delivered at a turbaning event, expressed his great delight at the spread of Islam in Europe and, especially, in the U.K. He said, "Whenever I go through the streets of Oxford and see many women clad in their *hijab*, I would think that Islam has taken over England." And then he added, "That is what we want in Nigeria."<sup>68</sup> Now, that can be understood in more than one way. Think about it.

#### 4. MISCELLANEOUS WOMEN'S MEASURES

There is a number of other gender issues that I have bundled together here. Some of them originated with the UN and from there were channelled into Nigeria through the FG.

##### **a. Prostitution**

Prostitution, of course, is not an exclusively female problem. However, in the sharia context it is generally dealt with as a female issue. It is frequently listed among the evils that the new sharia regime will eliminate. Hence Karima Ahmed Sani, the wife of Governor Sani, gave "a new lease of life" to forty prostitutes by giving each a cheque of N25,000 [\$185]. This "money was intended to enable the women to set up small-scale business ventures so as to secure alternative sources of income." This was in follow-up of sharia. She also advised "prostitutes wishing to get married to hurriedly do so in their interest, while those seeking to lead decent life but have no suitors" to contact her office for assistance. However,

“the women must be sincere in their claims as the genuineness or otherwise of their request will be investigated.”<sup>69</sup>

### **b. Polygamy**

Strictly speaking, it could be argued that polygamy is not part of our topic, since it existed prior to the new regime and is covered by the civil part of sharia that was in effect all along. However, it is a relationship that intrigues many non-Muslims, often with an overlay of annoyance, contempt and sense of superiority, but also curiosity. And, of course, it surely has to do with women’s roles and rights.

During the course of his interview with the Governor, Nweke asked, “Muslims are polygamous and are permitted by Islam to marry up to four wives. How is it possible to treat four women exactly the same and equally without favouring any one above the other, in accordance with sharia?” Sani responded by referring to the sharia provisions for the family: “How you take care of your child, their education until they are grown up and independent, including how you marry, their rights, their own responsibilities—all these are stipulated. If I violate one of the provisions, my family would not allow me. One of the conditions for polygamy is that you must not take one to be a special wife. You must treat them equally, as much as possible.”

Nweke pursued him on the subject of the public role of a governor’s wife. How would Sani “create the office of the First Lady?” Sani explained that when the issue of a public function for a wife first arose,

*I contacted the first wife. She declined the offer. You see, she has [only] a secondary school qualification. The second wife is a medical doctor; the third wife has a diploma. At the time of the consultation they were all seated in the same room as we discussed the issue. I asked the first wife, but she said, “No.” I then had to ask the second wife and she accepted the offer and so the medical doctor now represents at any function. She represents*

*them [women], represents the family and represents the state.*<sup>70</sup>

Further down in this chapter, I discuss attempts by the FG to eliminate capital punishment in Nigeria.<sup>71</sup> An attempt to outlaw polygamy in order to meet UN standards was made at the same time. Since polygamy is not a major issue in this chapter, I will not summarize all the Muslim objections to this measure, but object they did and strongly so. All the objections and threats expressed by Dati Ahmed against the elimination of capital punishment were also aimed at the attempt at eliminating polygamy. Muslims will fight it tooth and nail.<sup>72</sup>

Sanusi has an interesting take on the subject. The West critiques polygamy, but they allow “sexual relations with any number of women based on mutual consent” as well as “relationships of varying degrees of permanence” and all “without breaking the law.” However, when they want to “regularize” or, as Sanusi puts it, “do the right thing and marry these partners,” they become criminals. “This is incomprehensible to Muslims and is clearly hypocritical. A society that legalises sexual relations with multiple partners has no moral basis for outlawing the same relationships established on a legal footing,” i.e., marriage. “What is not evident is the equation of polygamy with injustice or immorality by societies that make multiple sexual partnerships perfectly legal so long as they are not, if you like, legal!” Sanusi concludes, “The criticisms of patriarchy and polygamy tend often to represent a judgment on a people’s culture and tradition from the standpoint of a part of the world that has always considered itself to represent the *telos* [end or goal] toward which all societies must evolve.”<sup>73</sup>

### c. Street Hawkers

Gradually the ramifications of sharia are working their way throughout female culture. In May 2005, Kano State banned street hawking by girls. These are usually little, underaged girls whose

livelihood exposes them readily to sexually dangerous situations. However, true to the nature of sharia, the government tried not to condemn them to unemployment and loss of income. The affected girls—seventy of them from forty-four local governments—have been offered scholarships, while their mothers “were presented with sewing machines and N10,000 cash each.”<sup>74</sup>

### ▲ THE STATUS AND ROLE OF WOMEN IN GENERAL

In the minds of its critics, the sharia Governor Sani unleashed is associated with an oppressive posture towards women, grossly restricting their freedom, often under the guise of protecting their honour and dignity. That is hardly the way Sani himself views the matter. In his interview with the Governor, Ray Nweke asked him about the place of women under the new dispensation. Sani responded, “Women have total rights and with that there are also responsibilities. They have responsibilities to the family and the home, as is the case in some other religious settings. Education is also a key area of responsibility for women, with particular responsibility for the upbringing of the children.”<sup>75</sup> However, his attempts at strict gender separation are hardly in keeping with the above statement. It is a world defined by men who seem to be afraid of their own sexuality and who want to maintain their position of power. This is not merely my conclusion, but it is an opinion expressed frequently by Muslim men who oppose the current sharia regime.

Muslims are often amazed at the scathing criticism directed to Islam for its oppression of women. Why, they repeat time and again, we honour women. A. M. Muhammad argued that “In Islam the equal status of the sexes is not only recognised but insisted upon.” “The unregenerate male” tends to “forget the all-important part which the female plays in his very existence and in all the social relationships that arise in our collective human lives. The mother that bore us must ever have our reverence. The wife through whom we



enter parentage must have our reverence.”<sup>76</sup> Indeed, but does that require that men exclusively set the parameters?

### ▲ CRITIQUE BY MUSLIM WOMEN

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We have already heard the voice of Aisheta Lemu from the pre-sharia days. It was a critique not of sharia so much as of the actual practice of Muslim men to restrict the freedom of women. She emphasized education and called upon the revival of the liberal attitude of Shehu Danfodio. She demanded an end to Muslim oppression of women.

