



# Shari'a Politics

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### Mapping a Shari'a Restorationist Movement

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The year 1999 will be remembered as a pivotal moment in Nigerian history. A transition to civilian democracy ended sixteen years of corrupt and increasingly brutal rule by authoritarian generals from the Muslim north (e.g., Ibrahim Babangida and Sani Abacha). In their place, Olusegun Obasanjo, a born-again Christian and former general from the Yoruba-speaking southwest, was sworn in as the democratically elected president of Nigeria's Fourth Republic. The highly popular transition to civilian rule not only ended years of egregious human rights abuses, but civil society and trade union resistance augured well for the revitalization of Nigerian democracy. It was a time of renewal, hope, and relative optimism for Nigerians.

To be sure, most Nigerians in 1999 held the northern generals and their civilian advisors responsible for destroying the prosperity, public institutions, and international reputation of the nation. Nigeria had fallen to pariah status within the international community. General Babangida's annulment of the June 12, 1993 electoral victory of M. K. O. Abiola deeply enraged the Yoruba people of the southwest as well as other democrats. In time, these offenses provoked a popular movement demanding a sovereign national conference to consider transforming Nigeria into a decentralized confederation. Subsequently, General Abacha's unprecedented personal corruption and brutally repressive policies not only caused the death of the northern populist leader Shehu 'Yar Adua but resulted in Nigeria's expulsion from the Commonwealth. Finally, by hanging Ken Sara-Wiwa for demanding that the indigenes of the Niger Delta be allowed to control the natural resources of their area, Abacha succeeded in mobilizing the global human rights community to demand sanc-

tions against Nigeria and provoking waves of rebellion in the oil-rich Niger Delta.

Fortuitously, however, the sudden death of General Abacha in 1998 opened the door to a transition to democracy. Faced with widespread international and national hostility and many internal divisions, northern Muslim elites reluctantly recognized that the continuation of the federation depended upon agreeing to support a "power shift" from the Muslim north to the Christian south in the impending 1999 presidential election. A brokered agreement among Nigeria's elites produced two Christian presidential candidates from the Yoruba-speaking southwest, and the "power shift" to the southwest became inevitable.

Obasanjo's victory disrupted and terminated the long-standing political arrangements that gave the Muslim north political control over the federal government apparatus. Historically, Muslim political elites had specialized in constructing delicate multi-ethnic coalitions that enabled them to hold political control over the federal center, a solution which compensated them for their inability to control their share of the technical positions in the federal bureaucracy. Because of the north's comparative educational and economic backwardness, technical positions in the federal bureaucracy were controlled by southern groups. Accordingly, for the northern Muslims, the "power shift" to Obasanjo provoked insecurity, soul-searching, and a generalized feeling of being pushed to the margins of political and economic power.

Although his supporters claim he campaigned overtly on the issue, political observers in the federation were initially surprised when, in October 1999, Sani Ahmed, the governor of Zamfara State, signed two bills reintroducing shari'a criminal law (*hudud*) into this small, mostly rural state in northwest Nigeria. Ironically, in the historical memory of the northern states, Zamfara was a renegade community, for its rulers had rejected the iconic Islamic eighteenth-century reform movement of Usman dan Fodio. For a number of reasons, "playing the shari'a card," according to informed observers whom I interviewed, was a radical departure from the long-standing preferences of more established northern politicians, who specialized in constructing multi-ethnic coalitions to hold federal political power and control the distribution of petro-rents.

Nonetheless, in spite of the material and political costs of playing the shari'a card, within months of Zamfara's decision a broad-based popular movement for the implementation of shari'a spread like a raging wildfire across the northern states. It was spearheaded by committees of the pious, *ulama*, professionals, students, and Islamic civil society groups who used demonstrations, public marches, zealous vigilantes, and numerous petitions to demand that states immediately implement shari'a criminal law without compromise or delay.



Regardless of the preferences of the elites who feared the consequences of doing so, once the shari'a card had been played by Sani Ahmed the shari'a movement was unstoppable until the twelve most northerly state legislatures had implemented shari'a criminal law, which they did within two years. In the following sections I argue that the shari'a movement was driven by a new generation of Islamic reformers who, while drawing upon eclectic sources, are largely inspired by neo-Salafi legal models and discourses originating in the Gulf states and Saudi Arabia. The latter should be distinguished from the Salafi reformers of the late nineteenth century, like Mohammed Abduh and Rashid Rida. Neo-Salafi doctrines privilege the Qur'an and the Sunna of the Prophet, respect the companions of the Prophet, and reject subsequent innovations such as Sufism and Muslim modernist reasoning (*ijtihad*) for the public good (*maslahah*). While neo-Salafi legal reasoning relies heavily on Hanbali doctrines, it is important to emphasize that when scriptural legal movements travel through global networks and are applied by reformers living in large, complex societies, like those of northern Nigeria, they become intermingled with each other. Therefore, while shari'a reform was powered by neo-Salafists, Nigeria's legal system remained largely Maliki because the existing shari'a judges adjudicating personal and family law were trained in the Maliki, not the Hanbali, tradition.

What exactly were the consequences of the hudud legislation? Hauwa Ibrahim, a counsel who defended northern Muslim women accused of adultery, summarizes them:

The Shari'a courts in these states have jurisdiction over several new offences beyond personal law, including theft, unlawful sexual intercourse, robbery, defamation, and drinking alcohol. The Shari'a courts may impose punishments, pursuant to the provisions of the Shari'a Penal Code Law (SPCL), that include death; forfeiture and destruction of property; imprisonment; detention in a reformatory; fines; caning (flogging); amputation; retaliation; blood money; restitution; reprimand; public disclosure; boycott; exhortation; compensation; closure of premises; and warning, among others. (Ibrahim and Lyman 2004, 3-4)

To explicate the political sociology of the shari'a movement in northern Nigeria, this essay will review the political economy of Nigeria, the debate over the relationship of shari'a to Nigerian federalism, the history of shari'a law in northern Nigeria, sectarian disputes over Islamic reform, and the challenges posed to northern Muslim interests. After reviewing these issues I will analyze the implementation of shari'a and the different interpretations of shari'a voiced by northern Muslims.



## Understanding the Political Economy of Nigeria

To understand the politics of the shari'a movement and why it was so popular in the northern Muslim states requires understanding how decades of political and economic mismanagement by military and civilian rulers have rendered shari'a an attractive political alternative for Nigeria's northern Muslims. At the heart of Nigeria's crisis of governance lies the resource curse, or the "paradox of riches." Nigeria's extraordinary natural resources stand in sharp contrast to its abysmal failure to realize even a tiny portion of its obvious potential. All informed accounts juxtapose Nigeria's dazzling promise to its miserable performance: chaotic governance, endemic corruption, criminal indifference to public good on the part of elites, cyclical communal conflict, and an overall failure to mobilize its rich natural endowments for the public good. Most of all, Nigeria represents a catastrophic failure on the part of elites to construct a hegemonic consensus on how to organize, develop, and regulate a national society.

The promise arises from its formidable material resources: Nigeria possesses vast petroleum and gas reserves, climatic variation supporting large-scale and variegated agricultural production, a citizenry with a deeply embedded entrepreneurial ethic, and—by African standards—a gigantic internal market of 150 million consumers. In fact, one of every five sub-Saharan Africans lives in Nigeria. Compared to all other African states, Nigeria's unusual scale means that it is in a unique position to develop a large-scale manufacturing sector that could easily be supplied by regionally specialized commercial agricultural enterprises. Alas, scale also produces diversity, insularity, fragmentation, and gridlock. Practically, Nigeria is a highly inchoate polity of at least four hundred ethno-linguistic groups residing in thirty-six different states, all of whom are aggressively competing for access to oil and natural gas rents. Roughly equally divided between Christian and Muslim believers, Nigeria can in practice be governed only in a federal constitutional system.

