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How Has Political Sharia Fared in Nigeria?

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Exactly twenty years ago, twelve states in northern Nigeria treaded the volatile path of religious politics through the adoption of sharia law. Since Nigeria's political independence, it has designated itself a secular state, yet religious crises have been ubiquitous, claiming tens of thousands of lives in the process. The journey of Nigeria's political romanticization with the sharia law started in October 1999. Interestingly, the sharia law adopted by these twelve states essentially originated from the political elite rather than the populace.

On October 27, 1999, Ahmed Sani Yerima, the then governor of Zamfara State, introduced the sharia law and established relevant sharia courts vested with both civil and criminal jurisdictions. Based on the popular support accorded to the sharia law as introduced in Zamfara state by Muslims, eleven other northern states followed suit. The introduction of sharia in these states, especially states with high Christian populations like Kaduna and Kano witnessed riots resulting in fatalities estimated at between 2,000 and 5,000 deaths.

The introduction of sharia witnessed a steady rise and expansion in radical Islam with serious consequences for national security. The "sharia bomb" detonated by politicians—ostensibly to actualize the aspirations of the Muslim public, but actually to achieve narrow political goals—boomeranged as it spawned national and sub-regional terrorism with crucial ramifications for national development as well as national security.

Nigeria returned to democratic rule in 1999 with high hopes, which were predicated on the prospects of reversing fifteen years of development and associated crises orchestrated by the jackboot of military authoritarianism. With democracy, however, came other packages that threatened the peace in Nigeria. One such package was the introduction of sharia law in Zamfara state in 1999. The sharia is a purely Islamic legal

precept whose preoccupation is the regulation of the conduct of Muslims with regard to all issues pertaining to Islamic personal law. The sharia legal code derives its essence from the Koran and represents a divinely commanded code of conduct that guides Muslims in their practical expression of their conviction and affinity to the Islamic religion.

Prior to 1999, the traditional precinct of sharia in Nigeria was personal and domestic law. Following its adoption in the post-1999 period, however, its focus expanded beyond this traditional boundary to include civil and criminal law, which it had not previously regulated. Shortly after Yerima blazed the dangerous trail of religious politics by promulgating the sharia law in Zamfara state, eleven other states in Northern Nigeria, (namely Bauchi, Borno, Gombe Jigawa, Kaduna, Kano, Katsina, Kebbi, Niger, Sokoto, and Yobe) followed suit, thus throwing Nigeria into the worst religious-based crisis in the country's history.

The introduction of sharia in northern Nigeria was justified by the governors on the ground that they were actualizing the aspirations of their people who had consistently yearned for its resuscitation after it was truncated by colonialism. Historical reports indicated that fragments of sharia accompanied the Islamic proselytization of northern Nigeria. Following the successful jihad mounted by Uthman Dan Fodio in 1804, however, the implementation of sharia was deepened until British colonial rule with its introduction of English jurisprudence facilitated its restructuring.

With the defeat of the Sokoto caliphate, the seat of northern Nigeria, by Lord Fredrick Lugard in 1903, he introduced indirect rule as a means of administering the vast territories that constituted the caliphate. The rationale behind the adoption of indirect rule was essentially dictated by the need to avoid administrative costs in the face of seemingly functional and efficient administrative machinery existing in the caliphate. The indirect rule system operated on the logic of retaining the then existing administrative structures and their operators and allowing the Emirs to continue to exercise power while the British colonialists supervised their activities and provided administrative advice as needed.

The colonial rule with its demand for the enforcement of law and order provided the impetus for the indirect rule system to entrench Islamic law. Thus, indirect rule helped to secure a foothold for Islamic law and the Islamic court system from 1933 onwards. The Islamic court system allowed certain appeal procedures, which necessitated the creation of a Muslim Court of Appeal, whose nomenclature changed to Sharia Court of Appeal shortly before Nigeria's independence in 1960. The Sharia Court of Appeal was envisaged to cater to the then-monolithic northern Nigeria.