During the new sharia era women increasingly voice their demands for liberalization. This frequently entails a rejection of the Islamist style of sharia as oppressive and outmoded. The sharia adultery cases upset many international organizations. The Rights and Democracy (International Centre for Human Rights and Democratic Development), based in Canada, awarded Ayesha Imam, the Nigerian woman who coordinates BAOBAB for Women's Human Rights, the John Humphrey Freedom Award “for her work against the restrictive and discriminatory forms that the new sharia criminal laws in Nigeria have taken.” Her “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 on behalf of the Centre. Other comments in the article announcing the award include the following: “Imam has been involved for many years in the campaign against the application of a conservative sharia in the northern states of Nigeria.” Under the auspices of BAOBAB and its volunteers in fifteen Nigerian states, Imam “has courageously taken on the risky task of protesting violations of women's rights whether under Muslim, secular or customary laws.”

*She mobilized civil society organisations 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.*

She “has risked her life to ensure that women’s voices are heard.” She and her colleagues have been threatened, 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.”<sup>77</sup>

Women in Nigeria (WIN), a national association of women, oppose sharia partially because of their experience with transport in Zamfara. Since they are not allowed to travel on commercial motorcycles, they walk long distances. Taxis are few. Twenty-four operators of these *kabu-kabu* caught carrying women have been imprisoned and already given twenty strokes of the cane, while, it appears, their full penalty had not yet been announced by the judge. In Kano, “Muslim extremists” have started “enforcing sharia” and attacking Christian females seen in the presence of their fathers or husbands, “claiming that Islam forbids women from being seen in public in the company of men.” In a communiqué, WIN states its expectation that non-Muslims, especially women, will be negatively affected by sharia.<sup>78</sup>

In Chapter 6, you have already been introduced to Saudatu Shehu Mahdi, “a leading women’s rights activist in Nigeria,” Secretary General of the Women’s Rights Advancement and Protection Alternative (WRAPA), “an NGO devoted to the promotion and protection of the human rights of women through education, political advocacy and the provision of legal services....From 2001, she has been closely involved in the defence of women who have been victims of the sharia legal system....”<sup>79</sup> Mahdi was one of

the two keynote speakers at the Jos sharia conference of 2004.

She has a very fluid perspective on sharia. She emphasizes the different ways in which sharia is applied, the different contexts that require different approaches. There have been “periodic reforms of law” that also must be taken into account at this time of sharia reform. “Over time, Muslims have struggled in countless ways to reinterpret, protect, deconstruct, modernise or stabilise their faith in response to sometimes overwhelming pressures from an outside world intent on ceaseless material and social adventure.” Those who acknowledge this fluidity recognize the need for a “far-reaching rethink of how Muslim communities should live” and they see “modernity as a challenge that offers Islam the possibility of deep internal renewal. Reforms in these communities rely on *ijtihad* (i.e., exerting oneself in knowledge and application) to address contemporary issues where no precise guidance was available in the Qur’an and the Prophet’s Sunnah.”

On the other side of the Muslim fence is the majority that has “opted for a broadly conservative<sup>80</sup> stance that tolerates technological and political change, but frowns on any radical reworking of social or intellectual structures, much less of religious or religio-legal forms.” We have met both groups in Chapter 6. Mahdi obviously shares the more open position. She is criticized by Kurawa in Chapter 6 for being too open to Western secularist theories. He is probably at least partially right, but is he himself free from them? Be that as it may, let us briefly examine her reaction to the new sharia dispensation and the place of women in it.

There is a worrisome imbalance between theory and practice, she avers. An added difficulty is that the majority holds to a “rigid stance” that makes them “view emerging proposals to accord women recognition as ‘alien’ and anti-Islamic. Some even go so far as to reject provisions in national, regional and international statutes that are based on the same principles in Islam which accord human dignity and certain rights to women.” The lot of women needs to be improved in a manner consistent with the

Qur'an and the *hadith*, but these must be “augmented by *ijtihad*.”

Mahdi expresses herself in the spirit of Muhammad Asad from Chapter 6. She writes,

*It is a settled fact that sharia provides women full human, social and economic rights and in many situations provides special means to ensure that the rights are respected. However, local customs, laws, and negative value systems continue to encroach upon the implementation of the pure principle of sharia. The personal status laws as currently practised in Nigeria breach both the letter and the spirit of sharia.*

In her closing paragraph, she declares that “there is currently a struggle going on for the preservation of Muslim identity, indeed of Islam itself, its laws and practices....We here in Nigeria are playing our part in this struggle....As we do so, we must not lose sight of the need to focus on the entrenchment of the fundamental Islamic values of human dignity and justice for all.” This perspective is a far cry from that implemented in Zamfara and most other sharia states.

These comments have the potential of bombshells! Equating international human rights provisions, often considered “secular” by Muslims, with similar provisions in sharia! That is tantamount to identifying the merely human with the divine! In the context of the Nigerian sharia controversy that is going a bit far. And then the suggestion of enacting changes in the sharia! Wow! Mahdi and Engineer were really pushing the envelope.<sup>81</sup> No wonder that Kurawa wrote that Mahdi “did not present the ideal Muslim perspective”—probably, from his point of view, a merciful understatement.<sup>82</sup>

## ▲ THE ROW OVER CAPITAL PUNISHMENT —————

We have already adequately seen how the spate of sharia capital punishment sentences meted out to women found guilty of adultery raised the ire of a great variety of people, NGOs and

governments. In July 2003, the EU Parliament invited Nigeria to join an international campaign against capital punishment. One can forgive Nigerians for thinking the timing was due directly to the sharia issue in Nigeria. Marco Cappato, member of the Parliament and Italian Ambassador to Nigeria, tried to persuade Nigeria's Attorney General, Akin Alujimi, to convince Obasanjo to join and abolish the death sentence. The carrot was that if Nigeria co-sponsored a resolution on the subject at the UN, its "image would improve positively." A year earlier, Obasanjo had already shown great concern for Nigeria's image, especially in view of the international human rights campaign on behalf of condemned sharia victims. He promptly passed the matter on to the House of Representatives and promised an exhaustive debate. The idea was "to review the death penalty as well as other forms of judicial punishment said to constitute cruel and inhuman treatment." It was also to align Nigeria with the United Nations' convention. The Speaker, Aminu Bello Masari, a Muslim, gave his assurance that "lawmakers would back any move to expunge the death penalty from the nation's statute books." He welcomed the EU campaign.<sup>83</sup> The Speaker did not drag his feet. Less than a week later, the bill was already in its second reading. As we will see below, its opponents rejected it because of sharia considerations.