Nevertheless, structural, cultural, and strategic forces conspire to make Nigeria the poster child of a dependent petro-state governed by an oligarchic network of rent-seeking and criminally negligent politicians. The "oil resource curse" weighs heavily on the head of the Nigerian polity. Once a regionally diversified exporter of agricultural commodities (e.g., cocoa, palm products, peanuts, timber), with a substantial industrial manufacturing base poised for deep import substitution in various regions, Nigeria has seen its petroleum and natural gas production overwhelm and marginalize all other economic sectors since the mid-seventies. Unfortunately, strategic shifts in the global politics of energy security since September 11, 2001, have decisively inflated the significance of Nigeria's energy sector. The United States has defined the Gulf

of Guinea as a new energy security zone, one expected to supply 25 percent of American imports by 2025, with Nigeria destined to provide 60–70 percent of oil imports. Nigerian crude oil's light weight, low sulfur content, lower transport costs, and security advantage over that of the Persian Gulf mean that it fetches a premium price from U.S. refiners. In 2007, Nigeria supplied 11 percent of American oil imports, nearly 46 percent of Nigerian production, and total United States–Nigeria trade reached \$29 billion (U.S. Department of State 2009). Today, oil and natural gas represent at least 37–40 percent of Nigeria's GDP, 95 percent of its foreign exchange earnings, and 83 percent of federal government revenue, with an estimated annual export value of \$90 billion in 2008 (U.S. Department of Energy 2009). Sadly, since the energy sector is an enclave without significant linkages to the “real” economy, the petro-rents generate a vicious cycle—the Nigerian syndrome—which has reproduced poverty, inequality, and industrial stagnation.

The easy wealth flowing from the distribution of petro-rents has created a system of oligarchic rule in Nigeria, now institutionalized as a pathological social structure of accumulation, one that creates disincentives and barriers to transformative and dynamic investments which could raise the productivity of the agricultural and manufacturing economy. What this means is that Nigeria is ruled by a multi-layered, institutionalized oligarchy, composed of self-serving politicians, businesspeople, political fixers, “godfathers,” former military officers, and elite bureaucrats who share a common interest in gaining access to the clientelistic networks responsible for the redistribution of petro-rents. Even though fractions of the oligarchy occasionally do represent the interests of their ethnic, regional, and religious communities, they have much more in common with members of the oligarchy than with the increasingly impoverished constituencies they claim to represent. Again, because political parties are owned by major oligarchs (godfathers), they not only strangle democratic reform movements but, in effect, block developmental gains because they lack any recognizable ideology, active membership, programmatic platform, or desire to transform Nigerian living standards.

Hence, while energy revenues have skyrocketed in the last decade, access to electricity and water has declined significantly not only among the urban population but also among the labor-absorbing manufacturing sector. Actual standards of living have declined sharply, especially in the northern states, and are now below those at independence, especially in the areas of maternal mortality, life expectancy, and educational standards. The World Bank estimates that 70 percent of the petro-rents have been expatriated and that 80 percent of the hundreds of billions of petro-dollars earned by Nigeria are controlled by 1 percent of the population (Lubeck, Watts, and Lipschutz 2007). Thus the UNDP Human Development Index shows Nigeria's ranking declining from

151st to 159th between 2004 and 2006, despite rising petroleum prices. These figures explain why the proportion of the population living in poverty doubled to 70 percent between 1981 and 2004 (Spinoza and Vallée 2008). Not surprisingly, oligarchic rule created a polarized income structure, shameless elite consumption, criminality at all levels of governance, and high youth unemployment, which, in due course, fueled rising levels of communal violence when shari'a was implemented in the northern states.

### **The Politics of Shari'a within a Contested Federal Polity**

The bedrock structural condition upon which Nigerian federalism rests is the stark fact that no single identity group—lineage group, ethnic group, nation, religious group, or geographical region—constitutes a numeric majority large enough to exercise hegemony over its rivals. Even if class, regional, or sectarian differences did not divide them, there is no demographic majority group. Indeed, the “big three” communal groups—Yoruba, Igbo, and Hausa-Fulani—are estimated to constitute, in total, only two-thirds of the population. Since the end of the Nigerian civil war, minorities residing in the territories of these groups have had to be accommodated for an electoral alliance or legislative program to succeed. Moreover, the constitutional requirement (Section 134, Article 2b) that the president win “not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States in the Federation and the Federal Capital Territory” requires the formation of cross-regional alliances to win the all-powerful post of president.

Inadvertently, perhaps, Nigeria's high level of political fragmentation produces a perverse form of pluralism, one in which the required consensus among elite bargainers becomes powerful enough to block any single group from holding uncontested hegemonic power over the state apparatus. Historically, the boundaries of identity groups have shifted as new identities, such as religious or ethnic affiliation, have been reinvented according to changes in the opportunity structure, in access to global networks, or in the capacity of political entrepreneurs to invent new discourses of mobilization (such as “indigenous” people). Alliances, therefore, are fluid and constantly shifting. All of these factors—fragmentation, elite bargaining, and federal rights—mean that centralized federalism must be accepted—if reluctantly by some—for Nigeria to continue to exist as a polity, but such federalism has proved ineffective for raising living standards or institutionalizing legitimate democratic representation. Instead, it privileges the talents of culturally sensitive and seasoned elite bargainers from different groups who have always negotiated backroom agreements and electoral alliances. In the case of shari'a, the elite bargainers



failed to restrain genuine popular movements spearheaded by a new generation of religious politicians calling for the restoration of full shari'a.

Ethno-national identities nurture political fragmentation. Hence, for a wide variety of reasons—including the desire to secure larger shares of petro-rent, protect minority rights, punish rivals, prevent marginalization, and resolve internal ethno-national conflicts—Nigeria, like India, has continually created new subnational units (e.g., states). There were 3 relatively autonomous such regions at independence in 1960; 4 regions in 1963; 12 states in 1967; 19 states in 1976; 21 states in 1987; 30 states in 1991; and 36 states and a federal capital territory at Abuja in 1996. Currently, Nigeria has 774 local government authorities (LGAs). While their creation is rationalized by the rhetoric of autonomy and identity politics, it is obvious that the resulting fragmentation, administrative weakness, and fiscal dependence of the state system have actually strengthened the powers of the federal government while, at the same time, limiting its ability to implement change. The weakness of the states has encouraged the informal concept of six geographically defined zones, each comprising six states, which are used for forging compromises, organizing associational life, and defining distribution networks. While it was never written into constitutional law, the negotiations among the regional elites about the power shift of 1999 also produced an informal agreement to share power by rotating the presidency among the different zones of Nigeria approximately every eight years. Like the explicitly undemocratic compromises embedded within the American electoral system, zoning has traditional legitimacy in West African politics. Rotation of the presidency rewards elites who wait their turn to hold power. My interviews confirm that zoning has wide (though not universal) support among Nigerian political actors.

Implementing shari'a criminal law was premised upon reconstructing an already existing shari'a court system, limited to personal and family law, in the northern states. Again, ironically, the advocates for the implementation of shari'a criminal law based their claim on the liberal constitution's protection of religious freedom. They argued that powers allocated to the states empowered them to introduce shari'a criminal law solely for Muslims, and further that its limitation to Muslims would protect the rights of non-Muslims. Accordingly, they claimed, to forbid states to implement full shari'a would be unconstitutional, because it would violate Muslims' constitutionally protected religious freedom. The advocates of shari'a law thus grounded their position on several arguments: a clever interpretation of the states' rights provisions, which was initiated by southern Christian Nigerian agitation for regional cultural autonomy; the claim that the constitution guaranteed Muslims full religious freedom and thus a right to be ruled by shari'a criminal law; and finally, with regard to the provision that limited the application of shari'a criminal

law to Muslims alone, the claim that this arrangement reflected moderation, compromise, and respect for federalism because it stopped short of imposing a full shari'a regime (by imposing punishments for apostasy, blasphemy, and other such acts).

To be sure, the 1999 constitution poses many barriers to full shari'a implementation in the northern states. For one thing, although it permits customary law and shari'a law in the areas of personal and family affairs, it also states that "the Government of the Federation or of a State shall not adopt any religion as State Religion." Another barrier concerns the judiciary. Regardless of decisions made in local shari'a courts or by the state shari'a court of appeal, the secular federal court system has the authority to overrule earlier decisions and hand down an unappealable judgment. Notwithstanding several efforts to amend the constitution so as to establish a separate shari'a court of appeal at the federal level from the 1970s to today, there is no federal shari'a court of appeal in Nigeria. Finally, even at the state level, the state's chief justice administers all the shari'a courts and all judgeships in the twelve states that have implemented shari'a criminal law and may overrule their decisions at any time.

