

LONG STRUGGLE FOR THE SHARI'A IN NORTHERN NIGERIA

Risto Marjomaa

PROLOGUE

This article aims to evaluate the political dimensions of the prolonged attempts to reintroduce full Islamic law, the Shari'a, in northern Nigeria during the last century or so. The chosen viewpoint regards the Shari'a solely as a political slogan to which various political, moral, social and economical arguments have been attached at different times. The true nature of the Shari'a, if indeed it is possible to determine, is not under scrutiny here. Rather than committing myself to support one or another interpretation, I shall concentrate on examining how they have been used for political purposes in the current case study.¹

Shari'a law differs in many aspects from western judicial principles. It does not differentiate between civil and criminal jurisdiction, nor does it rely on a written code of law. Over the course of time, Muslim scholars have passed a multitude of judgments on legal issues, sometimes contradicting each other. This has led to the birth of Islamic schools of jurisprudence, of which the Maliki School is the prevailing in West Africa. Still, even they do not ascribe to written judicial treatises, but base their judgments on the Quran, tradition and conventional legal concepts.²

There is also a larger meaning that has been attributed to the Shari'a by Muslim scholars. It has been regarded as a divinely inspired blueprint for the establishment of a perfect society. Thus it covers not only jurisdiction, but practically all aspects of communal life. Such a wider scope for the Shari'a hugely

¹ For a general discussion on the Shari'a, see e.g. 'Abour Rahmān I. Doi, *Sharīah: The Islamic Law*. TaHa Publishers, London 1997 (first publ. 1984), pp. 2–19.

² See e.g. J. N. D. Anderson, *Islamic Law in Africa*. (Colonial Research Publication, 16.), London, 1954. Ruud Peters, *The Reintroduction of Islamic Criminal Law in Nigeria*. Ibadan, Spectrum Publishers (forthcoming), pp. 4–8. For the Islamic schools, see e.g. Doi, 'Sharīah', pp. 85–111.

increases the possibilities to use it as a slogan for various political agendas, as the case study shall reveal.

The first part of the article describes how the call for a continued application of Shari'a law in northern Nigeria, and especially the former Sokoto Caliphate, has in part been tied to political aspirations. Then follows a short summary of the continuing debate over the Shari'a conducted between Nigerian Muslim reformists on the Internet. This summary is not intended as an exhaustive general picture of the subject. Rather, it seeks to illustrate the complexity of the issue even among those who agree on the need to reform northern Nigerian society on Islamic lines. The latest Internet articles used are from 2002.

SHARI'A COURTS AND THE CREATION OF COLONIAL RULE

The roots of the current Shari'a controversy in northern Nigeria go back a century. In 1903 the British Empire conquered the Sokoto Caliphate after seven years of intermittent fighting. Most of present-day northern Nigeria was thus brought under British domination. However, lacking the resources to efficiently control such a huge territory, the conquerors sought to enlist the vanquished local aristocracy to help them. The latter were allowed to retain vestiges of their former power as middlemen between the colonial authorities and the commoners. This principle became to be known as "indirect rule".³

In order to smoothen the transition of power, the British promised not to interfere with the religion of the local, mainly Muslim, population.⁴ If this gesture was made in good faith, it reveals how little the conquerors understood the religion of those they had conquered. For a devout Muslim, the mere idea of living under infidels' rule could be construed as interfering with his religion.⁵ In the Sokoto Caliphate, the application of the law, like so much else, had been left

³ For the actual conquest, see e.g. Risto Marjomaa, *War on the Savannah. The Military Collapse of the Sokoto Caliphate under the Invasion of the British Empire, 1907–1903*. Helsinki, 1998. For its effects, see C. N. Ubah, 'Colonial rule and the Disestablishment of the Sokoto Caliphate', *Asian and African Studies* 25 (1991). For the relations between the aristocracy and the colonial authorities, see Toyin Falola, *Violence in Nigeria. The Crisis of Religious Politics and Secular Ideologies*. University of Rochester Press, Rochester (NY), 1998, pp. 27–29 and 51.

⁴ See e.g. R. A. Adeleye, *Power and Diplomacy in Northern Nigeria 1804–1906. The Sokoto Caliphate and its Enemies*. Ibadan History Series, Longman Group Ltd., London 1977 (first ed. 1971), p. 285, Jonathan Reynolds, 'Good and Bad Muslims: Islam and Indirect Rule in Northern Nigeria', *The International Journal of African Historical Studies*, 34(3), 2001, pp. 604–605. Ubah, 'Colonial', pp. 126–127.

⁵ See e.g. R. A. Adeleye, 'The Dilemma of the Wazir. The Place of the Risalat Al-Wazir'ila Ahl Al-Ilm Wa'l-Tabaddur in the History of the Conquest of the Sokoto Caliphate', *Journal of the Historical Society of Nigeria*, 1(2), 1968.

in the hands of the emirs.⁶ They had used the *ulama*, Muslim scholars, as their legal advisors and appointed *alkalis*, chief judges, to run the judicial administration. Jurisdiction was based on Shari'a law, which was in principle inviolable and could not be changed or amended, just interpreted.⁷

This, however, was unacceptable to the British, who meant to keep ultimate authority firmly in their hands. Native laws and customs were to be recognised only insofar they were not incompatible with the needs of the colonial administration, or western concepts of natural justice. In 1904 the British introduced a new Penal Code for the newly conquered protectorate. It restricted local jurisdiction in criminal matters and placed it under the surveillance of the colonial authorities. As such, Shari'a law continued to be acknowledged and could in some cases even apply capital sentences. Only certain punishments, such as the stoning of adulterers and amputating the limbs of thieves, were considered inhuman and forbidden.⁸

Hoping to weaken the emirs' influence further, the British also introduced western principles of the separation of powers between administration and jurisdiction. *Alkalis* were removed from the control of the emirs, whose judicial authority was thus curbed. Shari'a courts of law were required to take up western standards of procedure and record keeping so that colonial authorities could better monitor their actions.⁹

Making the *alkalis* independent from the emirs did not necessarily weaken the position of the traditional aristocracy, who still dominated the ranks of the *ulama*. A more direct threat against their prerogatives was presented by the new provincial courts. They were headed by British Residents and applied secular law. Their original task was to cover offences against such colonial laws that were not regarded as crimes in Shari'a courts, such as the trading in slaves or the possession of firearms. However, they also heard cases where non-Muslims were

⁶ For the political organisation of the Sokoto Caliphate, see R. A. Adeleye, *Power and Diplomacy in Northern Nigeria 1804-1906. The Sokoto Caliphate and its Enemies*. Ibadan History Series, Longman Group Ltd. London, 1977 (first ed. 1971). Murray Last, *The Sokoto Caliphate*. Ibadan History Series, Longman Group Ltd. London, 1977 (first ed. 1967).

⁷ However, for criticism over the actual judicial practice in the Sokoto Caliphate, see e.g. Matthew Hassan Kukah, *Religion, Politics and Power in Northern Nigeria*. Spectrum Books Limited, Ibadan, 1993, pp. 115-116.

⁸ Jamil M. Abun-Nasr, *Islamisches Recht im nigerianischen Rechtssystem*, in Jamil M. Abun-Nasr (Hrsg.), *Muslims in Nigeria: Religion und Gesellschaft im politischen Wandel seit den 50er Jahren*. Beiträge zur Afrikaforschung, Universität Bayreuth, 1993, pp. 204-207. A. D. Ajjola, *Introduction to Islamic Law*. International Islamic Publishers, New Delhi, 1989, pp. 346. Peters, 'Reintroduction', pp. 9-15. For British attitudes towards Islam in Northern Nigeria, see Reynolds, 'Good and Bad', pp. 601-617.

⁹ Allan Christelow, 'Property and Theft in Kano at the Dawn of the Groundnut Boom, 1912-1914.' *The International Journal of African Historical Studies*, 20(2), 1987, pp. 228-230. Ubah, 'Colonial', pp. 135-139.

involved. There was still considerable following for traditional religions in the North, and colonial rule introduced a growing number of Christian southerners into the northern cities. As a consequence, the provincial courts soon became virtual courts of redress, which seriously undermined the authority of the *alkalis*.¹⁰

In 1934 the colonial authorities established an Islamic law school in Kano for the training of new *alkalis*. It was hoped that by supervising the recruitment of students and their curriculum, a Muslim cadre more amenable towards the colonial system could be created. As students continued to be drawn mainly from the ranks of the aristocrats, the latter were prepared to support the school as a way to prop up their own position. The British had thus finally found some common ground with the local elites on the matter of Shari'a courts.¹¹

Having two separate systems of jurisdiction in the North was still an awkward compromise and bound to cause friction, especially in the sensitive areas of criminal law and capital punishment. In 1947 the colonial authorities ruled that whenever the Shari'a and the British common law differed on the applicability of death sentence, the latter was to stand.¹² The subversion of Shari'a law under the colonial secular law was thus taken one step further. However, the British Empire was by now already crumbling. Within a decade its imminent demise became a certainty and the struggle for the Shari'a in northern Nigeria began to shift to a new level.

SUBORDINATION OF SHARI'A COURTS

The impending removal of colonial rule set off an inevitable power struggle among the northern elites. This took the form of creating competing political parties to defend northern rights in the future independent state of Nigeria. The majority of the traditional aristocracy rallied behind the Northern People's Congress (NPC) led by Ahmadu Bello, the Sardauna of Sokoto. Its main competitor for the votes of northern Muslims was the Northern Elements

¹⁰ Ubah, 'Colonial', pp. 139–140. For the spread of Christianity and its relations towards Islam during the colonial period, see e.g. Falola 'Violence', pp. 31–46. For the provincial courts and slavery, see also Paul E. Lovejoy & Jan S. Hogendorn, *Slow Death for Slavery. The Course of Abolition in Northern Nigeria, 1897–1936*. Cambridge University Press, Cambridge 1993.