Amnesty International (AI) entered the ring as well. They had been around for the sharia cases of the women sentenced to death by stoning. Now that the EU had started their campaign, AI supported it with strong language:

*The death penalty is the ultimate violation of the right to life and also constitutes a cruel, inhuman and degrading punishment, and is [that] in all circumstances. AI calls on the Nigerian government and civil society to seize this opportunity and address an issue that has caused unnecessary harm and distress for many Nigerian citizens.*

*The government should take steps to abolish the death penalty and amend all pieces of legislation which introduce the death penalty as well as cruel, inhuman and degrading punishments at all levels of Nigerian legislation, including the sharia penal legislation. AI reminds [the government] that punishments such as stoning, flogging or amputation included in the new legislation are considered cruel, inhuman and degrading treatment by international human rights standards. These punishments are in complete contradiction with the Convention against Torture ratified by the Republic of Nigeria in June 2001.*

*Consensual sexual relations outside marriage between adults are not recognizable criminal offences under emerging international human rights standards. AI continues the campaign for the abolition of all discriminatory laws and opposes the criminalisation of consensual sexual activity between adults in private and the imprisonment of anyone solely on that basis.<sup>84</sup>*

We are, it seems, back again in the land of repugnancy. Please remember from Chapter 2 how Nigerian Muslims react to that attitude.

The Muslim community did not drag its feet either. Immediately a number of leaders sternly warned the government of the dire consequences of the abolition of the death penalty. It will lead to “serious communal disturbances in the sharia states.” Nuhu Muhammadu Sanusi, Emir of Dutse, threatened that Nigerian Muslims will revolt, since they will see the measure as “anti-Islam and an attack on the fundamental beliefs” of Islam. The bill is “a clear conspiracy hatched by the West and intended to be forced on Nigerian Muslims.” Muslims will not “allow ‘western stooges’ to dictate to Nigerian Muslims what they should do and not do.”

Ibrahim Datti Ahmad, president of the SCSN, similarly claimed the “move was a cover-up to fight the sharia and to change the system in Nigeria through the back door.” He called on

Muslims “to reject the move in totality” and promised that Muslims “will resist this imperialism by all powers available to us.” “No Muslim will obey or enforce the law if passed. Sharia states will defy it.” “We have alerted all Muslims and all enlightened Nigerians to fight it.” Europe has abolished capital punishment and “wants the rest of the world to do the same.” Even the U.S. has capital punishment, said Ahmad. Why then do our Nigerian agents of imperialism “bring this menace to the Nigerian Muslims?” In Islam, it is “life for life; if you kill somebody, then you have to die.” “This is our right and our religion. Therefore we will not allow agents of foreign powers to change our fundamental life,” he declared.<sup>85</sup>

In another version, Ibrahim Ahmed blasted, “If the FG is that stupid and insensitive to ignore our feelings, then we will mobilise the people to get rid of this government. We will encourage disobedience, no matter the consequences, because it is better to defy the FG than to disobey the law of God.” “We are indeed aware of European and American pressure groups actively lobbying for this legislation, and, since we have never interfered in their domestic legislative processes, we take serious exception to their rude and arrogant intrusion into our affairs as a sovereign country.” “Democracy is not only a government chosen by the people, but also one that operates on the basis of wishes and aspirations of the people.”<sup>86</sup>

Imams entered the fray as well. Safiyanu Abdullahi, a prominent imam in Abuja, warned in a Friday sermon that abrogating capital punishment is tantamount to apostasy. According to both Islam and Christianity, God has “ordained capital punishment. Any attempt to abrogate it would mean giving a free licence to kill.” He then quoted from both the Qur’an and the Bible to buttress his point. If the members pass the law, “the wrath of Allah would fall on them as apostates.” That, of course, is the worst that can happen in Islam. He also urged the constituencies to “call their members to order.”<sup>87</sup> The language became stronger and stronger.

Some politicians were put out as well. Former federal minister Wada Nas suggested that the government's proposal was so dangerous that it would require a referendum. Abrogating death penalty is a "direct challenge to sharia" and is part of "the continuing war by the West against Islam." Nigeria, Nas continued, has "more serious problems" that include poverty, corruption, inadequate electricity and others "that should occupy the time of lawmakers rather than capital punishment." Before you know it, "they will demand that Muslims must never pray five times or congregate at mosques on Fridays."<sup>88</sup>

The issue was contentious in the House also. It "created a big gulf between the camps." Some welcomed it as in keeping with the international trend, while others opposed it, because it would infringe on "the religious rights of others." The Christian Charles Iliyasu of Gombe suggested that the law should be passed but "with a caveat that those for whom it will infringe on their belief system could be allowed to still apply the practice."<sup>89</sup> In other words, the sharia states.

The Centre for Islamic Studies of ABU organized the Fifth Annual Forum for Judges. The theme for 2003 was "The Abolition of Capital Punishment: A Sharia Perspective." The Forum made the following observations:

- Sharia states are urged to put appropriate mechanisms in place for carrying out the death penalty on capital offenders.
- The attempt to abolish capital punishment without "proper consultation" is both unacceptable and unconstitutional. Proper consultation would include a national referendum.
- The sharia approach to punishment is one of retaliation and serves as a deterrent.
- The "exacting of retribution calms the nerves" of the victim's family and restrains them from taking revenge.
- Sharia states are encouraged to ensure that all their laws



conform to sharia. This is to be accomplished by availing themselves “of the rich literature and heritage” of the “Sunni Schools of jurisprudence.”

- The National Assembly is encouraged to amend the 1999 constitution so as to make room for “full implementation of sharia.”
- Sharia states must resist the attempt to abolish capital punishment, since it “seems to us as a ploy to tamper with the full implementation of sharia.”
- These states must put “more resources and effort in the training of judicial personnel for a proper implementation of sharia.”<sup>90</sup>

Sanusi's comments also deserve your attention. He wrote,

*There is no point in trying to convince a Muslim state that a murderer does not deserve to lose his life. The sharia provides for options to retribution and permits, even encourages, the immediate family of the deceased to show leniency and forego their right to retribution through acceptance of compensation from the murderer's family, or outright forgiveness. However, the principle in law is that if one human being unjustly takes the life of another, then he has by his own act stripped himself of immunity. The argument against the death sentence does not address the Muslim argument for it and, instead, seeks capitulation by the Muslim world to what is essentially a European consensus that is not even shared by other liberal democracies like the U.S.A.<sup>91</sup>*

Clear. For Sanusi's doing, very clear.