An additional constraint on shari'a criminal law is due to the federal government's constitutional monopoly over security and the centralization of policing authority at the federal level. According to Rotimi Suberu, an expert on Nigerian federalism, this means "that the sharia-implementing states have been forced to rely on [the] secular, ineffective, corrupt, understrength, and allegedly partisan unitary Nigerian Police Force for the enforcement of their Islamic codes" (Suberu 2008, 67).

Several states—including Kano and Zamfara—responded to their lack of policing and prosecutorial authority by creating religious police, the *hisba*, who were authorized to enforce shari'a law, create an Islamic moral order, and contain the actions of independent Islamist vigilantes. In 2006, the struggle between shari'a states and the federal government came to a head when the inspector general of police arrested two *hisba* leaders and proscribed Kano's *hisba* organization. The clash was apparently precipitated by the *hisba*'s efforts to enforce gender segregation in public transport by harassing women sharing motorcycles (*achaba*) and other public vehicles with men. When Kano State sued the federal government to release the *hisba* officials, the Federal Supreme Court in March 2007 ruled that Kano did not have jurisdiction, describing the conflict as an administrative dispute. This ruling not only let stand the federal government's monopoly of police powers under the authority of the inspector general of police, it avoided making a formal statement on the legality of shari'a criminal law in Nigeria. In practice, the national police's assertion of a monopoly over police functions reduced the public activities of the *hisba*, even

though they continue to operate in Kano (Suberu 2008). What this means is that the Nigerian police and the public prosecutors are the only organized legal body that can arrest people and require them to appear before a shari'a court. Hence, in the absence of an organized criminal justice system, enforcement of shari'a criminal law depends on the rather capricious decisions of the Nigerian police—who, like the army, have the right to import alcohol and consume it in their barracks.

### The Appeal of Islamic Reform under Political and Economic Crisis

Over the thousand years since Islam was first introduced into the northeastern state of Borno, the uneven process of Islamization has transformed the region's political and economic life, created a public religious culture, and, to a significant degree, Islamized northern societies' cultural practices. The debate over the role of shari'a in the northern Muslim states in one form or another has been pivotal to this process across ethnic groups, precolonial polities, social classes, and genders for the past millennium.

More generally, several long-term patterns underlying what Hodgson (1974) calls the long-term process of shari'aization are observable in the predominantly Muslim northern states. Muslim revitalization movements seeking reform (*tajdid*) almost always originate in the pilgrimage centers of Mecca and Medina, and constantly inspire local Nigerian sects to imitate a specific reform practice. Understanding the shari'a movement in northern Nigeria, however, requires acknowledging the fact that the different waves of Islamic reform are not simply regional expressions of a desire for *tajdid*. Instead, each wave is an extension of a parallel process of Muslim globalization, one that was consolidated as a networked proto-globalization system by the end of the first millennium.

Historically, charismatic preachers, Muslim jurists, Sufi mystics, or groups of Islamic scholars (who were often also traders) pursued *tajdid* in the northern states. Typically, self-conscious communities pursuing *tajdid* withdrew from the surrounding corrupt society; some launched reformist or even revolutionary jihadi movements to subordinate non-believers or to purify backsliders; and still others practiced *tajdid* in their hearts and by their acts, expressing their protest as pious, observant Muslims. Because the discourse of *tajdid* is inscribed so deeply in the northern Muslim public's understanding of Islamic reform, *tajdid*-inspired movements are inevitable during moral, economic, or political crises. In turn, cycles of enthusiastic *tajdid* are, predictably, followed by deep disillusionment when these movements fail to institutionalize the imagined "community of virtue."



Today, all of the demographic dice are loaded in favor of militant Islamist youth movements in northern Nigeria. High fertility rates, youthful marriage, near-universal female marriage, conspiratorial hostility to "Western" family planning programs, and improved infant survival rates since the 1960s have created a population bubble which, in due time, has given rise to a gigantic youth cohort that has overwhelmed already constricted labor markets. Nigerian tertiary educational institutions, for example, have grown exponentially since independence, from two in 1960 to more than a hundred today, with an estimated enrollment reaching 182,000 in 1990 (Fourchard 2005, 342). One example of the regional educational imbalances and the uneven breadth of subsequent growth is that, of the 2,290 students enrolled in the two Nigerian universities in 1960, only three hundred (13 percent) were from the Northern Region, which represented half of the population (Sanusi 2007, 181). Murray Last notes that metropolitan Kano has increased at least tenfold in the last forty-five years, that villages registering 1,500 taxpayers in 1955 now have populations exceeding 75,000, and that these changes have provoked a widespread feeling of "vulnerability" as well as "physical and spiritual insecurity" (Last 2008, 42ff.).

Accordingly, the shari'a reform movement was founded upon three interconnected bases: first, several large cohorts of secondary and tertiary school leavers entering saturated labor markets after 1983; second, a shared sense of declining social and economic opportunity as a result of economic crises associated with the boom-and-bust cycle of the petro-markets; and third, widespread disillusionment with the insatiable greed and incompetence of secular politicians, both civilian and military.

In any event, for the cohorts entering young adulthood in the eighties, the catastrophic failure of Nigeria's postcolonial development project was read through the cultural lens of *tajdid* rather than a secular nationalist or radical framework. There is no doubt that for the youths participating in the Muslim public sphere in the eighties, the spectacular failure of Nigerian oligarchic rule confirmed what their cultural nationalist and anti-imperialist instincts told them was true. For these cohorts, the obvious failure of Western-imposed institutions to meet their material and spiritual needs confirmed that they should recommit themselves to *tajdid* in order to implement shari'a as an alternative path to realizing Muslim self-determination. Viewed from this understandable yet utopian perspective, the triumph of the shari'a movement in the northern Muslim states was predictable, if not overdetermined, by the convergence of demographic, structural, institutional, and cultural forces. Given the decline of secular alternatives and the embeddedness of *tajdid* in the Muslim public discourse, joining one or more Muslim reform movements was an entirely rational option for northern Muslim youth.

Kane's analysis of the neo-Salafi group 'Yan Izala brilliantly illustrates how religious entrepreneurs effectively linked their spiritual capital with the material capital of local businessmen and wealthy military officers so as to promote religious reform against established Sufi brotherhoods (*turuq*) (Kane 2003). Here one must recognize how the spiritual and material economy articulate with each other. Not only did the collapse of employment opportunities in the modern sector flood the spiritual economy with a pool of reform-minded recruits, the resulting material and spiritual insecurity increased both the demand for, and the opportunity for religious entrepreneurs to deliver, spiritual and educational services to a new clientele.

To be sure, there are some barriers to entry into religious entrepreneurship. Religious entrepreneurs must practice "innovative authenticity" in order to convince members of the Muslim public sphere that the discourse or ritual practice they are advocating is authentically Islamic, superior to existing choices, and not yet available locally. This discursive practice is truly challenging. Indeed, to avoid the charge of un-Islamic innovation (*bidah*), the spiritual entrepreneur must legitimate his practice by linking it to the Prophet or his companions (*ahl al-Salaf*). In order to compete in the spiritual marketplace, therefore, a purveyor of innovative authenticity must provide an appealing religious practice or spiritual experience that is not currently available, yet one that is defensible against the charge of *bidah*. In the case of the shari'a movement, flourishing links to globally networked Islamic centers in the Middle East provided the prestigious discursive content for creating innovative authenticity, while wealthy local patrons provided the material resources for successful entrepreneurs to implement a *tajdid* program. Of course, the absence of an effective hierarchy of authority, low barriers to entry, and the easy opportunity for discursive innovation resulted in the formation of a plethora of splinter groups rapidly dividing from the original reformist movement, such as Boko Haram, which rose from the 'Yan Izala.

### Shari'a in the Northern States: A Historical Overview

After Islam was introduced into northern Nigeria at Borno during the first millennium, several waves of *tajdid* gradually extended the influence of shari'a in the northern states. The documentary record confirms that shari'a was established in Kano as early as the fifteenth century, under the Hausa king Rumfa (1463–99). Rumfa was assisted by al-Maghili, a North African scholar, who wrote a treatise for him on Islamic government entitled *The Obligations of Princes* (Naniya 2002). By the latter half of the eighteenth century, a charismatic legal scholar and Sufi from a clerical Fulani clan, Usman dan Fodio (1754–1817), inspired a jihad against backsliding rulers who refused his call for

Islamic reform and the enforcement of shari'a. Dan Fodio's movement established the Sokoto Caliphate, one of the largest, most complexly organized, and ethnically diverse political and economic units ever recorded in precolonial African history. Today the restoration of shari'a criminal law reimagines itself in the caliphate's shari'aization policies.