¹¹ Muhammad Dahiru Sulaiman, Shiaism and the Islamic Movement in Nigeria. *Islam et sociétés au sud du Sahara*, 7, 1993, p. 6. For the struggle between the *ulama* and the colonial authorities, see Abun-Nasr, 'Islamisches' pp. 209–214. For an evaluation of the role of the colonial administration, see Naomi Chazan, The Transformation of a Faltering Giant: Studies of Nigeria under Military Rule. *Journal of Asian and African Studies*, 18 (1984), p. 223.

¹² Peters, 'Reintroduction', pp. 12–14.

Progressive Union (NEPU). Non-Muslims formed their own parties in opposition to the Muslim domination of the North.¹³

Exhorting the precedent of the Sokoto Caliphate, the NPC presented traditional rulers as guarantors of northern unity and welfare, whereas the NEPU portrayed itself as an alternative to the old elites. Both parties were, however, forced to adopt similar views on religion. Lacking viable networks to raise popular support, they needed the help of influential Sufi brotherhoods, the Qadiriyya and the Tijaniyya, who had connections to the *ulama* all over the north and were able to greatly affect local Muslim opinion.¹⁴

Until now the independence of the Islamic courts had helped to protect aristocratic privileges against colonial encroachment. However, with independence now in sight, the aspiring new political leaders began to view the matter differently. Being generally conservative, the *alkalis* could well hamper their future goals in the same way as they had stubbornly resisted the British.¹⁵

With unexpected support from the local aristocracy, the colonial authorities were finally able to push through their demands for legal reform in the North. After years of deliberation and negotiations, a new Penal Code for the Northern Region was introduced in 1959, just on the eve of Nigerian independence. It did not wholly obliterate Muslim courts, but increased their subordination to the secular jurisdiction. From now on, *alkali* courts were to apply Shari'a law in civil matters and the new penal code in criminal cases. A Shari'a Court of Appeal was formed in Kaduna under the Grand Qadi, but it handled only civil cases. Appeals on all criminal cases were to be made to the secular High Court.¹⁶

On the surface the judicial reformation appeared to strengthen the status of Islamic jurisprudence in the North. *Alkali* courts received their own police organisation and prisons to uphold their authority. On the other hand, the Penal Code of 1959 did what the British had not dared to do by themselves. It

¹³ See Roman Loimeier (a), *Islamic Reform and Political Change in Northern Nigeria*, Northwestern University Press, Evanston (Illinois), 1997, pp. 108–117. An openly religious Muslim United Party did not prove successful. Falola 'Violence', p. 45. For the rise of Ahmadu Bello, see Kukah, 'Religion', pp. 5–24. For the rise and fall of the early Christian organisations in the Middle Belt, see Kukah, 'Religion', pp. 48–55. For the birth of political parties in Nigeria, see Pat Williams & Toyin Falola, *Religious Impact on the Nation State, The Nigerian predicament*. Avebury, Aldershot, 1995, pp. 72–87.

¹⁴ Loimeier (a), 'Islamic Reform' pp. 17–80, and Reynolds, 'Good and Bad', pp. 617–618. For the Sufi brotherhoods in the north during the colonial period, see Reynolds, 'Good and Bad', pp. 605–618.

¹⁵ Ajjjola, 'Introduction', p. 363, Kukah, 'Religion', pp. 116–118 and Peters, 'Reintroduction', p. 16.

¹⁶ Matthew Hassan Kukah, An Assessment of the Intellectual Response of the Nigerian Ulama to the Shari'a Debate since Independence. *Islam et sociétés au sud du Sahara*, 7, 1993, pp. 37–38.

terminated the application of the traditional Muslim jurisdiction in all criminal matters. Whereas the *alkalis* had previously been able to refer to a huge legacy of Muslim jurisprudence as they saw appropriate, they now had one written criminal law to follow. The new Penal Code included aspects from Shari'a law concerning areas like the drinking of alcohol and sexual activities, but it did not recognise any independent religious interpretation of justice beside, or above, it.

REPRESSION UNDER MILITARY RULE

Nigeria was declared independent in October 1960 and the NPC became the largest party in its first coalition government. Ahmadu Bello continued as the Prime Minister of the Northern Region. Continuing his policy of strengthening Muslim unity, he helped to form the Supreme Council for Islamic Affairs (SCIA) as an umbrella organisation for the *ulama* and the Jamaatu Nasril Islam (JNI) as an association for all Nigerian Muslims. The new organisations were also used to strengthen the hold of the NPC over the traditional aristocracy.¹⁷

During the following years Ahmadu Bello was able to use his control over religious jurisdiction to curb political resistance in the North. Following the British example, he used the Kano Law School to control the appointment of *alkalis*. The JNI and the SCIA were filled with loyal law school graduates. Scholars were required to have licences from either of these organisations before they were allowed to preach. The *alkali* courts and police were used to intimidate and detain political opponents, a legacy which was later to be pointed out by the supporters of the Shari'a movement.¹⁸

While building up their power base in the North, Ahmadu Bello and his associates made the fatal mistake of underestimating one vital sector of the state, the military. In 1966 two violent military coups followed each other in rapid succession. Ahmadu Bello was assassinated and the NPC eclipsed. A military dictatorship took over and proceeded to break down regional power in order to create a strong centrally governed federal state. The Kaduna Court of Appeal was

¹⁷ The Sultan of Sokoto nominally headed the SCIA and his *Waziri* the JNI. Falola 'Violence', pp. 105–107, Kukah 'Religion', pp. 14–18, Loimeier (a), 'Islamic Reform', pp. 112–122, Roman Loimeier & Stefan Reichmuth, *Bemühungen de Muslime um Einheit und Politische Geltung*, in: Jamil M. Abun-Nasr (Hrsg.), *Muslime in Nigeria: Religion und Gesellschaft im politischen Wandel seit den 50er Jahren*. Beiträge zur Afrikaforschung, Universität Bayreuth, 1993, pp. 41–47. For the establishment of the JNI, see Loimeier (a), 'Islamic Reform', pp. 135–142.

¹⁸ A. B. Mahmoud, 'The Shari'a Project in Northern Nigeria and Governance in a Federal Nigeria'. Paper presented at the Conference on Globalisation, State Capacity and Self-Determination in Muslim Contexts, University of California Santa Cruz, 8–10th March, 2002 (<http://www2.ucsc.edu/cgirs/conferences/carnegie/papers/mahmoud.pdf> 30.4.03), pp. 6–9. Sulaiman, 'Shiaism', pp. 6–7.

effectively dismantled and the *alkali* courts, renamed area courts, were taken under federal control, as were all police forces and prisons.¹⁹

The fall of the NPC and Ahmadu Bello cost the traditional Muslim aristocracy its direct hold on power in the North. However, the military was also in a need to canvass popular support for its rule and soon began to court the favour of the former elites. The latter had had much experience on how to cope with a repressive government during the colonial period and they were soon able to gain much influence in the new regime. After all, many of the leading members in the military were themselves northern Muslims.²⁰

The role of the traditional elites as the sole political force in the North was, however, soon to be challenged. The improvement of international communications during the 1960's spread reformist ideas circulating in the wider Muslim world also to Northern Nigeria. These ideas found a willing audience among the new class of businessmen that had sprang forth after independence. For them, reformist Islam offered a chance to challenge the leading role of the conservative aristocracy and their allies in the *ulama* in northern society.²¹

Another threat to the traditional elites rose in the western oriented universities that sprang up all over Nigeria, especially during the oil boom of the early 1970's. Military rule effectively prevented all overtly political activities, and many frustrated Muslim students turned to religion in order to express their opinions on the problems plaguing society. Some adopted socialist worldviews seeking to interpret Islam mainly as a universal mass movement against oppression. They became the forerunners of the liberal, or 'secularist', Muslims who are prepared to adjust the tenets of religion to conform with the needs of society.

Other students placed religion first. Many of them rallied behind the Muslim Students Society (MSS), which sought to strengthen religious mores and values in society by example and education. They formed links with international Muslim organisations receiving support also from the JNI, which had survived the fall of its creator Ahmadu Bello. The major ideologies of later religious Muslim debates in Northern Nigeria were thus all formed by the mid-1970's.²²

¹⁹ See e.g. Mahmoud, 'Shari'a', pp. 4-6. For corrupt practices in Nigerian courts, see Last, 'Notes', pp. 7-8.

²⁰ See e.g. Kukah, 'Religion', pp. 38-42. For the so-called 'Kaduna Mafia' that sought to maintain the political role of the elites during military rule, see Loimeier (a), 'Islamic Reform', pp. 122-129, Loimeier & Reichmuth, 'Bemühungen', pp. 50-54.

²¹ Kukah, 'Assessment', pp. 46-47, Loimeier (a), 'Islamic Reform', pp. 83-103.

²² Kukah, 'Assessment', pp. 47-48. For the birth of the MSS, see e.g. Williams & Falola, 'Religious', pp. 177-180, Loimeier & Reichmuth, 'Bemühungen', pp. 65-67.

CONSTITUTIONAL DEBATE

As the military began to prepare for a return to civilian rule during the late 1970's, the question of Shari'a courts suddenly re-emerged to the centre of the political debate as never before. However, this time it was not mainly due to the traditional northern aristocracy, which had already lost its control over the appointment of the *alkalis*. Rather, the younger generation of reformists sought to challenge the existing elites by pressing through demands that would lead to a social revolution in the North. From now on the Shari'a debate was to divide the Muslims, also among themselves.