But, the incursion of the military into governance together with its command structure, the suspension of the constitution and its replacement with martial laws, and the balkanization of the then regions into states contributed in eroding the significance of sharia. It was an attempt to address this seeming gap and actualize the yearnings of Muslims about the relevance of sharia to their religion that informed the inclusion and recognition of State Sharia Courts of Appeal in the Nigerian constitutions of 1979, 1989, and 1999, including the draft of 1995 that never came into force.

The sharia discussions in the constituent assemblies of 1976 and 1988 (to fashion new presidential constitutions) were characterized by sharp divisions based on the quest for the constitutional recognition of Islamic law on one hand and the fears that sharia could be a prelude to the surreptitious ploy to Islamize Nigeria. The expression of this fear by Christian delegates as well as the consequent reassurances by Muslim delegates was long-winding and volatile. The issue was resolved, however, when the Sharia Court of Appeal was retained and a Customary Court of Appeal was created to hear appeals from area courts in matters relating to customary law. Both of these courts were recognized as courts of coordinate jurisdiction with the High Court and subsequently included in the constitutions, including the 1999 Constitution of Nigeria.

Although the 1979 constitution had sharia provisions, no state government at the time attempted to create sharia law. Yet, the agitation for sharia law and the unwillingness of the political elite to grant it created underground bubbles of religious polarization that eventually exploded into intra-Muslim dissensions and the ascendancy of the Maitatsine movement under whose guidance riots broke out in Kano in December 1980, Maiduguri in October 1982, and Yola in February 1984.

The relationship between Christians and Muslims, both of whom constitute the majority of Nigerian population, is built on suspicion and distrust. The distrust is a fallout of the rivalry between these two religious groups and the fanatical maneuverings orchestrated by their adherents. While the Muslims believe that Christians have plans to evangelize and convert the North, the Christians generally believe that the Muslims are intent on continuing with Fodio's jihad and by extension the conclusion of the Islamization of Nigeria, which was truncated by British colonialism. The distrust had resulted in protests and pockets of riots over time, making northern Nigeria an enclave of religious volatility.

While the adherents of both religions have the ultimate goal of de-secularizing and imposing their religions on the state, their tactics differ. Christians rely on evangelism as key to their proselytization campaigns. They have often organized evangelistic crusades to achieve this aim. One

such crusade which was held in Kano, a major northern town, in 1991, resulted in riots in which over 500 fatalities were recorded. The riots were remotely triggered by the seeming expansion of Christianity in northern Nigeria and, proximately, by the evangelistic crusade organized by the Christian Association of Nigeria (CAN) in which Reinhard Bonnke, a German cleric, was featured to preach. In the past, Bonnke's crusade grounds were often littered with thousands of crutches and turbans, which were left by those healed and converted to Christianity. All these acts of the miraculous were interpreted by the Muslims as a big threat to Islamic religion that must be stopped at all costs.

The Muslims, on the other hand, have used both their military and political elites as well as the apparatus of the state to further the entrenchment of their religion. The spirited agitations for the inclusion of sharia in the Nigerian constitution since the 1976 constituent assembly, the policy of denying Christian religious bodies certificate of occupancy to own land in order to build their churches, the illegal and surreptitious registration of Nigeria into the Organization of Islamic Countries (OIC) by former Nigerian military leader, Ibrahim Babangida, and the introduction of sharia by the twelve northern Nigeria states constitute the results of such efforts.

Despite these divergent attempts by the major religions to engineer de-secularization, successive Nigerian constitutions since its independence have always unequivocally guaranteed the secularity of the country. For instance, while section 10 of Nigeria's 1999 Constitution (as amended) entrenches the secularity of the country by prohibiting the adoption of any religion as state religion by both the state and federal governments, section 38 guarantees freedom of thought, conscience and religion. These sections would suggest the clear prohibition of the imposition of any religion on the citizens in any part of the country irrespective of the majoritarian status of its adherents in such parts. But interestingly, Nigeria's federal government refused to challenge the seeming imposition of Islam in these twelve states.