While several northern states—Borno, Yobe, Zamfara, and Kebbi—remained outside the caliphate, dan Fodio's reform movement has become the exemplary model for aspiring *mutajids* to emulate today. Note that while dan Fodio was primarily a charismatic preacher, a jurist, and a shari'a-minded legal reformer, he was also a practicing Sufi who used Qadiriyya networks to publicize and promote his reform movement. Umar, for example, asserts that "the Qadiriyya was adopted as a kind of official Sufi order" and Loimeier cites documents suggesting that membership in the Qadiriyya was required among the jihadi elite (Umar 1993, 154; Loimeier 1997). Nonetheless, while there is abundant evidence that shari'a increasingly defined the perspective of ruling groups, urban dwellers, and ulama networks, the degree to which shari'a practices actually regulated the lives of rural commoners and servile groups is more difficult to assess. Accordingly, the key points here are not only that the promotion of shari'a reform became the legitimating discourse for the caliphate's Muslim elites, but also that the now venerated leaders of the Sokoto Caliphate institutionalized membership in a mystical Sufi order, the Qadiriyya, and some may have even converted to a rival brotherhood, the Tijaniyya (Last 1973).

The British conquest was completed by 1903, after a millenarian resistance movement (Mahdism) was suppressed by a joint Muslim-British force. Drawing upon their experiments with indirect rule and "Anglo-Muhammadan" law on the Indian subcontinent (see Muhammad Zaman's chapter in this volume), the British amalgamated the Muslim polities of Borno, Sokoto, and other states with those of non-Muslim groups in order to form the Protectorate of the Northern Provinces of Nigeria. The British agreed to "rule along native lines" by appointing Muslim emirs, not interfering with the Muslim religion, enforcing a modified version of Islamic law, and prohibiting Christian missionaries from proselytizing among Muslims. Realistically, of course, with less than a hundred men and a small number of officers to govern the vast Protectorate of the Northern Provinces (a vast territory of 276,034 square miles and "a population estimated at 8.7 million" [Umar 2006, 24]), the British had little choice but to pursue "colonialism on the cheap" by governing indirectly through Muslim rulers and shari'a. This required centralizing and rationalizing the already existing Muslim administration in order to collect taxes and maintain law and order through shari'a courts.

Indirect rule had many paradoxical effects. With so few officers serving, without cultural support from evangelical Christian missionaries, and with



widespread Muslim cultural and political resistance, the impact of the British on northern societies was very limited. While colonialism extended the technical domination of the British and Muslim rulers, mostly through improvements like rail and road transport, radio and telegraph communications, and superior weaponry, the same improvements also centralized the power of emirs over their subjects by eliminating traditional checks on arbitrary rule. Within the Northern Provinces, where at least a third of the population were non-Muslims, the British not only extended the territorial range of Muslim rule over non-Muslims but also introduced a colonized version of shari'a law (e.g., Anglo-Muhammadan) into the non-Muslim areas, which were increasingly Christian.

Sani Umar seeks to undermine the consensus position that British rule strengthened and expanded the position of Islam in colonial Africa and in Northern Nigeria in particular. Anderson, for example, argues for the uniqueness of shari'a criminal law in colonial Northern Nigeria:

The case of Northern Nigeria was, indeed, almost unique, for up till [1960] this was the only place outside the Arabian Peninsula in which the Islamic law, both substantive and procedural, was applied in criminal litigation—sometimes even in regard to capital offences. (Anderson 1976, 27–28)

Umar (2006), however, will accept none of this. Instead, he rejects Anderson's generalizations by using Arabic texts that give voice to a counternarrative that shows how emirs, judges, and the ulama resisted British efforts to gradually "modernize" (read "colonize") shari'a. For him, British efforts to modernize shari'a only distorted and subverted the integrity and true practice of shari'a law in the eyes of Muslims.

Umar shows that the British subverted shari'a law in several ways: canonical punishments like stoning, amputation, and penance were eliminated (although he notes that these sentences had never been commonly carried out); rules of evidence and legal procedures were subverted; British-appointed emirs, unqualified in shari'a law, were appointed as appellate judges over truly qualified Muslim judges to support the centralization of the colonial state; alien legal scholars introduced "Anglo-Mohammedan" law from the British empire; and, with the judicial reforms of 1933, shari'a courts became completely subordinate to British courts of appeal. Notwithstanding these restrictions, the Native Authority courts, both Muslim and customary, were widely used by colonial subjects. For example, in 1947, the northern provinces recorded 197,586 civil cases and 72,214 criminal cases, of which the overwhelming majority were heard in shari'a courts (Christelow 2002, 191).

Since the Northern and Southern protectorates were never integrated before World War II, during the transition to national independence the status of shari'a law became a contentious issue between the British and Muslim northern elites. In constitutional terms, the negotiations produced a decentralized federal state in which the British allowed the northern Muslims to control the largest region in exchange for eliminating shari'a criminal law. For the Muslim public, the bargain was double-edged. On one hand, it created a Muslim-dominated and relatively autonomous northern region which protected northern Muslim interests within the federation, including those of the northern civil service, who faced competition from better-educated southerners. On the other, it forced the northern regional legislature to accept the shari'a compromise of 1960 which effectively eliminated shari'a criminal law. Modeled after the penal code of the Sudan, the new Northern Nigerian Penal Code eliminated the shari'a criminal legal system in favor of a code that drew upon "Islamic penal jurisprudence and English common law tradition" in a compromise designed to protect the rights of Christian and traditional religious communities within the Northern Region, who accounted for a third of the population (Mahmoud 2002). The system of shari'a courts and judges, however, was not abolished; instead, its jurisdiction until 1999–2000 was limited to civil and personal law. Understandably, northern Muslim agitation for a return to shari'a surfaced during the constitutional conference of 1977–78 and again in 1987–88, when Muslims unsuccessfully demanded a Federal Shari'a Court of Appeal.

To summarize this snapshot of shari'a in the northern states: first, some version of shari'a law has been in force within many northern Muslim communities for at least five hundred years. Second, a version of shari'a criminal law has been enforced for hundreds of years—under the Hausa kings, the Sokoto Caliphate, the sultanate of Borno, the British protectorate, and now the northern governors—except for a comparatively brief thirty-nine-year interlude between 1960 and 1999. And finally, given the demonstrable persistence of shari'aization as a long-term historical process implemented under so many different political regimes, the question is not whether Muslims regard shari'a criminal law as legitimate, but how that law is to be interpreted and enforced.

### **Shari'a and Sectarian Conflict: The Politics of Transnational Linkages**

Earlier I described how Sufi networks practicing *tajdid* extended the frontier of Muslim power in precolonial northern Nigeria. In general, Sufi influence in West Africa increased significantly under colonial rule. The most dramatic change in northern Nigeria was that Sufism extended beyond the ulama and

ruling groups to thoroughly penetrate the commoner trading groups and their associated ulama. If colonialism brought greater freedom and financial power to the Muslim merchant class, Sufism provided the spiritual solidarity and social networks for their consolidation as a powerful new social group. The reasons for this growth of the merchant class are well documented: Not only did the colonial order bring peace, end slave raiding, increase commodity production, require the production of export crops to pay higher taxes, and support the extension of Islamic education and law, it vastly improved commercial, transportation, and communications infrastructures, which bolstered the trading and financial opportunities of Muslim mercantile capitalists.

All of the latter material changes vastly increased opportunities for Sufi leaders (*moquaddams*) to recruit followers into wider networks that reached from West Africa to the Hijaz. Since Islamic scholars were often traders, an expanding network of Sufi lodges (*zawiyas*) also offered invaluable services like credit, brokerage, and market information to members of their brotherhood. Equally important, Sufi networks integrated Muslim traders, scholars, and students from different ethnic groups and regions into a new trans-ethnic identity: northern Muslim. In sociological terms, the Sufis' daily rituals provided disciplinary practices that intensified trans-ethnic social solidarity, making members feel safer as they engaged in negotiating complex credit arrangements within patron-client networks situated in an expanding colonial market economy. Thus, for burgeoning trading groups who were suddenly vulnerable to new financial risks and who feared the uncertainties of expensive colonial courts for dispute resolution, Sufi lodges, collective rituals, and charismatic leadership met the growing social need for an institutionalized network to support their spiritual and material interests.