Furthermore, the North was no longer dominated by Islam in the same way as it had been in the past. Ever since the colonial period, southern immigrants had flooded to the northern cities and with them came Christianity. These immigrants, as well as non-Muslim southerners, viewed the Muslim hold on the North with grave suspicion and opposed any increased role for Islamic jurisdiction. In 1976 they formed the Christian Association of Nigeria (CAN) to defend their views and to oppose any strengthening of Muslim courts. The question of Shari'a courts was rapidly becoming a national issue.²³

In 1977 the current military leader Olusegun Obasanjo convened a Constituent Assembly to prepare a new constitution. One of the most controversial issues it dealt with was the proposed introduction of a federal Shari'a Court of Appeal as an intermediate between the state appellate courts and the High Court. This was a topic behind which all Muslim delegates, conservative and radical, could rally. It was also required that every state that so desired could form its own Shari'a appellate court. Some even called for the dismantling of secular jurisdiction altogether and a full application of Shari'a law.²⁴

Such demands were liable to alarm southern politicians, who well remembered northern political domination during the days of Ahmadu Bello. A federal Shari'a Court of Appeal was viewed as a ploy to strengthen Muslim position on the national level. Accordingly, the southerners formed a common front with the northern Christians against any strengthening of Islamic law, which was claimed to be incompatible with a secular state. As tensions rose, Obasanjo intervened and enforced a compromise, in which the Federal Court of Appeal constituted a Shari'a Court of Appeal whenever so required.

²³ Falola 'Violence', pp. 107–114, Kukah, 'Religion', pp. 55–57.

²⁴ For the Constituent Assembly of 1977, see Falola 'Violence', pp. 77–84, Kukah, 'Assessment', pp. 38–42, Kukah, 'Religion', pp. 118–129, and Chazan, 'Transformation', pp. 215–216. For the administrative reform in the new constitution, see Chazan, 'Transformation', pp. 211–212.

Although the demand for a separate Shari'a Court of Appeal thus failed, it helped northern Muslims to form a popular front around the National Party of Nigeria (NPN). Like its predecessor the NPC, the new party was largely controlled by the conservative elites. As a consequence some of the reformers choose to back the NPN's main Muslim rival, the People's Redemption Party (PRP), which was composed of elements of the former opposition party NEPU. This rivalry did not prevent the NPN from winning a clear victory in the north in the elections of 1979. Its candidate, a northern aristocrat Alhaji Shehu Shagari, was elected as the new president of Nigeria.²⁵

TOUCH OF VIOLENCE: THE 'YAN IZALA AND THE SUFI BROTHERHOODS

The Shari'a debate had thus, up to a point, helped to unify Muslim opinion and to reclaim northern political supremacy in the new civilian government. However, once in power, President Shagari allowed the issue to lapse for the time being, it having served its immediate purpose. This was all the more prudent as religious tensions were soon to burst into open violence in the North.

Abubakar Gumi, a renowned scholar and a prominent political figure ever since Ahmadu Bello's time, had in 1978 backed the creation of a new Muslim organisation in the North, the Jamaat Izalat al-Bida wa Iqamat al-Sunna, better known as 'Yan Izala.²⁶ Its youthful leadership included many fiery students who shared Abubakar Gumi's reformist views, including his hostility towards the Sufi Brotherhoods, which he viewed as fundamentally non-Islamic innovations.²⁷ The Sufi expected monetary donations from their followers, and by renouncing such claims the 'Yan Izala drew much sympathy among the poorer people. This was a challenge the Qadiriyya and the Tijaniyya could not afford to ignore, and despite

²⁵ For the creation of the new parties and the 1979 elections, see Kukah, 'Religion', pp. 146–153, Eghosa E. Osaghae, *Gripped Giant: Nigeria since Independence*. Hurst & Company, London, 1998, pp. 118–130, Williams & Falola, 'Religious', pp. 93–106. For connections between the PRP and radical university students, see Loimeier & Reichmuth, 'Bemühungen', pp. 54–55. For the inner struggle amongst the northern elites, see Loimeier (a), 'Islamic Reform', pp. 129–132.

²⁶ For the creation of the 'Yan Izala, see Loimeier (a), 'Islamic Reform', pp. 208–214. For Abubakar Gumi's own view of his role in the establishment of the organisation, see Sheikh Abubakar Gumi, *Where I Stand*. Spectrum Books Limited, Ibadan, 1992, pp. 155–157. For Gumi's career, see Falola 'Violence', pp. 117–129, Loimeier (a), 'Islamic Reform', pp. 148–171. Gumi's radical ideas caused concern among the northern conservative elites and this appears to have caused some to question the wisdom of pressing the Federal Shari'a Court of Appeal in the Constituent Assembly lest he should be chosen to lead it. Kukah, 'Religion', pp. 128–129.

²⁷ For the ideological controversy between Gumi and the Sufis, see Falola 'Violence', pp. 235–246 and Loimeier (a), 'Islamic Reform', pp. 173–206.

earlier mutual antagonism they closed ranks against the reformists. Arguments between the 'Yan Izala and the Sufis over who represented true Islam and had the right to preach in mosques soon led to violent outbursts among their supporters.²⁸

Instead of managing to rally the Muslims behind him, Abubakar Gumi in fact helped to divide them against each other. Although he never openly joined the 'Yan Izala, he was too close to it to avoid criticism from the traditional elites among whom the Sufis were still regarded with much respect. And when he tried to make conciliatory moves, he alienated many among the more radical reformists as well.²⁹ The days when Ahmadu Bello had been able to form a large Muslim front behind simple slogans were gone. The stakes were now much higher now.

In December 1980 intermittent clashes between the followers of the 'Yan Izala and the Sufis were overshadowed by extremely violent riots in Kano. Muhammad Marwa, alias Maitatsine, was a self-appointed religious scholar who condemned not only the secular state, but the established *ulama* as well. He had gained support among the poor with his radical views, but as his following grew he was bound to collide with the authorities. When this finally happened, the situation got completely out of hand and the army was called in. In the end, hundreds, including Maitatsine himself, died in the desperate street fighting.³⁰

The Maitatsine riots introduced a new and enduring aspect in northern politics. They demonstrated in no uncertain terms the potential threat socio-religious reformists posed both to the secular state and the established elites. Sufi brotherhoods blamed the 'Yan Izala for having instigated the riots, but in the end both sides agreed to step down from open violence in the future.³¹ However, economic stagnation after the collapse of oil prices in the early 1980's continued to intensify the politicisation of religious issues in the north. Universities faced grave financial problems and tensions increased among the frustrated students.

The MSS continued to campaign against assumed social vices, the use of alcohol and liberal sexual behaviour. Such vices were regarded as a result of Western secularist views among the students, including left-wing Muslims.

²⁸ For the struggle between 'Yan Izala and the Sufi brotherhoods, see Falola 'Violence', pp. 239–245, Loimeier (a), 'Islamic Reform', pp. 207–232 and 252–291.

²⁹ Kukah, 'Religion', pp. 216–221, Loimeier (a), 'Islamic Reform', pp. 165–166.

³⁰ Loimeier (b), 'Islamic Reform', pp. 291–301. For the Maitatsine riots, see Falola 'Violence', pp. 141–162, Kukah, 'Religion', pp. 154–156, Paul M. Lubeck, *Islamic Protest under Semi-industrial Capitalism: 'Yan Tatsine Explained*, in: J. D. Y. Peel & C. C. Stewart (eds.), *'Popular Islam' South of the Sahara*. Manchester University Press, Manchester, 1985, pp. 369–387. Osaghae, 'Gripped', pp. 130–131, Jarlath Walsh, 'Religious Riots in Nigeria'. *CSIC Papers*, 11, May 1993, p. 2, Williams & Falola, 'Religious', pp. 180–184. Despite Maitatsine's demise, some of his followers continued to propagate his cause and violent clashes dragged on until 1985.

³¹ For the continued ideological struggle between the 'Yan Izala and the Sufis, see Falola 'Violence', p. 245, and Kukah, 'Religion', pp. 220–221.

Christian students viewed the MSS as a threat to their personal freedom and created their own organisations to counter it. Any offence, real or imagined, was liable to cause a reaction from one side or the other and there were occasional bursts of violence on the campuses.³²

DEMISE OF THE TRADITIONAL *ULAMA*

In December 1983 another military coup toppled the increasingly corrupt and unstable civilian government of President Shagari.³³ All political debate had to again find covert forms of expression. The South experienced a renaissance of ethnic affiliations whereas northern Muslims concentrated on religion. However, Muslim unity was still endangered by the bitter rivalry between the 'Yan Izala and the Sufi Brotherhoods. Due to this split, Christian candidates made substantial gains in the local elections of 1983 and again in 1987.³⁴ A common Muslim front could no longer be formed as the northern elites now perceived the reformists as the main threat to their own interests.

This was also reflected in the debate for northern judicial reformation. The reformists attacked the area courts, which were condemned as corrupt vehicles of aristocratic misrule. In 1987 some northern states announced their intention to abolish the area courts altogether and thus annul the remaining forum for Shari'a jurisdiction. In the end, area courts were only saved by an intervention from the federal level, orchestrated by a member of the northern aristocracy.³⁵

The first generation of students from the new universities had by now graduated, but often without finding meaningful employment. This was particularly true for those who had studied Shari'a law in the numerous institutions maintained with international Muslim funding. Lack of opportunities was bound to cause further embitterment, both towards the corrupt secular state and the traditional leaders who were regarded as having co-operated with it.