## ▲ MUSLIM CRITIQUE OF WESTERN HUMAN RIGHTS

There is an awareness among some Muslims that human rights, whether the Muslim or secular version, do not always flourish in Nigeria's Muslim community. Writing before the CA of 1977 and thus before sharia became a hot button, Adegbite was fairly modest about Muslim human rights. Unlike most of his fellow Muslims, he accepted the legitimacy of international standards, but also appreciated the Muslim approach in these matters. He highlighted certain positive aspects of the Muslim approach. For one, the law is binding on both ruler and ruled and thus leaves no legitimate space for tyranny. That, of course, is theoretically true also in Western democracies. He also recognized that some sharia provisions are rather severe but confidently defended that feature. He emphasized the Muslim focus on community as over against individuals. "The individual is the central unit of activity in the community; the community is the end and aim of the individual's activity." Thus, though Islam recognizes the right to property, it is a limited right. He admitted to some negatives as well, such as slavery and the place of women. The latter especially "will require a reconsideration through the agency of *ijtihad*." "This way is open," he wrote, "thanks to the saying of the Prophet himself: 'Women are partners to me.'"<sup>92</sup> Because Adegbite expresses himself so gently, the principal liberal in the man can easily escape your notice. But then, he wrote the above when sharia pressure had not yet filled the atmosphere.

Abdulsalam Ajetunmobi, a Nigerian in London, U.K., agrees "that it is essential that Muslims should intensify and multiply their efforts towards the safeguarding of human rights." Among the more liberal-minded Muslims, mostly academic elites, there are many who sympathize with this opinion. Muslims often charge human rights activists with a one-sided emphasis on rights at the neglect of responsibilities. To counter that, Ajetunmobi urges Muslims to strive continuously, individually and collectively, to

deepen Muslim “consciousness of the duties we owe to each other at the moral and spiritual levels.”<sup>93</sup>

Ajetunmobi's emphasis on individual and collective duties brings us in the neighbourhood of the age-old issue of individual versus society. The contemporary human rights movement has its origin in the secular West and bears a strong one-sided secular individualistic stamp that is often weak on responsibilities and on the rights of the society or community in distinction from the individual. Lawan asserts that the sharia provides the best way “to minimise conflicts between society and individuals and will protect the good and not the bad, recognising that the society is more important than the individual.” “Sharia values the society more than the individual. Hence individuals should not be allowed to destabilise or, rather, destroy the society.”<sup>94</sup> This emphasis on the rights of the community lies behind some of the punishments that, once implemented, are irrevocable and thus do not lead to rehabilitation. Amputation and stoning cannot be undone, as is the case with any form of capital punishment. The welfare of the community overrides that of the erring individual. And so the virus or poison pill of evil is eliminated and the community safeguarded from further infection. Mohammad Madani referred to sharia crimes such as blasphemy, adultery and murder and their perpetrators as poison that impairs the health of the community. The safety of the community requires the removal of the poison.<sup>95</sup>

Mohammed Haruna declares the common accusation by human rights advocates that the Zamfara initiative “is a veritable source of violence and underdevelopment” as “nonsensical.” It is “not borne out by any empirical evidence.” He reports on the visit of that human rights group to Zamfara that found all those accusations false. Here is his story: “One year after the governor introduced political sharia in Zamfara, a coalition of Nigerian civil rights organisations led by Mr. Olisa Agbakoba, the well-known human rights activist, visited the state on an assessment tour. The coalition's report categorically accused the mass media of grossly distorting and mis-

representing the implementation of sharia in the state.”<sup>96</sup>

Kurawa reports on the same visit and verified that the group “acknowledged that the press did not report accurately but exaggerated in their reports on implementation.” He then regurgitates a lengthy article from the *Guardian* that informs us that the labour movement “supports the sharia because it does not contravene any international or local labour laws,” a claim the article’s author supports with some factual examples. As to discrimination of women, no complaints have been lodged with the labour union. When the groups interviewed random people in the market, streets and shops, they found that many had been “very apprehensive when sharia was first announced. They were not sure whether limbs were going to be cut or heads shaved or people flogged and stones thrown at offenders. They confirmed that none of these occurred.” They did experience some inconvenience with public transport, but that too “had substantially eased.”

*People have settled down to normal activities. Media accounts of sharia in Zamfara State are misleading in many cases. Reports of beheadings, amputations, of Friday being a work-free day are just not true. There were many myths exploded. Women can move about freely. Although generally prohibited, ample supplies of alcohol are consumed by Muslims and Christians alike in the popular officers’ mess.*

*The governor appeared sincere and committed to implement pure sharia. The governor was evasive on the constitutionality of the sharia, but insisted that it was the basic law of Muslims. In the event of a conflict between the sharia and the constitution, the governor said, as lawfully as possible, he would implement sharia and would resign if he could not manage the sharia and the constitution.*<sup>97</sup>

Muhammad Hassan-Tom wrote a powerful article from which I extract a number of pungent quotations. New quotations are marked by indentation of the first line.

*The Universal Declaration on Human Rights was merely an expression of outrage against the atrocities suffered by Jews during the Second World War.*

*The only thing universal about the declaration is that it is on the lips of all races and nations.*

*The West cannot be trusted to canvass or concretise human rights for all. Throughout its history, the West has had an ambivalent and antagonistic relationship with the concept. And this leopard is not about to change its spots.*

*How come that a religion [read: Christianity] which preaches peace and the universal brotherhood of man has also engendered such intolerance and abuse of human rights?*

*Hegemony, which is the very antithesis of human rights, is the goal of the West, even as it moves to make the world a unipolar global village with the U.S. as its policeman.*

*It is especially important that Muslims and non-Muslims alike be enlightened about the Islamic provisions for human rights. One reason is that genuine seekers of human rights for all have tried virtually all options, except Islam, which has been buried in near anonymity and, at best, presented in unpalatable perspective. Another reason is that the sharia model does indeed represent the ultimate model of its kind.*

*Considering what God has already given, mankind does not even need to look for any rights. We just have to awaken to them, exercise and enjoy them to their God-blessed fullest.<sup>98</sup>*

Sanusi has some deep criticism of human rights advocates and their arguments. He approaches the subject from a very different angle than most. Sanusi posits that Muslim "critics of patriarchy," i.e., feminists, "do not realise that their position is steeped in Western value judgments," even though they "have always insisted that their project is totally Islamic." Their idea of justice "originates in the tradition of modern Western scholarship and the European project of

globalizing the idea of emancipation. This idea constitutes a *pre-text* grounded in Western philosophy, which then provides the basis for a reinterpretation of the Muslim *text*.” In the Muslim feminist discussion, inequality and injustice are considered synonyms. In fact, there is the anthropological concept known as the “bargain of patriarchy,” in which “women voluntarily cede authority and leadership to men in return for protection and material support. The Qur’an itself implicitly recognizes some form of this bargain, linking the leadership role of men to their responsibility for the material welfare of women.”<sup>99</sup> Sanusi, a question. When did this voluntary cession take place in history? And, eh, is it still voluntary? You would have strengthened your case if you had addressed these two questions.

