

# **Implementation of Shariah in Nigeria: Balancing Christian-Muslim Concerns and Aspirations**

*Sheikh Saleh Okenwa. Dept. of Religious Studies, University of Jos*

Shariah is a comprehensive set of rules which regulate every aspect of the life of a Muslim. No matter how big or little a conduct or an act of a Muslim is, there is a provision in Shariah which regulates it. Thus, there are legal injunctions in Shariah for regulating the conduct of a Muslim regarding social, political and economic aspects of life, and there are injunctions for regulating civil disputes as well as crimes and punishments. There are also injunctions that regulate the relationship between an individual and his Creator, between the individual and his authority, his fellow citizens - Muslims and non-Muslims, and even animals and plants.

Shariah does not mean the cutting off of the hand of a thief, as some people erroneously believe. It is something far wider than that. It encompasses the observance of all Allah's dos and don'ts as enshrined in the Glorious Qur'an and the Sunnah of His Apostle, Muhammad (SAW). And that observance is the veritable purpose for which man was created in the first place.

## ***Is the Shariah Issue not Unconstitutional?***

Some people say that the whole issue of Shariah in Nigeria is unconstitutional. Some say it is illogical. Others say Shariah should be practised only in Islamic countries, and that it is extremely selfish of the Muslims to try to implement Shariah in a country like Nigeria where we have a high percentage of Christians.

As for the constitutionality of the Shariah question in Nigeria, it may be necessary to remind ourselves that before the advent of the British in this country, Shariah as a legal system was in existence in the areas that later on came to be known as Northern Nigeria.<sup>1</sup>

After the British conquest of the country, Lord Lugard did his best to phase out the Shariah and replace it with British law. His efforts in that direction reached its peak at

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<sup>1</sup> Abdul-Malik Bappa Mahmud, *A Brief History of Shariah in the Defunct Northern Nigeria*, Jos: Jos University Press, 1988, pp. 23 - 24

independence when the British made it clear that they shall not hand over power and that there would be no foreign investment in Nigeria unless the Muslims of Northern Nigeria accepted the Penal Codes prepared for them by the British. The then premier of the Northern Regions, Sir Ahmad Bello, had no choice but to submit to that in order to enable the country gain its independence.

But, with the advent of democracy in the country, the Muslims felt it was an opportunity for them to try to re-establish their Shariah within the constitutional framework of the country. They followed due process of the constitution in enacting necessary reforms of the penal laws to incorporate Shariah as interpreted mainly by the Maliki school of Islamic law. Yet, many non-Muslims were offended by that, hence the false allegations purporting the unconstitutionality of re-introducing Shariah. Besides, we have to remember that Muslims believe that Shariah being a divine law is far superior to any man-made law. As for the illogicality of implementing Shariah in Nigeria, we need to remember that Muslims view the British law imposed on them as a Christian law. Some eminent British lawyers have made it amply clear that Britain is a Christian State and that British law is a Christian law.<sup>2</sup> Therefore, if it is illogical to implement Muslim laws (Shariah) on Muslims in Nigeria, it definitely cannot be logical to implement Christian laws on them. And if it is selfish for Muslims in Nigeria to follow Shariah laws, it is equally selfish for Christians to follow Christian laws.

Whatever the case may be, as this our organization (A.C.M.M.R.N.) is essentially an organization for peace, equity, love and mutual respect, we Muslims have great expectations that our Christian brothers and sisters in this great organization will assist earnestly in exposing the illogicality of the accusations leveled against Shariah.

***Is the Shariah Issue not politically motivated?***

The perception many Christians have is that the Shariah issue has some hidden agenda. That - in their view - explains why it is championed by political leaders. Many notable  
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<sup>2</sup> *Shariah: Our Hope, Their Fear*, p. 3.

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 National Mosque Complex, Abuja.

Christians have said that openly in clear unequivocal terms.

In a national conference of religious leaders in Abuja, a Catholic bishop said: “ If the Shariah issue had been introduced by known religious leaders, we Catholics would have supported it. However, the fact that it was introduced by politicians meant that its real objective was political and not religious.”<sup>3</sup>

However, those Christians who believe that the Shariah issue has hidden agenda, are not agreed as to what the agenda are. But majority of them feel – as can be gathered from their pronouncements<sup>4</sup> – that the Muslims are not comfortable to have a Christian president, and that the primary aim of the Shariah question is to undermine the Obasanjo regime.

A former governor of the Western Region observed in the Guardian of 5<sup>th</sup> March, 2000, that during the era of Shagari, Bukhari and Abacha, no one talked about Shariah. It was not until a Christian came to power that the issue of Shariah flared up.