Splits within the MSS gradually dissolved it, but some of its cells continued to prosper. Campaigns against moral laxity on university campuses became ever more confrontational. In order to counter the perceived threat from Muslim students, the CAN formed closer ties to various southern Christian groups. This

³² For the student disturbances, see Ajayi, 'Sharia' pp. 2-3, Falola 'Violence', pp. 166-167, Sulaiman, 'Shiaism', pp. 7-8 and Walsh, 'Religious', pp. 4-6.

³³ For an early attempt by the military regime to draw support from the Muslim elites by promising to introduce a Shari'a Federal Court of Appeal, see Falola 'Violence', p. 86, and Osaghae, 'Gripped', pp. 168.

³⁴ Kukah, 'Religion', pp. 239-241, Loimeier (a), 'Islamic Reform', pp. 166-170 & 305-308.

³⁵ For a rather critical opinion of the area courts, see Kukah, 'Religion', pp. 129-133. For the power struggle between secular judges and *alkalis*, see Kukah, 'Religion', pp. 133-134.

led to an increased polarisation of political issues also on a national level. Even Nigerian foreign relations were now perceived in religious terms and were liable to cause violent riots.³⁶

Inspired by the Iranian revolution of 1979 some young Muslim radicals were prepared to challenge the legitimacy of the Nigerian state itself. They claimed that a Muslim society can only be built on the basis of Shari'a law, not on any western concept of a nation state. The Shari'a debate was thus raised from the sphere of jurisdiction to that of political ideology. Predictably, the military reacted quickly and imprisoned the most vocal student leaders.³⁷

Disillusionment towards the conservative outlook of the JN1 and the SCIA led in November 1986 to the birth of a new Muslim umbrella organisation, the Council of Ulama. It was formed by a group of influential members from both the former MSS and the 'Yan Izala, including Abubakar Gumi himself. The Council did not openly challenge the legitimacy of the secular state or the position of the northern elites. Instead, it chose to concentrate on Shari'a law and demanded that it should be applied in full and wherever there were Muslims.³⁸

This was a shrewd move, as it provided the Council with a high moral ground on which it could not easily be attacked on religious grounds. In practice the demand for the re-implementation of the Shari'a was soon turned into a vigorous campaign both against the perceived decadence of the traditional elites and the shortcomings of the military regime. Such an agenda did not appeal only to the poor, but also to former student activists who were starting their careers as scholars, civil servants, teachers, businessmen, or soldiers.

The Council soon scored a major success by forging a reconciliation between the 'Yan Izala and the Sufis. Without its former staunch anti-Sufi agenda the former lost some its coherence, and after the death of Abubakar Gumi in 1992 it split in two.³⁹ This, however, did not change the fact that the reformists were now gaining an upper hand in the North. Even some leading members of the old aristocracy realised this and sought to adapt accordingly. The new Sultan of

³⁶ Falola 'Violence', pp. 93–102, Kukah, 'Religion', pp. 156–166, 187–204, Loimeier (a), 'Islamic Reform', pp. 293–295, and 227–239, Osaghae, 'Gripped', pp. 249–251.

³⁷ For Al-Zakzaky and his movement, see Falola 'Violence', pp. 195–196, Loimeier (a), 'Islamic Reform', pp. 298–300, Loimeier & Reichmuth, 'Bemühungen', pp. 67–72, and Sulaiman, 'Shiaism', pp. 8–16.

³⁸ Falola 'Violence', p. 101, Kukah, 'Assessment', pp. 46–48 and 51–53, Kukah, 'Religion', pp. 221–223, Loimeier (a), 'Islamic Reform', pp. 291–295 and 302–314. See also Holger Weiss, *The Concept of Islamic Economy as Articulated in Sokoto: Social Justice and State Responsibility*, in: Holger Weiss (ed.) *Social Welfare in Muslim Societies in Africa*. Nordiska Afrikainstitutet, 2002, pp. 168–170.

³⁹ Falola 'Violence', p. 93, Loimeier (b), 'Islamic Reform', pp. 301–306, Loimeier (a), 'Islamic Reform', pp. 291–309, Mahmoud, 'Shari'a', pp. 10–13.

Sokoto, Ibrahim Dasuki, forsook his previous conservative views and adopted much of the reformist demands.⁴⁰

As Muslim scholars were settling their differences, the military once again began to plan for a return to civilian rule. Another Constituent Assembly convened in 1988, and it had to tackle the thorny question of a federal Shari'a Court of Appeal. Some Muslim delegates demanded that Islamic courts should be raised in all federal states and that they should handle also criminal cases. Christian delegates called for the closure of all religious courts. After violently acrimonious debates the issue was removed from the Assembly by the military ruler Ibrahim Babangida. Having thus demonstrated the futility of discussions he dictated that no changes would be made in the 1979 constitution in this respect.⁴¹

BIRTH OF A SHARI'A MOVEMENT

During the following years religious antagonism continued to gather momentum. Violence was often triggered by students, both Muslims and Christians, but it also spread outside university campuses.⁴² For many unemployed, desperate youths, looting during riots offered a chance to profit. They joined the rapidly multiplying networks of militant religious groups who, in turn, needed them both as protection against their enemies and to further their own goals. If religion was regarded as an effective way to portray political ideals, violence was becoming a means to express political power.

Faced by worsening instability and economic depredation not only in the North but elsewhere as well, the Babangida regime eventually failed to implement its plans for a return to civilian rule. Having lost all credibility, it fell in November 1993 to another military coup led by General Sani Abacha. Frustrated by the prevailing disintegration and anarchy, the new regime sought to counter them by a return to a harsh command rule. Political parties were again dissolved and all political debate suppressed.⁴³

The six years of Abacha rule turned out to be a formative period in the development of a popular Shari'a movement in the north. Unlike its military

⁴⁰ Loimeier (a), 'Islamic Reform', pp. 294–295 and 302–305. For the competition between the JNI and the Council of Ulama over who represents Muslims, see Kukah, 'Religion', pp. 237–239.

⁴¹ Falola 'Violence', pp. 86–93, Kukah, 'Assessment', pp. 42–46 and Osaghae, 'Gripped', pp. 225–226.

⁴² For the student riots in Kaduna in 1987, see Falola 'Violence', pp. 179–192, Kukah, 'Religion', pp. 186–206, Loimeier (a), 'Islamic Reform', pp. 295–298. For violence in general, see Falola 'Violence', pp. 193–225, Loimeier (a), 'Islamic Reform', pp. 300–302, and Walsh, 'Religious', pp. 2–4 and 6–18.

⁴³ See e.g. Osaghae, 'Gripped', pp. 233–281.

predecessors the new regime did not court the support of the traditional elites, but sought to curb their power as well. Sultan Ibrahim Dasuki of Sokoto was dethroned and arrested in 1996. Having already lost much of the popular reverence due to them, the aristocracy had no support base to fall back on when under government pressure. They could only bow, and in doing so they lost much of their remaining political credibility.

Something similar befell also such religious organisations that were not disallowed by the military. The JNI, the SCIA, the Council of Ulama and organisations like the moderately reformist Muslim women's FOMWAN continued their religious and social work under close surveillance. However, denied an opportunity to publicly criticise social and political wrongs, their authority among the population waned. Nor were they allowed to maintain close organisational links, and as a result they began to split up into local cells.⁴⁴

Despite such apparent successes in reducing local resistance to military rule, the Abacha regime did not, however, in the long run manage to increase its own stability in the North. To harness a severe social, political and economical crisis by sheer force was a hopeless task and was bound to fail. The military did not have solutions to offer to any of the pressing national problems. The economy took a turn for the worse, and in the end authoritarian measures only increased the popular standing of those who were seen to oppose a thoroughly corrupt administration.⁴⁵

Without competition from the traditional elites or the established religious organisations, the floor was left to such radical Muslim groups that continued to operate underground. Their leaders firmly condemned government repression and the obvious ineptitude of the military to solve the country's burning economic and social crisis. This failure was seen to be due to a lack of moral standing among the corrupt military and civilian officials. A secular state had obviously failed and the solution would be to finally adopt Shari'a law in full. Only a divinely inspired law could provide the judiciary with a moral backbone to uphold a just society.⁴⁶

⁴⁴ The Federation of Muslim Women's Associations of Nigeria (FOMWAN) was created in 1985. Loimeier (a), 'Islamic Reform', pp. 170–171. For an example of the fragmented nature of Muslim organisations during this period see Ousmane Kane, *Le réformisme musulman au Nigeria du Nord*, in: Ousmane Kane & Jean-Louis Triaud, *Islam et islamismes au sud du Sahara*, Karthala et Iremam, Paris, 1998, pp. 118–135.

⁴⁵ For the early years of the Abacha regime, see Osaghae, 'Gripped', pp. 281–307.

⁴⁶ See e.g. Mahmoud, 'Shari'a', pp. 10–13 and article 'Calls for Shari'a', *West Africa*, 14–20 Feb. 1994.

RETURN OF THE SHARI'A

The debate about Shari'a law in the North had thus firmly shifted from being a tool of aristocratic overrule and came into the sphere of public justice and morality. And, as such, it raised the interests of the Muslim commoners as never before. It was no longer mainly a matter of a power struggle among the high and mighty, but seemed to address issues that truly affected the life of everybody.