The adoption of sharia law by the twelve northern states between 1999 and 2001 presented two immediate threats: the first was the threat to the then nascent democracy that was still struggling to take root. There was a distinct possibility that the insecurity spawned by the sharia crisis could derail Nigeria's democratic train and thus lead to the reemergence of the military in Nigeria's body politic. The second was the threat of a security breakdown and the likelihood of an outbreak of a religious war. Although there was neither a military coup d'état nor a religious war in its classical manifestation, thousands of people lost their lives from the

avoidable riots that trailed the adoption of sharia in addition to thousands of families that were dislocated from these sharia states.

The adoption and implementation of Sharia since 1999 provided the spawning ground for the radicalization of Muslim youths. This has had serious consequences for national security. Apart from the riots that trailed the adoption of sharia in some states, several riots had been organized under the auspices of sharia, even before the emergence of the Boko Haram. For instance, in November 2002, there were sharia-instigated riots against the hosting of Miss World beauty pageant in Nigeria as well as an alleged blasphemous reference to Prophet Mohammed by *This Day* newspaper in connection with these beauty queens. There was also the riot in Maiduguri in February 2006, which was sparked by the cartoons in the Danish newspaper, *Jyllands-Posten*, which were alleged to have blasphemously portrayed Prophet Mohammed.

The rationalization, which the governors who adopted sharia in their states had provided was two-pronged: the first was to fulfill their campaign promise to the Muslim electorates; and the second was that they were actualizing the cherished wishes of the Muslim public in the spirit of democracy. Considering the centrality of religion in the worldview of Nigerians and its transposition onto the arena of politics, the sharia project received massive support among the Muslim public in its early phase. The expectations were quite high among the Muslim public about modeling administrative processes within the context of sharia. It was expected that the sharia law would apply equally to elites and the masses, ensure social justice, boost economic development that would ultimately translate into improved welfare for ordinary Muslims, and facilitate the deployment of state resources to promote the Islamic good society, including state-sponsored human development programs necessary for improved quality of life.

From the trends of arraignment in the various sharia courts, no elite was ever brought before them despite the widespread corruption among political elites. In a way, the sharia law and its appurtenances have been transformed into a tool of subjugation by the political elite, especially against those that occupy the bottom rung of the socio-economic ladder. Thus, the expectations of reviving the society through the instrumentality of sharia law were unmet and the euphoria that initially greeted its adoption gave way to despondency. The disenchantment arising from the disconnect between expectation and reality in the implementation of sharia law paved the way for the eventual emergence of the Boko Haram with its key emphasis being the jettisoning of western civilization in its diverse

ramifications and replacing same with pure Islamic state, which is governed through the tenets of sharia.

Although Muslims in most northern states had long been exposed to sharia law in the realm of civil and personal law, its formal institutionalization in 1999 onwards was driven by politics. Analysts have suggested that the underlying *raison d'être* for institutionalizing sharia was to destabilize the federal government, which was at the time under Olusegun Obasanjo. The northern elite have always had the psyche of entitlement with regards to political power. Since independence and prior to 1999, both political and military elites of northern extraction had controlled political power except the brief interregna of 1966 and 1976 to 1979 when General Thomas Aguiyi Ironsi and General Olusegun Obasanjo were the Heads of State respectively. Thus, the emergence of Obasanjo as the president of Nigeria deprived the northern power brokers their traditional access to political power and distanced them from patronage politics. The sharia card was devised both as a tool to destabilize the Nigerian state by heightening insecurity as well as a ploy to provide a platform for negotiation with the powers-that-be.