Unfortunately, the discussion about rights, especially women’s rights, is always beclouded and, indeed, derailed by this atmosphere of mutual contempt and this history of Western imposition of so-called “common sense” and “universal values,” according to Sanusi. In November 2005, Condoleezza Rice, U.S. Secretary of State, in a speech delivered in Abuja, declared, “There are no American or Western Rights. They are human rights, unanimously desired and universally deserved.” “Muslims claim these rights as citizens of the U.S. as they do in many parts of the world.”<sup>100</sup> Sanusi argues that these values are in reality no more common or universal than those of Islam, all of them being based on different belief/value systems. I often wonder how the discussions between Muslims and human rights advocates might go if these distractions were wiped off the table.

Sanusi acknowledges that certain sharia penalties go against the grain of “universal human rights.” However, rights advocates “conveniently neglect” the issue of “the authority and legitimacy of their particular conception of human rights.” According to Sanusi, adherents to any religious tradition—including the tradition of secularism [Boer]—“accept only those rights that are conferred on them by their tradition.” Wherever “a people establish a consensus on what is considered the limit to those rights,” arguments from other world views “fall on deaf ears,” whether it is about capital punishment, abortion, women’s rights

or any other topic of this nature.<sup>101</sup> These arguments become distasteful and lack all persuasive power for adherents to other world views.

Wole Soyinka, Nigeria's Nobel Prize winner in literature, is another prominent anti-sharia human rights advocate, but one with a difference: he is an atheist, a breed not very common in Nigeria. He and the late Tai Solarin, another controversial figure, are Nigeria's token atheists. Soyinka has long attracted Muslim ire. The man is vocal and has never heard of political correctness. During the pre-sharia era, he upset Muslims with his support for Salman Rushdie, for bad mouthing the Khomeini of Iran and in general for disparaging Islam. Muslims began to attack him when he defended Salman Rushdie and his controversial book in the late 1980s, *Satanic Verses*. Soyinka had openly given his support on BBC. In response, public protests were held in various Nigerian cities. They handed written objections to the British Council in Kaduna and to the British consulates in Kaduna and Kano, demanding that Soyinka apologize to Nigeria's Muslims. They demanded that FG fire Soyinka from his position as chief of the special National Road Safety Corps, a position that President Abacha allegedly offered him in a bid to silence his biting critique.<sup>102</sup> For badmouthing Khomeini and his support of the two big *kaffir* nations, the U.K. and the U.S., he earned a number of negative write-ups such as Ibrahim Lawal's "*Tir da Wole Soyinka!*"<sup>103</sup> the dynamic equivalent of which would be something like "Damn Soyinka!" Apparently he distributed a pamphlet that Lawal declared "cursed" and that earned him titles like "the ape [or mouthpiece] of the West" and "the hunting dog of the West."<sup>104</sup>

So, when Soyinka opened his mouth about sharia, Muslims were ready to jump on him. He had long ago prepared the soil. It was something like "There goes that swine again!" Engineer Tukur Lawal takes him on with about the same degree of hatred of which he accuses Soyinka. Though famous and popular, Soyinka is described by Lawal as one "whose heart has been infected by hatred viruses" against Islam and sharia. His status as self-described atheist "auto-

matically” turns him into “a servant of Satan.” He is a “free thinker” who is obsessed with his own opinion above that of God. His history is marked by cultic and political violence, even terrorism.

Why does Soyinka deserve such vituperation? In short, because of his “Islam-phobia and carelessness by his inflammatory comments against Islam.” Soyinka along with “a coalition of the so-called Human Rights Organisations called on the FG to impose sanctions on the sharia states.” That was, according to Lawal, “ludicrous and outrageous. It was indeed a mischief, hypocrisy, and an act that pervades a frenzied blackmail.” In an interview with the newspaper *ThisDay*, Soyinka allegedly called the sharia “all sorts of dirty names.” “It is dismaying to see a person who refuses God explicating how the laws of God should be interpreted. Soyinka is the least qualified to talk about Islam, a religion he hates ignorantly.” And on what basis can a terrorist who “appeared to be contented with multiple killings and mutilating of the corpses of innocent citizens by members of [a] terrorist militia..., fault the rulings on amputations of thieves or stoning of adulterers, as ordained by Allah, even when such crimes have been established by a due judicial process?” “The problem with people like Soyinka is their enslavement to Satan.” Muslims know the true colour of these human rights organizations: “They remain silent when innocent Nigerians were being murdered.” If the reason for death is not because of sharia implementation, about which they “always shout hysterically,” they are silent. “This is first-class hypocrisy.”<sup>105</sup> Of course, I have already drawn attention to that tendency of the rights movement. Magaji Galadima reminded us that Soyinka had “boasted several times that they have followers all over the world and they would set Nigeria on fire if they did not have it their way.” He suspected that Soyinka was one of the sponsors of Femi Owoniyi “to wage psychological war on Northerners.”<sup>106</sup> Hostility aplenty!



**▲ REPUGNANCY OVERTURNED** 

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In the face of the recent spate of sharia death sentences on women, Nigerian and foreign critics have alleged that the sharia is short on human rights and is, in fact, barbaric. In effect, the old repugnancy issue as raised in Chapter 3 has been revived.<sup>107</sup> Over against that, sharia apologists insist that sharia is the world's pioneer in human rights. According to some, the origins of the current global human rights conventions can be traced back to sharia. Though I have tended to look upon such claims with a high degree of skepticism in the past,<sup>108</sup> a serious caution by reputable Western scholars against forthright rejection of such a connection has made me more open to a possible historical relationship between sharia and common law has made me more careful about simply rejecting the claim.