The full implications of all this probably escaped many at the time Nigeria finally returned to civilian rule in May 1999. Once more the Shari'a question was taken up in the constitutional debate as a means to unify Muslim opinion behind northern politicians. However, this time things did not go as planned. A southern Christian, the ex-military ruler Olusegun Obasanjo, won the presidential elections and his People's Democratic Party (PDP) became the dominant force in parliament. The northern based All Nigeria People's Party (APP) suffered a humiliating defeat.

Although Obasanjo had been supported by a faction of northern Muslim elites, he was perceived by many to favour southerners in his key government appointments. The full implementation of Shari'a law had once more faltered on Christian and secular resistance in the Constitutional Assembly, but this time the matter was not left to rest. Despairing over their chances of ever making the federal state to acknowledge the Shari'a, a group of reformist Muslim politicians decided to change strategy.

The Nigerian Constitution allowed individual states to maintain their own state jurisdiction. Indeed, without such a clause the application of Islamic civic jurisdiction in the area courts would never have been possible. Based on this, it was not argued that the constitution in fact allowed the implementation of new judicial legislation in individual states without any recourse to federal legislation. If the federation would not agree to apply the full Shari'a law, the northern states could do it by themselves.

The first northern politician to win an election by openly embracing the complete implementation of Shari'a law was Ahmad Sani Yeriman Bakura, who became the Governor of Zamfara State in late 1999. As a candidate of the APP he used the popularity of the Shari'a movement to beat his PDP opponent despite the latter's government backing. The new governor was a former civil servant with contacts to the military and it was doubted whether he would honour his radical promises once elected. However, Ahmad Sani was also a former supporter of the 'Yan Izala and turned out to mean what he said. In January 2000 Zamfara became

the first Nigerian state to officially reintroduce the full Shari'a Code of Law in its traditional form, after a break of just under a hundred years.⁴⁷

The return of the full Shari'a jurisdiction in Zamfara was inevitably treated as a watershed political event in the north. It raised a genuine wave of enthusiasm among the northern Muslim population, and Governor Ahmad Sani was hailed as a public hero.⁴⁸ The sudden and dramatic success of the Shari'a movement had been caused by its ability to combine the aspirations of a variety of groups under a single slogan. Students, especially the graduates from religious institutions, hoped for new opportunities of employment in the new layer of judicial administration. The poor were eager for a cheaper and more equal distribution of justice. Even women, whom Shari'a law does not recognise legally as being fully equal with men, were often ready to support the Muslim law if it would reduce crime and restore moral values.⁴⁹

The wave of popular enthusiasm for the Shari'a after the Zamfara elections seems to have taken political elites by surprise. A new Muslim front could still be a force to be reckoned with in federal politics. On the other hand, this time there appeared to be no unified leadership to control this genuine mass movement. Besides, there were also disturbing signs that it might turn against the elites themselves.

Such fears were soon strengthened by the actions of Ahmad Sani, the first governor raised to power in the wake of the Shari'a movement. Soon after taking office he launched a campaign for social improvement in Zamfara.⁵⁰ The re-introduction of Islamic jurisdiction was to offer a solution to corruption and moral decadence in all levels of society, including the highest. Such a campaign could easily turn into an attack against the privileges of the upper classes.

Nor was this new political phenomenon likely to be restricted to only one, relatively unimportant northern state. As a predominantly Muslim area with a tradition for radicalism, Zamfara was well suited for such experimentation. However, after one northern governor had now adopted the Shari'a, others risked

⁴⁷ Murray Last, Notes on the implementation of Shari'a in northern Nigeria. An essay with no date, pp. 1–2 and 4. Mahmoud, 'Shari'a', p. 11, and Peters, 'Reintroduction' pp. 15–16.

⁴⁸ For popular support of the Shari'a among the northern Muslims, see Last, 'Notes', pp. 1–2 and 6–8, Peters, 'Reintroduction', pp. 15–16. Also 'Sharia law spreads to new northern Nigerian state'. Reuters, 01.08.2000 (<http://live.altavista.com/scripts/editorial.dll?ei=2047853&ern=y> 8.4.00), 'Sharia: Bauchi, Gombe – the Dilemma of Two Sister States'. The Post Express, 14.10.2000 (<http://allafrica.com/stories/200010140056.html> 6.7.01).

⁴⁹ Last, 'Notes', pp. 6–7.

⁵⁰ Last, 'Notes', pp. 3–4. For a practical example, see e.g. Zamfara Zakat board spends N.7m on patients. Sunday Triumph, 16.12.2001 (<http://www.gamji.com/triumph-dec16-5.htm> 17.12.01).

being labelled anti-Islamic if they did not follow suit. Various Muslim groups all over the north soon began to ride on popular Muslim opinion to raise intense political pressure for the return of the Islamic law in all the northern states.⁵¹

Another group with a reason to worry over the Shari'a movement were the northern non-Muslims. They feared that, despite Muslim claims to the contrary, the social aspects of Islamic jurisdiction were also bound to affect them. The CAN claimed that the adoption of the Shari'a jurisdiction in Zamfara was unconstitutional and that it contradicted universal human rights. Such arguments received backing from some international human rights organisations and even from the federal government, which regarded the Shari'a movement as a danger to the unity of the nation state.⁵²

Despite such opposition, and violent rioting in several northern states, the final victory of the Shari'a movement in the North could not be delayed for long. Original reluctance by many northern governors to follow Zamfara was soon overcome by a wave of popular demand. By June 2000 Niger and Sokoto had installed new Shari'a jurisdiction. Kano, Katsina, Jigawa and Bornu followed suit during the summer, as did Yobe and Kebbi before the end of the year. Bauchi introduced its Shari'a Penal Code in February 2001, and Kaduna and Gombe, the two last Northern states that had not yet adopted the Shari'a criminal law, did so later that year.⁵³

⁵¹ Last, 'Notes', pp. 3–8 and Peters, 'Reintroduction' pp. 15–16. Also Sharia law spreads to new northern Nigerian state. Reuters, 01.08.2000 (<http://live.altavista.com/scripts/editorial.dll?ei=2047853&ern=y 8.4.00>), Obasanjo Is Honest. The News, 26.04.2000 (<http://allafrica.com/stories/200004260262.html 6.7.01>), Analysis: Sharia takes hold. BBC News, 21.06.2000 (http://news.bbc.co.uk/hi/english/world/africa/newsid_800000/800058st 16.10.01), Sharia: Bauchi, Gombe – the Dilemma of Two Sister States. The Post Express, 14.10.2000 (<http://allafrica.com/stories/200010140056.html 6.7.01>), Sharia: The Kebbi Experience. The Post Express, 17.12.2000 (<http://allafrica.com/stories/200012180094.html 6.7.01>).

⁵² Last, 'Notes', pp. 2–5 and Mahmoud, 'Shari'a', pp. 13–20. For the response from the CAN and other Christian groups, see Religious Conflict in Nigeria. Christian Solidarity Worldwide, 1.11.1999 (http://www.cswworldwide.org/01-11-1999_religious_conflict_.html 8.4.00).

⁵³ For the actual dates, see e.g. Mobolaji E. Aluko, Friday Essay: The Unfizzled Sharia Vector in the Nigerian State (<http://www.gamji.com/aluko11.htm 23.3.02>), p. 3. For the new state Penal Codes, see Peters, 'Reintroduction', pp. 16–30. Also Sharia law spreads to new northern Nigerian state. Reuters, 01.08.2000 (<http://live.altavista.com/scripts/editorial.dll?ei=2047853&ern=y 8.4.00>), Obasanjo Is Honest. The News, 26.04.2000 (<http://allafrica.com/stories/200004260262.html 6.7.01>), 'Analysis: Sharia takes hold'. BBC News, 21.06.2000 (http://news.bbc.co.uk/hi/english/world/africa/newsid_800000/800058st 16.10.01), Sharia: Bauchi, Gombe – the Dilemma of Two Sister States. The Post Express, 14.10.2000 (<http://allafrica.com/stories/200010140056.html 6.7.01>), Sharia: The Kebbi Experience. The Post Express, 17.12.2000 (<http://allafrica.com/stories/200012180094.html 6.7.01>), Borno Adopts Sharia Today. The Guardian, 01.06.2001 (<http://allafrica.com/stories/200106010223.html 6.7.01>).

NEW ELITE TAKES OVER

It was apparent from the beginning that the reintroduction of the Shari'a would have much wider social implications in the north than a mere creation of a new layer of criminal courts. Inauguration declarations made in several northern states stressed a variety of moral, social, and economical issues that were to be affected by the application of the Muslim law. Prostitution was outlawed, as well as extramarital and homosexual relations and the selling and consumption of alcohol. Steps were taken to segregate sexes in public life, including schools and transportation. In many states the *zakat*, almsgiving dictated in the Qu'ran, was made compulsory for Muslims, and its produce was to be distributed to the poor. It was also implied that as this would make begging unnecessary, beggars might be outlawed.⁵⁴

Although the Shari'a had by 2002 been endorsed by all the northern states, this has not ended the controversy over the position of Islamic jurisdiction in Nigeria. The return of the *hudūd*, the Qu'ranic offences, with sentences like stoning to death and flogging, has caused an outcry in the western media and among human rights organisations. A separate religious law for the Muslims has been condemned as being against the secular nature of the Nigerian state.⁵⁵

Supporters of the Shari'a have countered such arguments by pointing out to the unlikelihood of the application of the harshest penalties and by claiming that Nigeria is not a secular, but a multi-religious state. They have also received backing from the international Muslim community for their right to practice their religion freely. Under such conflicting pressures and an ever-present fear of a civil war, the federal government has so far been unable to decide whether Shari'a courts are constitutional or not.⁵⁶

⁵⁴ See Borno Adopts Sharia Today. The Guardian, 01.06.2001 (<http://allafrica.com/stories/200106010223.html> 6.7.01), Obasanjo Is Honest. The News, 26.04.2000 (<http://allafrica.com/stories/20000426062.html> 6.7.01), Sharia: Bauchi, Gombe - the Dilemma of Two Sister States. The Post Express, 14.10.2000 (<http://allafrica.com/stories/200010140056.html> 6.7.01), Kebbi joins league of Sharia states. The Guardian Online, 02.12.2000 (http://www.hausanet.com/news_Guardian_100742.htm 6.7.01), Borno Adopts Sharia Today. The Guardian, 01.06.2001 (<http://allafrica.com/stories/200106010223.html> 6.7.01), Kure rules out pressure on Sharia in Niger, 04.09.2001 (<http://www.vanguardngr.com/articles/2001/September/04092001/n3040901.html> 17.10.01). For a general discussion on *zakat*, see Holger Weiss, *Zakāt and the Question of Social Welfare: An Introductory Essay on Islamic Economics and Its Implications for Social Welfare*, in: Holger Weiss (ed.) *Social Welfare in Muslim Societies in Africa*. Nordiska Afrikainstitutet, 2002: 7–36.