In Concord of 2<sup>nd</sup> March, 2000, one Stephen Okorie said: “ Now within only nine months of a Southerner (President Obasanjo) coming into power, the so called core North has opted to fight in by declaring Shariah law in their States.”

A Lagos Weekly Newspaper (Eko Today) of February 29 - March 6, 2000, said in its editorial: “ Some sections of the North are insistent on adopting devious means to their age long political destination, they are not comfortable with a Southern President.”

And in the Guardian of 28<sup>th</sup> February, 2000, one Adide Ohiaeri said: “ I must say that this effrontery (Shariah declaration in Zamfara State) is all an attempt to undermine President Olusegun Obasanjo’s administration.”

Here, I think it is just enough to remind our Christian brothers and sisters that Muslims voted Obasanjo into power, and that when they did so, they were fully aware that he was a Christian and a Southerner. So, it can not be true that they are not comfortable to have a Christian or a Southern president and are introducing the Shariah issue to embarrass him.

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<sup>3</sup> Quoted by Associate Professor Danny McCain in his Keynote Address for Jos International Conference on “Comparative Perspectives on Shariah in Nigeria,” (15-17 January, 2004), p. 9.

<sup>4</sup> *Shariah: Our Hope, op. cit.*, pp. 4 - 5.

The issue is simply that the country had been under military rule for a long time and that when that military rule came to an end, every body was eager to utilize the opportunity provided by democracy to assert his right. The nation abounds with similar examples, as for instance the case of the Ijaw people now agitating with militancy for a greater share of the money realized from oil got from their territory. That problem has always been there, but they did not confront the government in the days of military rule with the same aggressiveness as they are doing now.

### ***Why is Shariah implemented only on the common-man?***

The perception in the Christian community is that the implementation of Shariah has been very unfair. It is cow thieves and unwed mothers who have so far experienced the Shariah penalties. What has been missing is highly placed political and business leaders feeling the sting of Shariah. They say to their Muslim friends: To change that perception, all you need to do is simply to start taking some of the “big people” in society to the Shariah courts. In the words of Associate Professor Danny McCain:

When the Shariah courts start punishing those big people who have stolen billions of Naira and the rich men who prey upon young school girls to be their “sugar-daddies” with the same kinds of penalties that cattle thieves and unwed mothers receive, Christians will start viewing Shariah much differently.<sup>5</sup>

It may seem difficult in this case to rush to the conclusion that Christians are making baseless allegations. However, we may need to remind people here of the obvious fact that before Shariah all parties are equal. There is no difference between the rulers and the ruled, the haves and the have-nots. The Holy Qur’an is fraught with verses to this effect.

Of course, I understand that the main concern of our Christian brothers and sisters here is not the teachings of Islam but how it is being implemented. So, it is for those in charge to take note of their concerns and make sure they don’t deviate from Shariah even while fighting for its implementation.

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<sup>5</sup> Danny McCain, “ Keynote Address ” *op. cit.*, p. 9.

Having said that, however, there is a point the Christians on their part have to note: The prescribed punishments only apply where the crimes have been fully established, with no element of doubt and no trace of compulsion. To establish adultery, admission or the witness of four pious men is required. If that is lacking, there is nothing the Shariah Implementation Committee can do.

***Will the streets not be full of people with amputated arms and legs if Shariah is allowed to have its way?***

Some non-Muslims have the wrong notion that if the Shariah is fully implemented, streets of the major cities of the Shariah states will be flooded with people with amputated hands and legs, and that scenes of stoning to death and flogging in public will be witnessed daily in those cities.

But, this is a baseless assumption. The people who entertain such fears should go to Saudi Arabia where Shariah has been in existence for centuries, and see what obtains there. Thieves are virtually non-existent. In a whole year, there may be no hand to amputate because no case of theft is recorded. And when it happens, it invariably involves a foreigner, because no Saudi Arabian indigene is a thief.

The same thing is going to happen in Zamfara State - *in shaa Allah*, when Shariah settles down there. There will be no Zamfara State indigene who is a thief. If occasionally a case of theft is recorded in the State, it will invariably involve hoodlums proceeding from the non-

Shariah states, or people specifically sponsored by some interest groups to disturb the peace of the State with a view to portraying Shariah in bad light.

With Shariah in operation in Zamfara State for just a few years, the State has already recorded the lowest crime rate in the country, and this will get even lower as Shariah settles down. The severity of the Shariah laws is essentially meant to deter people from committing crimes, because Islam - and indeed all "normal" human beings - love crime-free societies.