During the colonial era of northern Nigeria, no Sufi brotherhood thrived more than the Tijaniyya; no Tijani leader claimed more followers than the Senegalese *moquaddam* Shaykh Ibrahim Niass; and, unfortunately, no Sufi brotherhood's claims enraged neo-Salafi reformers more than those of the Tijaniyya-Niassiyya. A number of factors contributed to the rise of the Tijaniyya in northern Nigeria. Politically, from the 1830s, when Alhaji Umar Tall introduced the Tijani initiation (*wirdi*) from Mecca into the Sokoto elite, the Tijaniyya represented an enduring challenge to the monopoly on authority enjoyed by the Qadiri-affiliated rulers of the Sokoto Caliphate. Similarly, during the nationalist period, the Tijaniyya challenged the authority of the conservative nationalist leader Ahmadu Bello, who was not only the leader of the dominant northern party, the Northern Peoples Congress (NPC), but also a direct descendant of Usman dan Fodio. In the nineteenth century, the emir of Zaria was deposed for his Tijani affiliation; in 1963, Bello deposed the Tijani-



affiliated emir of Kano, Mohammed Sanusi (Loimeier 2005b, 350; Loimeier 1997).

On the other hand, many Muslims found the exclusionary and pretentious doctrines propagated by the Tijaniyya highly objectionable. The Tijaniyya's Algerian founder, Ahmad al-Tijani (1737–1815), claimed to have experienced a direct link with the Prophet through a vision in which the Prophet affirmed that “he was the ‘seal of wilaya’ [the final mediating saint] in the same way that the Prophet Mohammad was the seal of prophethood” (Vikør 2000, 450). In addition to offering members salvation and prosperity through a direct link to the Prophet, the Tijaniyya forbade members to affiliate with rival Sufi orders. Similarly, the brotherhood reduced the number, complexity, and ascetic rigor of esoteric spiritual exercises. Thus the Tijaniyya not only guaranteed salvation but granted Tijanis additional time and incentives to become engaged in the world as successful traders. Of course, these practices attracted the enthusiastic support of Muslim mercantile capitalists, so that their client and credit networks became increasingly intertwined with those of the brotherhood.

Nonetheless, until the rise of the Senegalese shaykh Ibrahim Niass (1900–75), Sufism was largely limited to a literate and prosperous elite: the ulama, the scholar-traders, and their advanced students. Previously, Sufism “impacted only a small group of scholars and students” because *tasawwuf* (Sufism) “was considered the ‘final step’ of a scholar” who had already completed study of the Qur’an, the hadith, and other Islamic sciences (Loimeier 2005b, 353). Niass’s singular achievement was to transform the Sufi spiritual experience into a mass movement accessible to uneducated commoners, thereby integrating different Muslim communities in Nigeria and West Africa. To accomplish this feat, Niass first declared that he was the expected “Reformer of the Age”; second, he renewed his initiations into all Tijani spiritual lineages in order to obtain the most direct link possible to the founder; and third, he introduced a popularized version of the initiation and educational rite, *tarbiyya*, which was accessible not only to the learned and ascetic, but also to the illiterate and uneducated (Paden 1973).

Consequently, although he originated from a low-caste blacksmithing group in Senegal, Niass’s charisma and ambition empowered him to become a transformative leader even among Nigeria’s elites. In 1937, he successfully initiated the emir of Kano into the Tijaniyya-Niassiyya lineage (Paden 1973). Niass’s success derived from his ability to promote his mystical concept of *tarbiyya* (e.g., esoteric spiritual education) among a largely uneducated mass audience. Elsewhere, in the frontier regions of the Middle Belt, the Tijaniyya-Niassiyya brotherhood had similar effects: it recruited illiterates via *tarbiyya*, integrated members of competing clans, promised followers spiritual and eco-

conomic success, and extended the commercial networks of the trading groups (Mohammed 1993).

### **Nationalism, Reformism, and the Modern Muslim Public Sphere**

As influential opinion makers, the leaders of Sufi brotherhoods were lavishly patronized by wealthy merchants and courted by aspiring politicians during the nationalist era following World War II. However, while they could influence electorates, Sufi leaders lacked the credentials, vision, and linguistic skills to become directly involved in the intense political negotiations regarding the constitutional form of the new Nigerian state. Understandably, Sufi attention was directed inward, toward realizing an esoteric communal experience, and not toward constructing a new Muslim public sphere in the Northern Region. Responsibility for the construction of the Muslim public sphere fell instead upon the shoulders of the northern nationalist leaders and their advisors. These men had been educated in elite English-language schools like Katsina College, hybrid but essentially modern institutions, which had been established by the colonial state to rationalize indirect rule and create an educated administrative class.

Educated in Western as well as Islamic learning, the Muslim nationalist leaders struggled among themselves, as well as with the British and southern nationalists, over the questions of how to balance national and regional powers, the position of non-Muslims in the Northern Region's government, and the role that shari'a would play in the embryonic Nigerian polity. Thus, even though eminent nationalist leaders—including the progressive Mallam Aminu Kano (Northern Elements Progressive Union) and the conservative Ahmadu Bello (Northern Peoples Congress)—may have sought the support of Sufi brotherhood leaders, their objectives during these negotiations were quintessentially modern, bureaucratic, and nationalist. They sought to limit the autonomous patrimonial powers of the emirs, their courts, and the police; build effective political party organizations; and use the autonomous powers of the Northern Region's government to develop and modernize educational, economic, social, and political institutions in their comparatively backward region. In order for Bello to carry out his conservative modernization project, in the face of resistance to the northern regional government from the emirs and their Sufi allies, Bello required a new source of religious legitimacy, a new Islamic discourse, and a new national religious organization to advance his conservative yet modernizing Muslim project. His strategy involved reaching out to allies in the wider Muslim world, especially Saudi Arabia, creating a new Islamic reform organization, the Jama'at Nasr al-Islam in 1962, and recruiting a

religious advisor from a Sokoto-based judicial family named Abubakar Gumi (1922–92).

Gumi was destined to be the person most responsible for the restoration of shari'a criminal law in Nigeria. He was a legal scholar known for prodigious scholarship, indefatigable polemical energy, and a practical commitment to promoting the interests of the northern Muslim political elite. Under the patronage of Bello and subsequent northern heads of state, such as President Shagari (1979–83) and General Babangida (1985–93), Gumi spearheaded neo-Salafi Islamic reform for nearly forty years, challenging what he believed were the brotherhoods' un-Islamic innovations (*bidah*), sponsoring the upgrading of modern Islamic education, and insisting on the need to fully implement shari'a law at all levels in Nigeria. Whatever Shaykh Ibrahim Niass accomplished in making the Tijaniyya a mass movement in the colonial era, Gumi surpassed him in advancing neo-Salafi reform and shari'a law in the postcolonial era.

Unlike the modernizing national elites whom he often advised on Islamic affairs, Gumi chose to pursue a modern Arabic and Islamic education by attending and teaching at the School of Arabic Studies (SAS) at Kano. Subsequently, when the British refused to send him to Al-Azhar in Cairo for fear that he would fall under the influence of the Muslim Brotherhood, he studied law at Bakht ar-Ruda College in Khartoum in 1954–55 (Loimeier 1997). His fluency in Arabic and his courage in challenging the authoritarian sultan of Sokoto for having accepted British imperial titles endeared him to Ahmadu Bello, who appointed him as his translator when they were on hajj together in Saudi Arabia. Fortuitously, when the Saudis broke diplomatic relations with Britain over the Israeli, British, and French invasion of Egypt in the 1956 war, thus leaving Nigerian pilgrims subject to deportation from the Hijaz without diplomatic representation, Bello appointed Gumi as the first Nigerian Pilgrims' Officer in Saudi Arabia and later as his personal representative to the World Muslim League (Rabitat al-Alam al-Islami), a Saudi-controlled, neo-Salafi reform group.