Islam's status as the originator of human rights has been asserted for some years prior to the Zamfara declaration. Abdulmalik Mahmoud promoted this view in *Alkalami* back in 1988. Humans have been oppressing each other ever since their creation, he explained. It is ingrained in human nature. This oppression has pushed the human race to look for solutions. The history of these attempts is lost in the distant fog of the ages so that historians have a difficult time pinpointing who originally pioneered the notion of human rights. True, we all know about the various human rights milestones of modern times—America 1776, France 1789, Soviet Union 1918, UN 1948. But Islam came out with hers 1400 years ago! From the beginning Islam tied human rights to mankind's high position. Islam does not discriminate between Muslims and others, between men and women, between poor and rich, between race or tribe, between citizens and foreigners. Islam looks upon all as members of one family since creation. We are all of equal worth or value. Islam is democratic in that it rejects the notion that the right to rule is restricted to certain privileged families. If someone has the ability to rule, then he is eligible for a leadership position. It is not a matter of

inheritance or dynasty. This was a major reason the Pagan tribes of Arabia resisted Islam: They did not agree to give the same rights to their slaves. Islam does not force anyone to leave his religion to become Muslim. His former co-religionists are not to prevent him or make things difficult for him.<sup>109</sup> Muslims are expected to get along with non-Muslims and even befriend them. In court, sharia justice is open to all. There are cases between Muslims and others, when others have won. Also cases between rich or powerful against the poor when the latter has won.

Throughout his article Mahmoud interspersed his human rights claims with stories and examples from the Qur'an, the Prophet and some other early Muslim leaders. They serve as role models even today.<sup>110</sup> When you read them you will be impressed with the strong emphasis on rights and fairness and equality that clearly is part of the deepest core of Islam, though it may not always be obvious—but that is the story of all religions. *If Mahmoud's article represents the ideal—and his is typical of many other writings—then much of the attitudes and language we have read about so far in this and other volumes in this series do not represent genuine Islam.*

More recently Mustapha Akanbi wrote, “Long before Magna Carta, Islam has taught useful lessons on fundamental human rights.” “Islam has always been in the vanguard of this struggle for the protection of these rights.”<sup>111</sup> That is the typical claim of Muslim promoters of sharia. You Westerners are “johnny-come-latelies.” We were there way before you. So who are you to lecture us?

## ▲ BIASED REPORTING

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Without making light of the plight of women and the discrimination against them in these sexual contexts, there are also stories about men who have received death sentences for sexual crimes, while the women were released. Lack of space has prevented me from giving details so far. Here are a couple. The BBC reported that

a Zamfara sharia court sentenced a male member of the Zamfara Legislature “to receive eighty lashes” for falsely accusing his wife of adultery.<sup>112</sup> In January 2003, we read about a couple of rapists of girls three and four years of age. Both were dragged to court, while the little girls received treatment.<sup>113</sup> Was it because these sentences seemed more in line with international human rights standards that they received little international attention? Was the lack of the potential for sensationalism responsible for suppression of such stories? Or had the media just gotten tired of these sharia problems and moved on? Let us not forget the bias of the media as we have shown in Chapter 6. Fairness, balance and tenacity in following up issues are not always the most prominent media virtues.

But it is not only the media who ignore such stories; there is a similar tendency among human rights activists themselves. Only two days after the above rape report, Abiola Akiyode-Afolabi, whose anti-sharia views were reported earlier in this chapter, wrote in apparent complete ignorance of the “women-friendly” stories above. There appears to be a biased viewpoint at work that selects the facts to be reported. These “women-friendly” sentences may not be the majority cases, but they should be acknowledged. Failure to recognize these stories is not the way sharia and human rights advocates will ever get together.<sup>114</sup>

## ▲ CONCLUDING REMARKS

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We have heard some grandiose claims for Islam from Muslims in these chapters interspersed with outbursts of anger, hatred, frustration and condemnation. It is all very human, but how much of it is genuinely Islamic? It is up to Muslims to help us find an answer to this question. But, apart from a very small central core of the *shahada* and the five pillars, can they ever reach a consensus on what is genuine Islam? It is most important for the world that they come to grips with this question, not to speak of the survival of Nigeria.

You will have observed an undertone of consent on my part. Yes, in so far as Muslims reject certain aspects of Western perspectives, you have observed correctly. Western pride, their insistence to universalize their world view as the only legitimate one, the blindness of their secularism—yes, together with Muslims I reject them. Quite apart from this series, the serious research I have done and the books I have published on Western colonialism and its after-effects have prepared me for listening to these Muslim cries of anguish and anger. Muslims and their Christian compatriots in the world's South have been among the “beneficiaries” of these Western shenanigans. Muslims have understood their underpinnings and driving force better than their Christian neighbours have. The major difference between them on this score, at least in Nigeria, is the difference between Muslim wholism and Christian secular ambivalence inherited from dualistic missionaries.

However, the next volume will present the Nigerian Christian perspective on sharia and related issues. There you will learn that Christians recognize none of the beautiful things that Muslims claim for their religion. Why is that? Are they blind, deaf or just plain ignorant? Or perhaps wicked? Muslims use all of these as explanation. Volume 7 will return to that question. Could it be that some Muslims are blind not to colonialism and secularism but to themselves? Could it be that some Muslims are so infatuated with their religion and some of their great theories that they forget to see reality on the ground? They would not be the first to do so. I have charged my own Christian denomination of doing just that.

Well, Christians, you have patiently listened to Muslims with occasional remarks from me thrown in for good measure. Thanks for your attention. Muslims, as you turn to Volume 7, it is your turn to listen patiently. Both, please follow me into the next volume.

## ▲ NOTES

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<sup>1</sup> A. Orire, 1 July/88, p. 10. Appendix 34.

<sup>2</sup> *Sahaba* are the Prophet's Companions and other contemporaries, all people of high rank in the Muslim scheme of things. Gibb and Kramers, 1961, p. 488.

<sup>3</sup> R. Wali, 7 Apr/89.

<sup>4</sup> F. Zubair, 13 Jan/89, p. 11.

<sup>5</sup> A. Dauda, 27 Jan/89, pp. 3, 15.

<sup>6</sup> A. Azeez, 24 Feb/89.

<sup>7</sup> *The Pen*, "Fomwan...", 7 Apr/89. Appendix 42. *Alkalami*, "Aisha Lemu Ta...", 14 Apr/89. Lemu published a corrective of this article (B. A. Lemu, 5 May/89). See also the following articles in *The Pen* on the subject of women in Islam. R. Abubakar, 7 Apr/89. "Islam Doesn't Oppose...", 5 May/89, p. 2. A. Musa, 5 May/89, p. 3. I. Sulaiman, 21 Apr/89 and 5 May/89. *The Pen*, "The Position of Women in Islam," 27 Oct/89.

<sup>8</sup> *Alkawari*, 3 Mar/89.

<sup>9</sup> Original Hausa: "Zainab Kabir Kin Kauce Hanya!"