There are several factors that point to the political character of the Nigerian sharia. First, the sharia movement did not actually originate from the demands of the masses. The politicians played on the psyche of the people and enticed them to own the sharia law. The success of this psyche of ownership could be seen in the domino effect in the adoption of sharia law in eleven other states after Zamfara state. The governors and their collaborating political elites achieved this by mobilizing members of prominent Islamist groups and ensuring their participation in crafting the sharia policies as well as in engaging in enlightenment campaigns to drum up support for it. Interestingly, the Muslim public was not carried along in the process of drafting the sharia law as is customary in law-making in democracies.

The second is the well-known secular disposition and limited history of Islamist activities by these governors. None of the governors, as purveyors of the sharia law, has any links with any of the diverse Islamist groups. The third is the discriminatory implementation of the sharia law, which has tended to target, more or less, the *talakawa* (masses) and excluded the elites. The fourth is the ineffectiveness of the sharia law in addressing the welfare challenges of the masses as well as in bridging the wide socio-economic gap created by elite excesses including corruption, mismanagement of public resources, and lack of vision, all of which have been responsible for stymieing development not only in the sharia states but the entire country.

The failure of the sharia law began to manifest itself by the middle of the 2000s when popular opinion turned against its implementation. Despite the propaganda of the promises of sharia law to improve the lot of Muslim citizens, it failed to materialize in the face of elite corruption and lack of accountability. The sharia law provided Muslim fundamentalists and fanatics a platform to engage in unfettered radicalization of the people under the watch of the state. The indoctrination of the youth with radical Islam constituted a prelude to neo-jihadism, which would enable them to conclude the jihad that Uthman dan Fodio could not complete.

The sharia misadventure has been the single cause of most human carnage in Nigeria's history since the country's civil war. Apart from the deaths arising from the riots that followed the adoption of sharia law, its key legacy is the emergence of the Boko Haram sect, which is linked to the radicalization of youths under the auspices of sharia. The anti-state stance of the Boko Haram sect, which eventually translated into terrorism, evolved from disenchantment with the manner in which the sharia law was being implemented. Thus, its major demands comprise the implementation of "pure" sharia and the creation of an Islamic state in Nigeria. Since 2009 the Boko Haram sect expanded and transformed itself from a small Salafi movement into a feared terrorist organization that has unleashed mayhem on the Nigerian state, including bombing the UN headquarters in Abuja in August 2011 and coordinating and executing uncountable suicide attacks on police stations, churches, military barracks and sundry spots.

The Boko Haram terrorist activities have cost Nigeria both domestically and internationally. Not only have their activities resulted in reversing the inflow of foreign direct investment due to safety concerns among international investors, the seeming incapability of the Nigerian government to defeat the sect has reinforced international perception of the country as a failing state. Domestically, the terrorist activities of the Boko Haram in Nigeria's northeast, which is its enclave, have multiplied human suffering through internal displacement, human losses in terms of fatalities and the reversal of development arising from massive destruction of socio-economic infrastructures and amenities. According to the data from the Nigeria Security Tracker (NST) and the Armed Conflict Location and Event Data Project (ACLED), the fatalities linked to the Boko Haram terrorist attacks for the past 10 years range between 34,261 and 37,530 deaths. Furthermore, the United Nations Refugee Agency estimates that Boko Haram is responsible for the displacement of 2.4 million people as well as the exposure of over 7.2 million people to the risk of starvation.

The political sharia in Nigeria has not only failed to lead to the promises its political sponsors made at inception, but it has also spawned misery, bloodshed and socio-economic dislocations that have entrapped the people in impoverishment. The governance structure in most of the states that make up the northeastern geopolitical zone has more or less collapsed. The consistent terrorist attacks orchestrated by the Boko Haram have led to the degradation of infrastructure, the closure and destruction of schools, the exposure of people to traumatic experience due to kidnapping and the near-complete breakdown of an already weak public health system, all of which have reversed development, especially in the north-east of Nigeria.

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