All of these appointments were critical for Gumi's ascendance as a political power broker as well as the preeminent voice for the restoration of shari'a in Nigeria. Since the hajj is so important for the approximately one hundred thousand Nigerians who undertake the pilgrimage each year, Gumi's integration into the scholarly networks in the pilgrimage cities gave him unprecedented prestige and great leverage for legitimating a neo-Salafi movement for *tajdid* in Nigeria. His appointments not only provided him with opportunities to assume roles in Saudi universities and prestigious Rabitat-linked agencies, they also enabled him to become a trusted broker for the distribution of Saudi patronage in Nigeria. When the petro-boom of 1973–74 swelled Saudi and Gulf state coffers, Gumi was ideally positioned to distribute Saudi patronage to neo-Salafi reformers.



It is also important to emphasize the impact that exposure to neo-Salafi groups like the Muslim Brotherhood had on Gumi's intellectual formation. Loimeier (1997, 180ff.) argues persuasively that Gumi's networking and appointments in Saudi Arabia and Egypt brought him under the influence of Muslim Brotherhood thinkers as well as South Asian neo-Salafis like Maududi. Gumi absorbed the methods and doctrines propagated by Sayyid Qutb, including the latter's methods of Qur'anic commentary (*tafsir*) and his willingness to condemn practicing Muslims as unbelievers (*takfir*). Similarly, after translating anti-Ahmadiyya works by South Asian scholars, Gumi supported Maududi's request that the Rabitat declare the Ahmadiyya heretics and thus unacceptable as pilgrims (Loimeier 1997, 160). In 1974, Gumi also convinced Nigerian Islamic authorities to require prospective pilgrims to certify that they were not Ahmadiyya members before arranging for their visas for the hajj. In effect, Gumi had leveraged his influence as a member of the governing council of the Rabitat to empower him to define who was an orthodox Muslim in Nigeria.

Equally important, in opposition to conservative scholars of *fiqh* (law), Gumi not only supported the reopening of the gates of *ijtihad* but "adopted a position which is generally identified with the ideals of the Salafiyya and the Ikhwan al-muslimin [Muslim Brotherhood]" (Loimeier 1997, 181). Interestingly, unlike his patrons in Saudi Arabia, Gumi was a strong advocate for increasing Muslim women's access to education and their participation in electoral politics as well as in the Muslim public sphere. He translated the Qur'an into Hausa and used Saudi largesse to distribute hundreds of thousands of copies. He was among the first preachers to use radio (in 1966) to broadcast his sermons and Qur'anic exegeses; he also recorded his sermons on inexpensive cassettes for distribution to his followers.

### **The Discursive Shift to Reformism: 'Yan Boko and the 'Yan Izala**

Gumi's intellectual and political career was devoted to an unrestrained frontal assault on the intellectual and doctrinal legitimacy of Sufism. Methodologically, after subjecting Sufi beliefs, rituals, and writings to rigorous scriptural analysis, Gumi concluded that Sufism is filled with un-Islamic innovations not found in the Qur'an or Sunna, and therefore constitutes un-Islamic belief. Indeed, he asserted that Sufism is a post-Islamic religion, whose praise songs to the Prophet make it impossible to see either God or the Prophet (Loimeier 1997, 230).

At first, these claims provoked a firestorm of denunciations, violent confrontations, and even threats against his life. In response to the damage inflicted to their prestige as well as their membership, rival Sufi groups joined

forces to form organizations like the Fityan al-Islam to defend the orthodoxy of their practices. By 1978, Gumi's authority over the Jama'at Nasr al-Islam was challenged by Sufis at the northern regional level, and his effort to insert shari'a law into the federal constitution of the Second Republic failed. At this point Gumi and his followers made a strategic decision to create a modern, populist, mass-based organization to spearhead a neo-Salafi reform movement and to transform Nigeria's Muslim public sphere.

The organization's name, Jama'at Izalat al-Bidaa wa-Iqamat as Sunna or 'Yan Izala, presages the contemporary movement to restore shari'a criminal law in northern Nigeria. Meaning "Society for the Removal of Innovation and the Restoration of the Tradition," it was taken from a work by Usman dan Fodio, *In Favor of the Sunna and Against Innovation* (Paden 2002). To counter the Sufi accusation that it was a foreign, Wahhabi sect, the 'Yan Izala demonstrated its modernity by registering as a legal entity with the Federal Ministry of Internal Affairs in 1985 (Umar 1993). While today it constitutes a powerful network like the Sufis, the 'Yan Izala is organized as a modern civil society group with membership lists, a constitution, statutes, appointed offices, branches, and an extensive network of modern Islamic schools. The organization has affiliates in several neighboring countries, especially Niger.

The Muslim Students' Society (MSS) also came to play a key role in mobilizing popular support for the restoration of shari'a. Founded in Lagos in 1954 by Yoruba Muslims who felt isolated at Methodist Boys' Secondary School, and named after a Burmese organization of the same name, the MSS eventually became one of the largest voluntary organizations in Nigeria. Its organizational power derives from its unified national structure and its extensive network of branches in secondary and tertiary institutions. In 1970, the MSS had more than seven hundred branches (Paden 2008, 30); most of the leadership of the shari'a movement was associated with it at some time in their student careers. By organizing Muslim students at all levels from secondary school through university, the MSS incubated a wide variety of Islamic political and social movements, including those with radical tendencies, like Nigerian Shi'ism, and reformist tendencies, like the Council of Ulama. It is no exaggeration to say that the shari'a movement embodies the political project of a generation whose worldview was defined during their time as students in secondary and tertiary institutions while participating in MSS campaigns for the recognition of Muslim rights, the Islamization of politics, and the implementation of shari'a law in Nigeria.

Against this historical backdrop, it is easy to see how Gumi's combination of polemical assaults on Sufism and the introduction of globally sourced neo-Salafi doctrines appeared so compelling to a newly educated audience. Once the economic crisis of the eighties dashed their hope for secure employment

as teachers or ulama in the state sector, Muslim university graduates were readily available for mobilization into populist, neo-Salafi reform movements like the 'Yan Izala and the shari'a movement. While opposed to magic and all Sufi forms of *bidah*, the 'Yan Izala targeted the beliefs and practices of the Tijaniyya for especially vitriolic excoriation. Indeed, for the 'Yan Izala, the list of Tijani *bidah* is extensive: bodily rocking, breathing, and chanting during prayer to induce trances; claims that *tarbiyya* achieves a mystical state of ecstasy, without rational explanations or scriptural referents to support them; the claim that the Prophet and the four rightly guided caliphs participate in Tijani prayers (*dhikr*); and the mystical veneration of Sufi saints' tombs (Loimeier 1997, 194ff.). 'Yan Izala leaders also heaped ridicule on the belief that the Tijani litany *salat al-fatih* (said to be equally powerful whether the initiate understood the words or not) was transmitted by the Prophet to Ahmad al-Tijani. Alas, when this litany was shown to have originated centuries earlier with Shaykh Muhammad al Bakri (1492–1545), the Tijaniyya suffered serious defections and a loss of prestige among the educated just as they had earlier in North Africa (Kane 2003, 127ff., 133).

Turning to explanations for the social basis of recruitment, Kane argues persuasively that the (alternative) modernity of 'Yan Izala practices and doctrines clearly appealed to youthful, urbanized, educated, and reform-minded Muslims in the northern states. Beliefs and practices stressed individual, unmediated examination of the Sunna, and the obligation of literate believers to exercise individual reason in interpreting Muslim beliefs and practices. Fueled by the surplus of unemployed graduates who were bolstered by the certainty of their *tajdid*, the Izala movement inspired peripatetic preachers to reach out to smaller towns and even villages, where they proselytized among youths, women, and partially educated groups. Their preachers emphasized simple, scriptural forms of worship, unencumbered by time-consuming rituals, chants, or supplementary prayers. The movement's commitment to building and staffing free or subsidized Islamic schools not only attracted many new members but also created opportunities for gainful employment in the spiritual economy during the economic crisis of the 1980s.

Above all else, the 'Yan Izala's open egalitarianism appealed to youthful recruits. Traditionally, northern Hausa-speaking Muslim groups inculcate a deep sense of shame (*kunya*) into primary social relationships. *Kunya*, therefore, serves to consciously and subconsciously construct a social subject that must defer to a hierarchal, patriarchal, and rigidly scripted cultural authority. For example, to avoid the embarrassing accusation that they lack *kunya* (*rashin kunya*), people avoid stating the names of first-born children, certain in-laws, and spouses. Youths and women are required to defer to patriarchs. Most importantly for newly educated youths, expensive gifts must be made to



ulama, family members, and future in-laws at every stage of a life cycle: birth and naming ceremonies, marriages, funerals, and religious holidays. Marriage payments are especially onerous, and are deeply resented by youths desiring to start families (Kane 2003).