<sup>10</sup> M. Omar, 3 Mar/89.

<sup>11</sup> See *Companion CD* <Women/Fashion and Hijab>.

<sup>12</sup> See *Companion CD* <Miss World>.

<sup>13</sup> A. Adewole, 27 Dec/99, p. 9.

<sup>14</sup> BBC, 19 Oct/2001.

<sup>15</sup> D. Isaacs, 5 Dec/2001.

<sup>16</sup> VS, 19 Mar/2002. G. De Costa, 15 Jan/2002. D. Isaacs, 18 Mar/2002.

<sup>17</sup> D. Isaacs, 5 Dec/2001.

<sup>18</sup> D. Isaacs, VS, 26 Mar/2002. *Guardian*, 20 Aug/2002. J. Ilelaboye, 1 Oct/2003.

<sup>19</sup> O. Minchakpu, 21 May/2001. M. Dan-Ali, 22 Mar/2002. G. Da Costa, 15 Jan/2002.

<sup>20</sup> D. Isaacs, VS, 26 Mar/2002. *Guardian*, 20 Aug/2002.

<sup>21</sup>O. Minchakpu, 21 May/2001. D. Isaacs, BBC, 26 Mar/2002; 3 June/2002. VS, 26 Mar/2002; 8 July/2002. J. Ilelaboye, 20 Aug/2002.

<sup>22</sup>B. Nwabuwa, 23 Aug/2002.

<sup>23</sup>BBC, 19 Aug/2002. *Guardian*, 20 Aug/2002.

<sup>24</sup>J. Ileboye, 24 Jan/2003.

<sup>25</sup>D. Isaacs, 25 Mar/2003.

<sup>26</sup>D. Isaacs, 3 June/2003.

<sup>27</sup>J. Ilelaboye, 28 Aug/2003. L. Ibrahim, 29 Aug/2003.

<sup>28</sup>BBC, 9 Sep/2003. Aljazeera.net, 25 Sep/2003. T. Pitman, 26 Sep/2003. Earlier on in the Amina story the cry was raised when she was sentenced; this time, when she was acquitted. On which side was God? He must have smiled at his confused children.

<sup>29</sup>For the moving story of Hauwa Ibrahim, the first female lawyer permitted to directly address a sharia court in Nigeria, see D. Temple-Raston, Feb/2006. Check for "Hauwa/Hawa Ibrahim" under Google and you will find several articles about her as well as the Amina trial. For further information about the trial see <CNN.com/World>, 5 June/2005. Here you also find still more links to additional stories.

<sup>30</sup>AI, 25 Sep/2003. P. Marshall, 29 Sep/2003. J. Ilelaboye, 1 Oct/2003.

<sup>31</sup>Y. Akinsuyi, 2 Oct/2003.

<sup>32</sup>BBC, 23 Aug/2002.

<sup>33</sup>S. Sengupta, 30 Sep/2003.

<sup>34</sup>See Companion CD <Miss World/ Boer-1.doc, Boer-2.doc, Natasha Walter.doc>.

<sup>35</sup>G. McKenzie, 30 Oct/2002. A. Ben-Akpan, 11 Nov/2002.

<sup>36</sup>S. Ayeyenikan, 23 Aug/2002.

<sup>37</sup>*Vanguard*, 1 Oct/2002.

<sup>38</sup>G. Ijediogor, 16 Nov/2002. S. Sengupta, 30 Sep/2003. These words from Clinton were lighthearted, coming from a culture where loose sex and having children out of wedlock are considered normal and acceptable. These words would have sounded quite different in a culture that wants to put up a dam to the social consequences of such loose morals. Forgive *that* lightly and open the dam to all that chaos? Which is not saying that northern

Muslim culture was not sexually chaotic. A Muslim guard of mine was offended when I carelessly offered him food with some pork mixed in it. A pious man, he. He also told me that he and his friends married and divorced regularly and that sexually they behaved like goats!

<sup>39</sup> E. Onwubiko, 22 Aug/2002.

<sup>40</sup> R. Nweke, 1 May/2001, p. 6.

<sup>41</sup> A. Akiyode-Afolabi, 29 Jan/2003.

<sup>42</sup> BBC, "Sharia Law..." 22 Mar/2002.

<sup>43</sup> O. Director, 15 Nov/99, p. 20.

<sup>44</sup> O. Director, 15 Nov/99, p. 20.

<sup>45</sup> *NN*, 10 Feb/2000.

<sup>46</sup> D. Oladipo, 6 Mar/2000, p. 15.

<sup>47</sup> *NN*, "Motorcyclists in Trouble," 2 Mar/2000.

<sup>48</sup> BBC, 10 Aug/2000.

<sup>49</sup> L. Adegbite, "The Constitutional and Legal..." 2000, pp. 15-16; "Sharia in the Context..." 2000, p. 79.

<sup>50</sup> A. Abdullahi, 17 May/2005. A. Abuh, 13 May/2005.

<sup>51</sup> S. Baso, 9 June/2005. A. Abdullahi, 16 June/2005.

<sup>52</sup> *Daily Trust*, 16 Dec/2005. BBC, 20 Dec/2005, *Companion CD* <Sharia/2005-12-20>.

<sup>53</sup> O. Director, 15 Nov/99, p. 20.

<sup>54</sup> K. Sani, 9 Feb/2000.

<sup>55</sup> A. Madugba, 4 June/2003.

<sup>56</sup> J. Boer, vol. 3, 2004, pp.134-135. AllAfrica.com, Sept/2003. For pre-Sani expressions of it, see M. Shomotun, 10 Mar/89. A. Malumfashi, 15 July/88.

<sup>57</sup> J. Boer, Volume 2, 2004, pp. 55-64, 159-165; Volume 3, 2004, pp. 146-147, 241-242.

<sup>58</sup> M. Muhammad, 18 Nov/88.

<sup>59</sup> A. Ahmed, 29 Jan/89. Original Hausa: "*kusan tsirara*."

<sup>60</sup> U. Umar, Nov/2004. Appendix 36.

<sup>61</sup> I. Ado-Kurawa, 2000, p. 414. R. Abati, *Guardian*, 2000. Q. Adunmbaku, "Sharia: Exploding the Myths." *Guardian*, 2 Apr/2000, p. 39.

<sup>62</sup> G. Waziri, 19 Apr/2005.

<sup>63</sup> A. Abdullahi, 20 May/2005.

<sup>64</sup> A. Abdullahi, 17 May/2005. For pre-Sani description of similar issues see I. Bello, 7 Apr/89.