⁵⁵ For the constitutional and human rights arguments against Shari'a law, see Peters, 'Re-introduction', pp. 32–42. For a selection of media articles concerning this debate, see Aluko, 'Friday', pp. 3–5.

⁵⁶ Nigeria is not a secular state. Vanguard 05.07.2001 (<http://www.vanguardngr.com>).

As predicted by northern non-Muslims, the new Shari'a jurisdiction has greatly affected their lives too. The closure of bars and liquor stores has restricted the supply of alcohol for everyone, not just the Muslims. The same applies to prostitution, which has been outlawed in the Shari'a states. While strict measures in these two areas have not been unwelcome even to all non-Muslims, a bitter debate has arisen over women's rights. New legislation demanding gender segregation in schools and public transportation has clearly restricted women's opportunities to education, employment and free movement.⁵⁷

The first serious anti-Shari'a riot occurred in February 2000 in Kaduna. Others have followed, mainly in places with large Christian minorities. In some areas Christians have started to emigrate back south. Friction has also arisen in law enforcement. Police and prisons remain in federal control and have not always been prepared to uphold the judgments of the Islamic courts. Some police stations have even allowed beer parlours to operate within their precincts where state laws do not apply.⁵⁸

Among northern Muslims, Shari'a courts appear to have generally been received favourably. The *alkalis* have a better reputation than the corrupt secular judges. With their relatively simple judicial proceedings, Shari'a courts are cheaper and swifter than the magistrate courts. This is important for the poor and the uneducated, who often cannot afford or do not understand the complicated workings of the secular legal procedures.⁵⁹

On the other hand, the adoption of a legal system based on the interpretation of an immense amount of Islamic jurisprudence has met with its own practical problems.⁶⁰ Shari'a courts have jurisdiction in civil cases where both parties are Muslims and in criminal cases where the accused is a Muslim. Non-Muslims can bring their cases to Shari'a courts, if all parties agree. Appellate courts have been formed at the state level, but their judgments can, at least in theory, be appealed still higher to the secular Federal Court of Appeal.

articles/2001/July/05072001/n2050701.html 17.10.01).

⁵⁷ For a selection of Shari'a judgements in 2000–2002, see Aluko, 'Friday' pp. 6–7 and Peters, 'Reintroduction', p. 16n and 22. For media coverage over the controversy against segregate transportation, see Islam Edict Stokes Tension in Nigerian State. Reuters, 21.07.2000 (<http://live.altavista.com/scripts/editorial.dll?ei=2012167&ern=y> 8.4.00).

⁵⁸ For accusations against the police, see e.g. Kure rules out pressure on Sharia in Niger, 04.09.2001 (<http://www.vanguardngr.com/articless/2001/September/04092001/n3040901.html> 17.10.01) and Peters, 'Reintroduction', p. 31.

⁵⁹ For the attitudes towards the reintroduction of the Shari'a courts, see e.g. Last, 'Notes', pp. 3–4, 8–10. For a comparison of popular reactions in two northern states, Bauchi and Gombe, in a media article see Sharia: Bauchi, Gombe - the Dilemma of Two Sister States. The Post Express, 14.10.2000 (<http://allafrica.com/stories/200010140056.html> 6.7.01).

⁶⁰ The following is mostly based on Peters, 'Reintroduction', pp. 18–19.

All this has required the establishment of a completely new judicial bureaucracy at very short notice. The *alkalis* are expected to be experts in Islamic law, but not enough such specialists have been available. Judges from the old area courts have stayed on without a proper knowledge of the new legal practices. The hastily drafted Shari'a codes of law are filled with omissions and mistakes. Most northern states have created institutions to advise and to control Shari'a courts, or this task has been given to local Grand *Qadis*.⁶¹

Adding to the confusion, the popular enthusiasm for Shari'a law led in some places to the birth of vigilante groups called *hisba*. Taking their name from an old term for market inspectors, these vigilantes attacked prostitutes, dealers in alcohol, or anyone else they judged to be violating Islamic moral codes. In order to curb such behaviour, northern states have formed official *hisba* groups, which are restricted to religious duties and which act in co-operation with the police.⁶²

In order to maintain their authority, Shari'a courts have received their own law enforcement officers. This has also strengthened the position of the state governments by providing them with a police force not under federal control. Similarly, the collection of the *zakat* has provided the state with additional funds, which can be used on local social and economical programs. Close supervision of the new Shari'a courts has increased the judicial as well as religious powers of the northern states. Thus the long struggle for the Shari'a has again benefited also northern political leaders.⁶³

The quest for Shari'a law in northern Nigeria has thus evolved from being a way to uphold a traditional society led by conservative elites into a call for a true reformation. Despite this apparent victory of the reformists, however, the debate

⁶¹ In September 2001 the federal government authorised the Institute for Islamic Legal Studies in Ahmadu Bello University, Zaria, to prepare a unified Shari'a Penal Code for all the northern states. However, it will take time before this work is finished and the results are not necessarily implemented by individual states. *Ibid.* p. 19.

⁶² Peters, 'Reintroduction', p. 31. For an example of the activities of a *hisba* group, see media article Sharia: Kano volunteers list don'ts. The Guardian Online, 29.07.2000 (http://www.hausanet.com/news_Guardian_100729.htm 6.7.01).

⁶³ Peters, 'Reintroduction', p. 31. For media articles concerning the *zakat*, see e.g. Obasanjo Is Honest. The News, 26.04.2000 (<http://allafrica.com/stories/200004260262.html> 6.7.01), Bauchi to conduct census of disabled destitutes. Sunday Triumph, 09.12.2001 (<http://www.gamji.com/triumph-dec9-9.htm> 17.12.01), Zamfara Zakkat board spends N.7M on patients. Sunday Triumph, 16.12.2001 (<http://www.gamji.com/triumph-dec16-5.htm> 17.12.01), Illiteracy bane of Zakkat implementation. Sunday Triumph 16.12.2001 (<http://www.gamji.com/triumph-dec16-8.htm> 17.12.01). For accusations against Governor Ahmed Sani of Zamfara for political favouritism in the distribution of funds, see Lawmaker criticises Zamfara governor over Sharia. Vanguard, 17.07.2001 (<http://www.vanguardngr.com/articles/2001/July/17072001/n4170701.html> 17.10.01). For a quarrel between the government of Zamfara and the JNI and the SCIA over the right to issue religious fatwas, see Sultan Quashes Fatwa on ThisDay Reporter. Vanguard, 29.11.2002 (<http://allafrica.com/stories/printable/200211290087.htm> 2.12.02).

continues among their own ranks. The issue at stake is now the future direction this reformation should take. Is it enough to apply the Muslim code of law as a way to improve moral standards within the society or should there be wide economic and social changes as well? The more radical reformists within the Shari'a movement accuse the northern governors of using it to bolster their own political careers without any real intention to create a more just and equitable society.

One of the most vociferous critics of the new political elite in the North has been Ibrahim Al-Zakzaky.⁶⁴ He began his career in the early 1980's as one of the student leaders of the MSS. Inspired by the Iranian Revolution, he was among those who challenged the legitimacy of the Nigerian state on religious grounds. Despite having spent years in prison during the military rule, he has managed to maintain a standing among the more radical supporters of the Shari'a movement.

According to Al-Zakzaky, the northern governors do not aim at a genuine Islamic revival, but are just scheming for another political slogan to prop up popular support for the northern elites.⁶⁵ He insists that before Shari'a law can be successfully implemented, the people must first be provided with Islamic education and decent living standards. All Muslims should be taught the true tenets of Islam as laid out by the early Caliphate. The Muslim Law should be applied only when an ideal Islamic society has already been well established around this model. For Al-Zakzaky and his followers, the Shari'a is no longer at the center of their demands, but simply one of the necessary aspects of a perfect society.

SHARI'A MOVEMENT ON THE INTERNET

For the first time in Nigerian history a part of the debate over the adoption of Shari'a law has been conducted via the Internet, which has only recently become truly operational in the country. Western-educated Christians and other non-Muslims usually vehemently warn against the disruptive effect Islam is seen to have towards the unity of the Federation. Supported by the western media, they also condemn harsh criminal sentences provided by Shari'a courts. Similar views have been adopted by many secularised Muslims.⁶⁶

⁶⁴ For Al-Zakzaky's career, see Falola 'Violence', pp. 195-196, Loimeier (a), 'Islamic Reform', pp. 298-300, Loimeier & Reichmuth, 'Bemühungen', pp. 67-72, and Sulaiman, 'Shiaism', pp. 8-16.