In opposition to these customs, the more individualistic and egalitarian 'Yan Izala offered an alternative modernity, a life-style that recognized both individual reason and dignified piety. It renounced deferential genuflections traditionally required of youths to elders and eliminated costly bride wealth and dowry payments; this reform relieved youths wishing to form families of excessive debt, as well as control by their extended families. Youths, of course, found these reforms liberating, for they allowed them to become more individualized within a new community of believers. Thus, while neo-Salafi reform demanded that youths renounce customary practices like dancing, wrestling, music, and spirit possession rites (*bori*), its accompanying egalitarianism also contributed to individual emancipation from patriarchal control.

In a movement critics denounce as neo-Wahhabi, nothing is more paradoxical than the 'Yan Izala's support for the rights of women. Traditionally, under the hegemony of Sufism, Hausa-speaking women in most northern Muslim cities did not have access to Islamic education; married women in cities were in purdah if their husbands could afford it; and women were expected to express shame (*kunya*) by remaining in the household and were certainly not to be active in the Muslim public sphere. Practically, orthodox Islam was what husbands and senior male relatives said it was. In opposition, the 'Yan Izala mobilized its preachers to encourage Muslim women to attend its Islamic schools in the evenings or on Saturdays and Sundays. This meant they could participate more in the Muslim public sphere, provided they dressed modestly by wearing the *hijab*. In addition to educating girls in its Islamiyya schools, the 'Yan Izala initiated a program of mass Islamic education for married women by providing gender-segregated classes, thus avoiding the charge of gender mixing (*ikhtilat*). Consequently, the Izala movement provided Muslim women new opportunities to share their "separate but equal" experience of Islamic education as well as to learn more about their rights under shari'a. Kane (2003, 140) has no doubt about the rising number of women enrolled in 'Yan Izala schools, estimating that they "run into the thousands if not hundreds of thousands."

### Transitioning to Shari'a: Conflicts, Crises, and Fragmentation

During the decade before the implementation of shari'a criminal law, the northern Muslim community was divided by sectarian conflicts and chal-

lenged by the rise of militant Pentecostal Christianity. Many independent Muslims denounced the 'Yan Izala radicals for dividing the community (*fitna*) with their allegations that traditional Muslims and Sufis are not Muslims. In addition, after the death of Gumi in 1992, splinter groups spun off from the 'Yan Izala and a new breed of independent intellectuals emerged in the northern universities who were not affiliated with any particular sect.

Even more fragmentation and divisions appeared when a Shi'a movement broke off from the MSS in Zaria with the funding and support of Iran, a rival to Saudi and Sunni global influence. Led by Ibrahim el-Zakzaky, a social science student at Ahmadu Bello University, and calling themselves the Islamic Movement of Nigeria or 'Yan Brothers, the Shi'as confronted both the Sunni authorities and the military government. Inspired by the Iranian revolution to demand an Islamic state in Nigeria, the Shi'as recruited among the most radical elements of the Islamist community, calling for campaigns against the West, Christians, the 'Yan Izala, and the military governments. El-Zakzaky was imprisoned and later released by the military. The Shi'a movement itself soon splintered, allegedly over El-Zakzaky's affiliation with Iran and the heretical content of Shi'a beliefs, creating a new, radical Sunni movement in 1994 called Jama'at Tajdid Islam. All of these divisions heightened insecurity among Muslims in the north, and thereby encouraged observant believers to view shari'a as a strategy for restoring Muslim unity.

However disconcerting the intra-Muslim conflicts were, the rise of Pentecostal Christianity in Middle Belt states represented an even greater threat to northern Muslim interests. Pentecostal Christians offered fierce opposition to efforts to implement shari'a criminal law in these border states. From the 1980s until today, the borderland region, with its mix of Christians and Muslims, has been the site of bloody intercommunal violence. Ironically, paralleling the Islamization processes, the process of Christianization has served to unify smaller ethnic groups in this region and facilitated the formation of a common Christian identity in opposition to long-dominant Muslim rulers.

Christian memories of exploitation by Muslim slave raiders in the precolonial era and discrimination since independence stoked grievances that found an effective voice in militant Pentecostal Christianity. Historically, communal violence in Nigeria was based upon ethno-national (e.g., tribal) identities, but as religious identities became increasingly politicized and nurtured by militant global networks, religion gradually displaced ethnicity as an identity marker. Religion often became the preferred discourse with which to "other" one's neighboring competitors. The specific disputes provoking these violent conflicts arose over many issues: conversions, land rights, migrant rights, political representations, control over schools, accusations of blasphemy, political patronage, Nigerian membership in the Organization of the Islamic Confer-

ence, state subsidies for the hajj, and, of course, the place of shari'a in the 1987–88 constitution. In a classic example of mirror-image victimization, each side accused the other of seeking to dominate, marginalize, and convert its opponents.

Shari'a, of course, confirms the Christians' worst fears. Conversely, in 1990, Muslim fears of marginalization were confirmed when leaders of a failed coup led by a Christian Tiv, Major Gideon Orkar, made a radio announcement stating that discrimination against the Middle Belt must end and, most importantly, that five of the far northern states were to be excised from the federation. In fact, the evangelical and Pentecostal strategy was demonstrably similar to the Muslims'. Both mobilized resources and doctrines from global networks; both stoked the fears of militant believers, discouraging tolerance and dialogue; and neither hesitated to stage large public spectacles in volatile communities.

The local elections of December 1987 marked the tipping point for northern Muslim political fortunes. Muslims were justifiably alarmed because Christians, who were now politically unified and skillfully organized by the Christian Association of Nigeria (CAN), made significant electoral gains throughout the Middle Belt. Gains were registered even in Kaduna, a city that had formerly been an unquestioned stronghold for northern Muslims as well as home of the northern political elite known as the "Kaduna Mafia."

What, then, had changed in the Middle Belt since Ahmadu Bello eliminated shari'a criminal law in the compromise of 1960 in order to mollify northern Christians? The answer lies in the politicization of religious identities among Christians and Muslims and, specifically, the rising organizational power of CAN and the militancy of an evangelical and Pentecostal Christianity fueled by global networks. In 1970, "pentecostals and charismatics *combined* represented less than 5% of Africans," but by 2006 Pentecostals alone represented 12% (about 107 million [Pew Forum 2006a]). In Nigeria, where Pentecostal growth is rapid and their voice increasingly assertive, they represent 18% of the population and 48% of all Protestants, roughly equal to Nigerian Catholics and Anglicans combined. Political consciousness has also increased. According to the Pew survey, 75% of Nigerian Pentecostals believe religious groups should express views on social and political questions (Pew Forum 2006b).

Organizationally, the northern branch of the Christian Association of Nigeria provided the agency required to transform this demographic potential into a militant, grass-roots movement. CAN played a key role in weaving evangelicals and Pentecostals into a new alliance with like-minded Christians from southern Nigeria, thus rupturing the previous northern-based alliance. This new alliance, of course, was opposed to Muslim hegemony in the borderlands as well as to the domination of corrupt northern military regimes.



Ruth Marshall-Fratani, an expert on Nigerian Pentecostalism, stresses the role of new global technologies in which "images, ideas and forms are locally appropriated and used in the creation of new subjectivities and collectivities" (Marshall-Fratani 1998, 311). She argues that these global images are rearticulated within certain strains of Pentecostalism in ways that sharpen the divide between Muslims and Christians:

Central to [the Pentecostal] strategy of winning Nigeria is the demonisation of Islam. The competition that Islamic movements represent, not only in terms of the religious field, but also in terms of the appropriation of the state-dominated public sphere, results in the linking in Pentecostal discourse of the evil spiritual forces at work behind Islam to the current state of economic and political decline, capitalising on the resentment felt widely among southern Christians about the northern (read Muslim) domination of national politics since independence, and growing fears about the "Islamisation" of the nation-state. (Ibid., 309)

### **Restorationism: The Politics of Implementing Shari'a**

The divisions among northern Muslims, coupled with the challenge represented by militant Pentecostalism, contributed to a heightened sense of insecurity among northern Muslims after the power shift of 1999 carried Obasanjo to power. Subsequently, northern Muslim industrial and commercial groups also felt severely disadvantaged by the way Obasanjo liberalized the Nigerian economy, privatized state industries, and restructured the banking industry. And for obvious reasons, the Bush administration's launching of the "global war on terror" increased the northern Muslim sense of defensiveness. Taken together, these experiences provoked disillusionment with the possibility or perhaps the appropriateness of achieving modern development and the likelihood of achieving higher living standards. Social energy was redirected more exclusively toward bolstering communal boundaries between groups within the northern states. Rather than pursuing realistic economic development projects, Islamic redistribution projects were emphasized. Subscribing to the shari'a movement in the broadest possible sense—as a way of life—became an important instrument for refashioning northern Muslim identity.