<sup>65</sup> O. Ezigbo, 2 May/2005.

<sup>66</sup> B. Davies, 20 July/2002. R. Ogonnaya, 2 Dec/2003. *Compass Direct*, "British, Nigerian Christians...", 15 Dec/2003.

<sup>67</sup> L. Abdullahi, 3 Jan/2000.

<sup>68</sup> A. Adedimeji, 29 Sep/2003.

<sup>69</sup> A. Ibrahim, 3 Feb/2000.

<sup>70</sup> R. Nweke, 1 May/2001, p. 8.

<sup>71</sup> See pp... (310?).

<sup>72</sup> A. Madugba, 28 Jan/2002. It is interesting that in secular Canada polygamy is becoming an issue. Daphne Bramham, a columnist for the *VS*, has over the past few years published numerous articles against the practice on basis of human rights abuses found in a polygamous sect living in Bountiful, a small rural community in British Columbia near the U.S. border. Though illegal, authorities have, according to Bramham, consciously closed their eyes to the situation. Others are advocating a new look at the prohibition in Canada on basis of the fact that the secular Liberal Party, long in control in Canada, has decided that no traditional forms of marriage and family can be considered sacred or inviolable, since they are all mere human inventions. This perspective also underlies their adoption of same-sex marriage. If all forms of marriage are merely human inventions and same-sex marriage is allowed, then on what basis do you oppose polygamy? For Bramham's latest article on the subject see hers of 18 Jan/2006. I believe that the fall of the Liberal government in the 2006 election may not be unconnected with their secular abandonment of deeply traditional and religious standards in arrogant disregard of the majority of Canadians.

<sup>73</sup> S. Sanusi, 16-17 June/2005.

<sup>74</sup> A. Abdullahi, 17 May/2005.

<sup>75</sup> R. Nweke, 1 May/2001, p. 7.

<sup>76</sup> A. M. Muhammad, 29 Feb/2000.



<sup>77</sup> TD, 18 June/2002. Appendix 37.

<sup>78</sup> Asaju, 6 Mar/2000, p. 20. CC, 7 Aug/2000.

<sup>79</sup> P. Ostien and others, 2005, p. 385.

<sup>80</sup> Actually the term “conservative” is *not* appropriate here. According to a number of writers, the perspective referred to here is anything but traditional Islam. It is much more influenced by Western secularism than its adherents realize or would probably admit.

<sup>81</sup> S. Mahdi, 2005, pp. 1-5.

<sup>82</sup> I. Ado-Kurawa, 2000, p. 414; 2004, p. 9. R. Abati, *Guardian*, 2000. Q. Odunmbaku, “Sharia: Exploding the Myths.” *Guardian*, 2 Apr/2000, p. 39.

<sup>83</sup> L. Okenwa, 30 July/2003. N. Francis, 4 Aug/2003. A. Madugba, 28 Jan/2002.

<sup>84</sup> AI, 25 Sep/2003.

<sup>85</sup> A. Madugba, 28 Jan/2002.

<sup>86</sup> A. Madugba, 11 Aug/2003.

<sup>87</sup> Unfortunately, it is always dangerous for a person of one religion to quote the scripture of another, even with the best of intentions. The Bible verse Abdullahi quoted is Deuteronomy 19:21, the meaning of which has been updated and reinterpreted by Jesus Himself in Matthew 5:38-39. Times had changed. The Spirit was pushing mankind forward to a more generous and humane position.

<sup>88</sup> S. Babadoka, 6 Aug/2003. Appendix 38.

<sup>89</sup> A. Ogbu, 7 Aug/2003.

<sup>90</sup> E. Mamah, 23 Dec/2003. See also statement by A. Yadudu in J. Orintunsin, 12 Jan/2004.

<sup>91</sup> S. Sanusi, 16-17 June/2005.

<sup>92</sup> L. Adegbite, Apr/76, pp. 13-14

<sup>93</sup> A. Ajetunmobi, “Thought-Stream...,” Apr/2005.

<sup>94</sup> J. Lawan, 9 Nov/99.

<sup>95</sup> M. Madani, 1991, p. 10.

<sup>96</sup> M. Haruna, “Class, Religion...,” May/2005. <sup>97</sup> I. Ado-Kurawa, 2000, pp. 386-388. Culled from the *Guardian*, 2 Apr/2000, p. 39.

<sup>98</sup> M. Hassan-Tom, 3 Jan/2000.

<sup>99</sup> S. Sanusi, 16-17 June/2005.

<sup>100</sup> E. Chawai, Nov/2005.

<sup>101</sup> S. Sanusi, 16-17 June/2005.

<sup>102</sup> I. Bello, 3 Mar/89.

<sup>103</sup> I. Lawal, 17 Mar/89, p.3.

<sup>104</sup> Original Hausa: “cursed pamphlet”—“*la’ananniyar kasida*”; “the ape of the West”—“*dan amshin shatan Turawan yamma*”; “hunting dog of the West”—“*karen farautarsu*.”

<sup>105</sup> T. Lawal, “Rejoinder...”

<sup>106</sup> M. Galadima, “Do They Sell Ogoro...?” Apr/2003.

<sup>107</sup> Chapter 3, pp. 58-59

<sup>108</sup> This will receive some further attention in vol. 7.

<sup>109</sup> Mahmoud’s exposition evokes questioning. No dynasty? What of the dynasty of two or three families from the Sultan of Sokoto is drawn? As to changing religion, Mahmoud leaves it in the open whether he is talking of one- or two-way traffic. For Muslims it is generally only one-way. Two-way traffic is almost unimaginable for most of them. Conversion out of Islam turns one into an apostate. It happens far more often than Muslims care to admit, though the reverse happens as well. There is in fact quite heavy two-way traffic.

<sup>110</sup> A. Mahmoud, 16 Nov/88.

<sup>111</sup> M. Akanbi, 23 June/2005.

<sup>112</sup> BBC, 4 July/2000.

<sup>113</sup> J. Ilesaboye, 27 Jan/2003. See also Ch. 4, p. 166.

<sup>114</sup> Similar stories about selective interests on the part of human rights organizations came out of the 2005 French riots. There was said to be an undue fixation on social injustice as the only explanation for this violence. A photographer working for an industrialist, taking street pictures in his line of duty that had nothing to do with the street violence, was murdered by the rioters. The human rights organization MRAP was allegedly silent about the incident, while it readily condemned the police when a tear-gas bomb accidentally went off in a nearby mosque (P. Jager, 8 Nov/2005).