⁶⁵ For Al-Zakzaky's views, see El-Zakzaky Blasts Sharia Governors. Daily Champion, 21.04.2002 (<http://allafrica.com/stories/printable/200204210012.html> 30.4.03). Also Last, 'Notes', p. 2.

⁶⁶ See e.g. Ajayi, 'Sharia', Aluko, 'Friday' and Peter P. Ekeh, Organized Campaign in Defence of Bala Usman and the Breakdown in Nigeria's National Consensus (<http://www>.

Much of the ongoing debate has, however, been conducted within the Shari'a movement itself and it reveals a bewildering variety of opinions. In many cases the reformists seem to adopt ideas from each other only to turn them around to create quite different viewpoints, often violently confrontational with those they started with. Among the first northerners to raise the issue on the Internet were Abubakar Siddique Mohammed, Sa'idu Hassan Adamu, and Alkasum Abba in their joint paper in November 1999.⁶⁷ In it they declared that to create an Islamic society in the North requires much more than a mere judicial readoption of Shari'a law.

According to the three writers, true Islam covers all fundamental human rights, including the conditions needed for a decent life. Thus the adoption of Shari'a law should be followed by improvements in general employment, living conditions, infrastructure, medical facilities, etc. Islam is more about public welfare than dress codes or legal procedures. The writers also predict that northern elites will try to interpretate the demands of the Shari'a movement as narrowly as possible in order to retain their privileges.

After Shari'a law was readopted in Kano during summer 2000, a local academic Ibrahim Ado-Kurawa began to write a series of online-articles in which he tried to sketch a model of an Islamic socio-political program for the North.⁶⁸ The rationale behind such a task was to claim that Islam provides the only effective means for social mobilisation in a Muslim country. Societies cannot succeed if they seek to imitate alien cultures. Therefore all attempts to create a civil society in the North by copying western secular models are doomed to failure.

Like most radical Muslim reformists, Ado-Kurawa regards western secularism as the main cause for the endemic economic crisis in Northern Nigeria.

waado.org/NigerDelta/ Essays/BalaUsman/Ekeh.html 16.8.01).

⁶⁷ Abubakar Siddique Mohammed, Sa'idu Hassan Adamu & Alkasum Abba, *Human Living Conditions and Reforms of Legal Systems: The Talakawa and the Issue of the Shari'a in Contemporary Nigeria*, a paper prepared for the conference *Shari'a and the Constitutional Process*, Nov. 17–18, 1999 (<http://www.ceddert.com/Article2.htm> 16.10.01).

⁶⁸ Ibrahim Ado-Kurawa is an acting director of the Research Institute for Contemporary Research (ICR) in Kano and the general editor of *Weekly Pyramid The Magazine*. For his views, see Ibrahim Ado-Kurawa, *Leadership and Poverty in Nigeria* (<http://www.gamji.com/NEWS1140.htm> 11.2.02), *The Role of "Resource Control" and Restructuring in the Political Economy of Nigeria*. Kano Online-Articles, 2002 (http://www.kanoonline.com/publications/pr_articles_resources_control.html 28.1.02), *Muslim Secularists' Rationalisations against Shari'a*; A Book Review (http://www.kanoonline.com/publications/pr_articles0001.html 28.1.02), *Some Causes of Kano Riots and Solutions Based on Stimulating Economic Growth*. A paper prepared for *Inuwar Jama'a Kano*, 2001 (http://www.kanoonline.com/publications/pr_articles_kano_riots_01.html 28.1.02). Ado-Kurawa has also published books including *Shari'ah and the Press in Nigeria: Islam Versus Western Christian Civilization*. Kurawa Holdings Ltd., 2000.

Following, perhaps surprisingly, the argument of Ahmadu Bello and the traditional elites of the 1960's he believes that the relatively high living standards of the Sokoto Caliphate were ruined during the colonial period when the North was made a producer of raw materials for European consumption. The existing Islamic network for social welfare and education was destroyed without adequate replacement. After independence the southern elites, mainly Christian Yorubas, have continued to collaborate with western exploitation forces to keep the north underdeveloped. Bad government policies, fluctuating oil prices, southern favouritism, and massive corruption have worsened the situation.

This is not the whole picture though. Ado-Kurawa claims that the social and economical crisis in the North cannot be explained by outside oppression alone. Part of the blame goes to the western educated local elites responsible for regional administration. According to Ado-Kurawa, they have been "totally alienated" from the Muslim population as a whole.⁶⁹ This alienation has led to mutual frustration and a general moral collapse. What is needed is a new type of administration based on Islamic moral values that can be shared by the population as a whole.

Ado-Kurawa thus joins in the accusations made by Abubakar Siddique Mohammed, Sa'idu Hassan Adamu, and Alkasum Abba against the machinations of the northern political elites. He does not believe that the decision to curb the activities of the *hisba* was due to any lawlessness on the part of the latter. Rather, it was caused by their success in silencing violent gangs of unemployed youth who have provided the muscles for corrupt political leaders. Still, in order to draw support for his plans for social and economic renovation, Ado-Kurawa refrains from judging the elites too harshly noting that they "still have a chance to do better".⁷⁰ He warns against sectarianism, cleverly cultivated in the past by the secularists in order to keep the Muslims divided.

Despite his religious convictions, Ado-Kurawa also draws inspiration from materialist, if not socialist, viewpoints. According to him, almost all the current problems in the North are in the last resort caused by material poverty. He urges improvements such as providing interest free credit to agricultural co-operatives. On the other hand, economic growth can also be accelerated "by greater use of [Islamic] moral factors".⁷¹ Religious leaders should exhort moral behaviour among the people. The state should increase subsidies to Qu'ranic schools, organise religious seminars, support religious radio and television broadcasts and so forth.

⁶⁹ Ado-Kurawa, 'Some', p. 2.

⁷⁰ Ado-Kurawa, 'Some', p. 4.

⁷¹ Ado-Kurawa, 'Some', p. 7.

Whereas Ibrahim Ado-Kurawa combines spiritual, material and even conservative arguments in his writings, Danladi Adamu Mohammed adopts a more straightforward anti-secular standpoint in his online-articles published in the Centre for Journalism Studies in Wales.⁷² Leaving the subject of Islam as a social model mainly to Ado-Kurawa, whom he quotes, he concentrates his own critique against the “secularist Muslims”. His main targets are Usman Bugaje from the Assembly of Muslims in Nigeria (AMIN) and Sanusi Lamido Sanusi, a scholarly banker from Lagos. Although both originally supported the Shari’a movement, Adamu Mohammed claims that this was only due to popular pressure and that they have now turned against it with government backing.

Despite his apparent support for Ado-Kurawa’s views, Adamu Mohammed does not accept a basically material explanation for the social and economic crisis in the North. He rigorously denies the “secularist” argument that the main problem is poverty and that it should be solved first before a full implementation of Shari’a law with its harsh *hudūd* punishments. He dismisses those who propose such views as “Zaria Marxists”, thus placing them firmly outside the sphere of Islam.⁷³ Shari’a law implements divine will and is applicable in every situation. It is a fatal error to place material welfare above spiritual faith.

Adamu Mohammed agrees with Ado-Kurawa that there is a battle of ideologies going on between Islam and the secularist western world. He raises the early Abbasid caliphate as a model for all Muslims and condemns western values such as democracy. Western secularists have no real purpose in life having long ago abolished Christianity without replacing it with any worthy cause. Now they seek to erode the remaining religious values in Islam as well.

According to Adamu Mohammed, strong forces are gathering against the Muslims in northern Nigeria. These include “modernists” like Aisha Imam, the “Marxist” leader of Babaob, a local women’s rights organisation, and Sanusi Lamido Sanusi.⁷⁴ The latter presents himself as a Muslim intellectual, but in fact intends to demolish the Islamic tradition altogether. Northern elites also oppose the true implementation of Shari’a law as it threatens their illegal profits from usury. They feel more affinity towards the secularist south than towards their own people and have acquired “western taste, but not Western industriousness and creativity”.⁷⁵

⁷² Danladi Adamu Mohammed, *Muslim Intellectuals and the Shari’a Debate in Nigeria*, (<http://www.gamji.com/NEWS1227.htm> 20.3.02), *Why Newspapers Fail in Northern Nigeria*. A paper presented at the Graduate Seminar Centre for Journalism Studies, Wales (<http://www.gamji.com/NEWS1186.htm> 1.3.02).

⁷³ Mohammed, ‘Muslim’, p. 1.

⁷⁴ Mohammed, ‘Muslim’, p. 8 and 15.

⁷⁵ Mohammed, ‘Muslim’, p. 7.

In his condemnation of the corrupt northern elites, Adamu Mohammed agrees with Ado-Kurawa, but for different reasons. For him the elites are not so much oppressing the poor, but disobeying their religious and moral duties. While Ado-Kurawa is concerned with the creation of an equitable Islamic society in practical terms, Adamu Mohammed seems to believe that a moral commitment to a divinely inspired society automatically solves all practical problems.

Whereas Ibrahim Ado-Kurawa and Danladi Adamu Mohammed bitterly criticise the northern elites, a more conservative tone can be found in the writings of Zaria based academic Muhammed Umaru Ndagi.⁷⁶ For him, the issue at stake is purely moral and religious. The western world should be condemned in all its aspects and Muslims should return to the teachings of their religion. Problems are not caused by poverty or economical factors, but by the infiltration of secularism among the Muslims. The solution is to discard everything that is not in accordance with the Muslim tradition.