Leniency to criminals is a misplaced mercy. It leads the society nowhere. That is why people are frustrated with the ineffective nature of the common law to halt the criminal tendencies in the society. Consequently, people are now engaging in jungle justice which they believe is more effective than waiting for the law that is useless.

Do people in Lagos not prefer the O.P.C. method of arresting robbers and cutting them to pieces than reporting them to the law enforcement agencies? There was an occasion when the O.P.C. boys killed twenty-five suspected robbers in one day.<sup>6</sup> People cheered them as heroes. And even those people who are now shedding crocodile tears over the amputation of Mallam Bappa Bello Jangebe, the self-confessed cow thief in Zamfara State, if it were in Lagos, they themselves would have put used tyre round his neck and burnt him to death. But, if one hand is amputated in Zamfara State in five years, there will be a lot of commotion over the barbarity of the punishment, because there it is Shariah that is working, not O.P.C. boys. Hypocrisy can not take us anywhere.

### ***Does the Shariah not regard non-Muslims as second class citizens?***

Some Christians express the fear that in an Islamic state, a non-Muslim is regarded as a second class citizen. They say: In the Nigerian situation, this is particularly unacceptable. How can a Christian be regarded as second class in his fatherland, just because someone has decided to declare Shariah in his native state?!

But, it is difficult to find in Islam a single evidence that supports this allegation. Islam gives its citizens - Muslims and non-Muslims alike - the full right to absolute and complete equality in the eyes of the law. Islam has ordained that the life, religion and property of a non-Muslim citizen must be respected and protected exactly like that of a Muslim citizen. These and several other rights discussed previously have been granted the non-Muslims irrevocably.

So, it is extremely difficult to see clearly what people really mean when they say that non-Muslims are regarded by the Shariah as second class citizens. Could it be that they are suggesting that the non-Muslims should be appointed as governors of the Shariah states in order

to prove to them that they are first class citizens? Now, do they themselves do that to their Muslim counterparts? And will such an appointment not run contrary to the dictates of the democracy they all cherish?

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<sup>6</sup> *Shariah: Our Hope, op. cit.*, p. 8.

***Is it not an obvious fact that this Shariah issue has brought about unnecessary conflicts in this our country, Nigeria?***

That may be true, but who is to blame for that? Shariah is an integral part of Islam. There can be no Islam without Shariah. Muslims made this fact very clear to their Christian brothers and sisters, and also explained to them that Shariah is only applicable on Muslims. They even reminded them of their constitutional responsibilities to protect the Christians in the Shariah states. And they did not forget to tell the Christians that they were at liberty to introduce their own “Shariah” and implement it on their followers wherever they may be, if they feel that the English law imposed on this country is not a Christian law.

It was supposed to be a very simple issue, but our Christian brothers complicated it. They reasoned that if they allow any widening of Shariah jurisdiction in the country today, they will find themselves living in an Islamic republic tomorrow. Some said: If we get them started, we’ll never be able to stop them. Others said: Give them an inch, and they will take a mile.<sup>7</sup> Based on this line of thought, they elected to deny their Muslim brothers and sisters their constitutional rights, and opted to dictate to them how to live their lives, and to tell them what to implement of their sacred laws and what to put aside. Muslims felt this is not fair. Thus, tension was created in the country.

**Conclusion**

One thing stands out distinct at the end of these brotherly discussions: That the Christian fears and apprehension concerning the whole Shariah question in Nigeria have in most - if not in all - cases been rooted in misconceptions and baseless assumptions.

In actual fact, the Muslims of Nigeria are not after undermining the regime of a Christian president. They are not after establishing an Islamic republic. They are not trying to infringe upon the rights of their Christian brothers and sisters in their fatherland. It is not their wish to wreck the Nigerian federation.

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7 See Associate Professor Philip Ostien's public lecture on "The Shariah Debate: Critical Perspectives," p. 20. The public lecture was organized by Department of Political Science, University of Jos, on 3<sup>rd</sup> November, 2004.

They simply want to implement as much of their sacred law as they possibly can within the constitutional framework of the country, because they believe that the implementation of the will of Allah on His earth is the primary purpose for which they were created in the first place. So, there should be no reason why this simply demand of theirs should not be granted by conceding Shariah a place of due respect in the country, so that religion as a political problem can be put aside, and everyone's attention can turn to other issues.

Let us stop corroding the love between us with bickerings that are quite uncalled for, we need each other. Let us stop dissipating our efforts and wasting our time quarrelling over Shariah, Nigeria has other important problems to attend to.