This is an argument that can be reconciled with the political aims of the northern elites, although Umaru Ndagi does not himself say so. The Muslim tradition can be interpreted as supporting a patriarchal society in which the traditional *ulama* watches over the population. Similar conservative views are expressed in Professor Yahya Dahiru's article, which also stresses the importance of moral factors.⁷⁷ Like Adamu Mohammed, he believes that a voluntary acceptance of Islam in its totality, including Shari'a law, leads to improved political, social and economical conditions by itself. Islam provides an ideal model on how to organise a society in a way that fulfills the needs of everyone. The poor are provided for through the *zakat* and other means. Peace, tranquillity, honesty and justice are maintained at all levels.

While Professor Yahya Dahiru's views on social justice seem patriarchal, he does not simply condone the rule of the prevailing elites. He says that the Shari'a movement gained such a wide popular support because Islam stands for social justice. This is also why the movement was, and continues to be, opposed by the corrupt elites. Current social and economical problems are not denied, but merely delegated to a secondary place by claiming that a truly Islamic society will provide an automatic solution to them. This is also where the views of the conservative reformists depart most clearly from those of the 'secularist', or liberal, Muslims. The latter regard religious issues like the application of Shari'a

⁷⁶ Muhammed Umaru Ndagi is the head of the Arabic section of the Federal Government College Kwali in Abuja and a Ph.D. Student in Arabic Studies at the University of Zaria. Muhammed Umaru Ndagi, Human rights: Between Western civilisation and Islamic culture, Weekly Trust, March 1, 2002 (<http://gamji.com/weekly-mar1-12.htm> 4.3.02).

⁷⁷ Dahiru Yahya is a professor in the Kano Institute for Contemporary Research. For his views, see Dahiru Yahya, The Shari'a and the Future of Nigeria, Kano Online 2001 (http://www.kanoonline.com/publications/pr_articles0002.html 28.1.02).

law as a secondary issue while the true goal is to achieve a social revolution among Muslims.

VIEW OF THE LIBERALS

The most vocal Nigerian proponent of liberal Muslim views in the Internet has undoubtedly been Sanusi Lamido Sanusi.⁷⁸ According to him, what is at stake in the current debate is not simply the application of Shari'a law in Nigeria, but an old controversy between two Muslim ideologies, liberal and "orthodox". The roots of this ideological dispute in northern Nigeria go back to the days of the conservative NPC and the liberal NEPU in the 1950's. When the military prevented open political debate the liberal cause was taken up by the 'Yan Izala. Originally, the main ideological opponents were the traditional *ulama* and such Muslims who had received western education. After the demise of the former they were replaced by the "neo-fundamentalists", who, backed by Saudi Arabian Wahhabists, seek a return to an idealised Muslim past. Instead of upholding the "ascetic eliticism" of the traditional *ulama*, they want to restructure the Muslim world according to their views.⁷⁹

According to Lamido Sanusi, the "neo-fundamentalists" are thus not conservatives, but radicals wishing to reform society. However, this does not make them a positive influence in the social and economical regeneration of the North. In Lamido Sanusi's view they concentrate almost solely on fundamentalist moral issues, such as dress codes for women, or the strict implementation of Shari'a law. They have no coherent policy on economic or social improvement and leave such matters to divine benefice. This allows the corrupt elites to use them to sidetrack people from the real problems. Lamido Sanusi also notes the material benefits the

⁷⁸ Sanusi Lamido Sanusi is an assistant general manager at the United Bank for Africa in Lagos. For his views, see Sanusi Lamido Sanusi, Institutional Framework of Zakat: Dimension and Implications. A lecture delivered at a symposium Essentials for Building and Islamic Ummah, Kaduna, Dec. 2, 2000 (<http://gamji.com/sanusi18.htm> 8.8.01), Issues in Restructuring Corporate Nigeria. A paper presented at the National Conference on the 1999 Constitution, Kaduna, 11th Sep. – 12th Sep. 1999 (http://www.waado.org/NigerDelta/Essays/BalaUsman/Sanusi_Ekeh.html 16.8.01), Basic Needs and Redistributive Justice in Islam – The Panacea of Poverty in Nigeria. A paper presented at the 2nd International Seminar On Islamic Banking & Finance, 30th Jun. – 1st Jul. 2001 (<http://www.gamji.com/sanusi.htm> 8.8.01), Shariacracy in Nigeria: The Intellectual Roots of Islamist Discourses (<http://www.gamji.com/NEWS8883.htm> 29.10.01), The "True Believers" and Anti-Intellectualisms: The Opportunistic Roots of Neo-fundamentalist Criticism (<http://www.gamji.com/sanusi22.htm> 11.2.02), The Politicisation of Ontological Questions: Discourses, Subjectivities and Muslim Family Law in Nigeria, a paper presented at the International Conference on Muslim Family Law in Sub-Saharan Africa, Cape Town, 11. Mar.–14. Mar. 2002 (<http://www.gamji.com/sanusi23.htm> 1.3.02).

⁷⁹ Lamido Sanusi, 'Politicisation', p. 5.

“neo-fundamentalists” can expect in a society regulated by a strict religious code of their choosing.

The accusation of co-operation between the ‘secularists’ and the corrupt elites is thus turned upside down. According to Lamido Sanusi, it is those who propagate for the full application of Shari’a law who are in fact backing up the existing social and economic inequality. An anachronistic model of an imagined distant past cannot solve such problems. Instead, leading scholars of each generation should define rules for the Islamic community in their own time. The most pressing matters right now are social equality, including that of women, and the standard of living, especially among the poor. As a solution, Lamido Sanusi proposes a combination of “political freedoms of democracy with the egalitarian economics of socialism”.⁸⁰

For Lamido Sanusi the most important social factor in Islamic tradition is *zakat*, which is a way to distribute wealth to the poor. He does not regard Shari’a law as a crucial prerequisite for a Muslim society. Instead he warns that the reintroduction of its strict criminal code is not justifiable until such economic and social conditions exist that crime is no longer necessary for the poor for survival. An equitable and munificent society is a precondition for the Shari’a, not the other way around. Such an argument is surprisingly close to the radical views of Ibrahim Al-Zakzaky, which goes to show how blurred the divisions among northern Muslims currently are regarding Shari’a law.

CONCLUSIONS

Ali A. Mazrui has proposed that the Shari’a movement in northern Nigeria should be seen as a product of globalisation, a way to resist a gradual slide towards economic marginalisation and western cultural hegemony.⁸¹ Whatever truth there might be in this, the Shari’a controversy predates the current debate over globalisation by having roots that go back at least a century. The fact that the demand to reinstate Shari’a law in the North has returned to the political arena time and again suggests that for many local Muslims it does indeed have a deeper social meaning, making it a constant factor in local political debate. All northern leaders, whether personally for or against the Shari’a, have at least had to take notice of it.

Having said this, it is also clear that the Shari’a debate also has a purely political side and that this side has increased in importance in Nigerian federal

⁸⁰ Lamido Sanusi, ‘Basic’, p. 8.

⁸¹ Ali A. Mazrui, *Shariacracy and Federal Models in the Era of Globalization: Nigeria in Comparative Perspective*, a paper for the conference *Restoration of Shariah in Nigeria: Challenges and Benefits*, April 14, 2001 (<http://www.gamji.com> 16.8.01).

politics at least ever since the constitutional debate of the 1970's. The call for a Shari'a Court of Appeal turned out to be a convenient slogan behind which a united Muslim front could be formed, despite fundamental differences in other issues among its supporters. The success of this front led in turn to a counter-reaction among the Christians, who began to organise themselves around a distinctly anti-Shari'a platform. Polarisation between these two groups continued during the following decades, strengthening the position of religion as the most potent political denominator in the North. That this development is closely tied to inner tensions that are tearing the Nigerian Federation apart is suggested by a similar polarisation around ethnicity in the South.

Besides affecting inter-religious relations, the Shari'a debate has also had its role in the political dialog among Muslims themselves. During the colonial times the northern aristocracy used the Shari'a as a means to maintain the vestiges of its former power under British overrule. After independence this was followed by an attempt to use Islam as a political slogan in order to uphold and increase aristocratic privileges on the federal level. At the same time increased educational options led to a wider understanding of the various interpretations of Islam. The position of the traditional *ulama* was challenged by reformist views that stressed religion as a force towards social, political and economical change.

During the 1970's some Muslim students in the western style universities adopted views that leaned towards socialism, but without eradicating religion either. For them, Islam became a force for social equality and the defence of the poor. Others turned towards the roots of their religion hoping to reproduce the idealised model state of the early caliphate. Both of these reformist ideologies aimed basically towards a similar goal, an equitable welfare state. Where they differed, however, was in the means to achieve this goal and the exact nature of such an ideal society.

This is also the context in which the debate over Shari'a law still seems to be conducted among Nigerian Muslims, or at least among such academically minded of them who use the Internet to broadcast their views. The key issue is where the Shari'a fits in the agenda for a social and economic revival of the north. Is it a necessary precursor of all change, or merely a moral guide that can be fully adopted after the more fundamental problems have been solved? As compared to such fundamental questions, the controversial sentences given by some individual Shari'a courts appear as a minor issue, as much as they have been publicised by the western media and human rights' groups.⁸²

⁸² On the other hand, see the opinions viewed in a media article Crossing swords with the Shari'a. Al-Ahram, 29.8.-4.9.2002 (<http://web1.ahram.org/weekly/2002/601/in5.html> 10.9.02)