The discourses articulated by the architects of the shari'a project provide an excellent window into the ways a new generation of independent public intellectuals are reconstructing northern Muslim identity. In April 2001, more than four hundred delegates met in London at a conference sponsored by the Nigeria Muslim Forum (UK) entitled "The Restoration of Shariah in Nigeria: Challenges and Benefits." Accompanied by emirs and governors from the

shari'a states of Nigeria, delegates heard several learned scholars present papers advocating the restoration of shari'a criminal law. Interestingly, the presenters did not represent the harsher, Wahhabi-oriented neo-Salafists, who are more active in promoting shari'a law at the grass roots. Instead, they were Western-educated Muslim intellectuals respected for their moderation, independence, and sympathy for women's rights. Speakers included Professor Ali Mazrui, Professor Auwalu Yadudu, Dr. Muhammed Tabiu, and Malam Ibrahim Sulaiman.

Several papers at the conference referred directly to the degradation of shari'a courts during colonialism and the need to defend the restoration of shari'a criminal law as a cultural right protected by the Nigerian constitution. Just as Mohammed Sani Umar argued above, Tabiu (2001) pointed out that under colonialism the administration of the shari'a was corrupted to such a degree by the British that many learned and respectable scholars avoided appointment as judges. Yadudu (2001) emphasized that shari'a arose from the democratic dispensation and was an assertion of group identity protected by the constitution. Sulaiman (2001) challenged the Nigerian *umma* to abolish illiteracy, affirm democracy, and improve livelihoods by employing scientific knowledge acquired over the ages. He argued that science must be a source of Islamic law.

To be sure, popular support for implementing shari'a is driven by many different motivations. The new Muslim intellectual elites represent shari'a as a restorationist political project, one intended to assuage the wound inflicted on the *umma* by colonial rule. The boundaries of the *umma*, too, are reimagined by restorationism, for it now includes communities that rejected the Sokoto Caliphate, such as Borno, Zamfara, and Kebbi. Serving on one of the many state commissions—on shari'a, *zakat*, or *hisba*—empowers observant elite and professional Muslims to expunge the pollution inserted by colonial subjugation and appeal to believers to invest in creating a postcolonial Muslim identity. Writing on identity within Islamist movements elsewhere, Burgat insightfully conceptualizes these emotions as a stage following those of political and economic decolonization, by referring to “the reaction to the cultural impact of the colonial irruption that today has ignited the Islamist ‘third stage’ of the ‘rocket of de-colonisation’” (Burgat 2003, 49).

As noted above, once the governor of Zamfara introduced shari'a criminal legislation, popular demand for the implementation of shari'a spread like a wildfire across the northern states. The nature of shari'a implementation, however, varied significantly, according to the zeal of the local shari'a movement, the strength of traditional rulers who encouraged moderation, and the proportion of non-Muslims within a state. With a large Christian population, Kaduna State registered high levels of religious conflict over the implantation

of shari'a in 2000, leading to at least 1,500 deaths, the displacement of some 30,000 people, and increased residential segregation of Christians and Muslims in the city of Kaduna. In 2003, a riot occurred over the Miss World contest. Subsequently, the Muslim governor of Kaduna negotiated the limited application of shari'a in the state. Niger State also has a mixed population and has licensed liquor sales as a result. Zamfara, on the other hand, has implemented the harshest and most intolerant regime of any Nigerian state, and Kano ranks close behind, with greater communal conflict and very active *hisba* groups. States like Katsina, Borno, and Sokoto, although more homogeneously Muslim, are known for implementing shari'a with moderation. A member of the Katsina shari'a commission whom I interviewed spoke of shari'a as a voluntary educational project, a way of life, and not a license to inflict cruel punishments. Readers must bear in mind not only that the shari'a criminal laws are uncoded but that their interpretation and enforcement vary widely according to the decisions of local judges.

The poor members of the popular classes rallied around shari'a because they hoped that the *zakat* tax on the affluent (2.5 percent of liable assets) would result in the redistribution of wealth. Indeed, a supporter of shari'a, Murray Last, describes its implementation in Zamfara as having a millenarian quality, especially for the poor, who expected it to lead to economic justice and redistribution of wealth (Last 2000). In Kano, for example, approximately a million people turned out to celebrate the passing of shari'a in 2000. The banning of alcohol, prostitution, gambling, and immodest dress also appears to enjoy popular support even among evangelical Christians, according to interviews with local researchers. Aside from the intellectual project of Muslim public intellectuals, a major source of support for shari'a came from Muslim commoners (*talakawa*) who were disillusioned with the performance of the secular state's legal and criminal justice systems. Complaints against secular law included rising criminality, increased armed violence, endless delays and appeals, the cost of legal counsel, lack of access to dispute resolution, and corruption. The advantage of shari'a, advocates argued, was that judgments would be swift, access improved, and citizen participation increased because Muslims already spoke the language of shari'a and understood its principles of justice, which was not true of Nigerian common law.

The actual implementation of shari'a by popular groups was, of course, marked by arbitrary imprisonment, vigilantism by self-appointed religious police (*hisba*), intimidation of Christians, and the infliction of punishments without trial. Human Rights Watch published an exhaustive report (2004) documenting the human rights abuses associated with the implementation of shari'a law. This and other reports have led critics to complain that shari'a is applied only to the poor, the weak, and women, while the powerful and wealthy



avoid coming before a shari'a judge. (Indeed, Muslim critics challenged me to disprove this generalization.)

Implementation did succeed in raising the level of popular participation in legal and other forms of shari'a-minded governance. Each state absorbed educated Muslim males by appointing many advisors on Islamic legal issues, impaneling commissions to advise on all issues, and, in general, creating a link between Islamic civil society groups, informal *hisba* community groups, and salaried state officials. Kano State, for example, has commissions for shari'a, *hisba*, *zakat*, censorship of the media, and societal reorientation (*Adai dai ta sahu*). Today, quotations from the Qur'an, in English and Arabic, are posted on road signs throughout Kano City, and billboards exhort the *umma* to realize a "republic of virtue" by fulfilling the ideals of *dar al-Islam*. One can agree with Murray Last's observation that the shari'a movement has introduced a new form of citizenship, that of the *umma*, one which is both regional and global, to complement Nigerian citizenship (Last 2008).

The high levels of participation in shari'a implementation raise questions about demographic cohorts and the generational politics of the activists and scholars. Sanusi describes the core activists as "from poor backgrounds," having "little Western education," "settlers in their host communities," using "Wahhabism as a vehicle for social mobility and as a challenge to the establishment" (Sanusi 2007, 184). Thus it is easy to see how competition among the activists for access to power, status, and resources drives the implementers to purer and more extreme stances. At the same time, despite the chaos and abuse of human rights, the implementation of shari'a has incorporated large numbers of men (although not women, to be sure) into a disciplined social project, that of restoring the northern shari'a-minded *umma*. In contrast to the Egyptian situation described by Carrie Wickham (2002), where an ossified political system and a centralized state prevented a new generation of Islamicist reformers from attaining political power, Nigeria's federal system and the open, participatory structures in the shari'a states have created many opportunities for a new generation of MSS graduates to hold office and advisory posts. It is entirely likely that these offices have incorporated groups whose grievances have the potential to threaten security and the positive features of democratic rule.

### Assessing Gender Issues under the Restoration of Shari'a

Several conflicting trends must be recognized when evaluating how the restoration of shari'a affected gender relations and the condition of women. It is irrefutable that the shari'a movement is intensely focused on controlling

the public behavior and opportunities of girls and women. Indeed, the shari'a movement's organizational apparatus—commissions, the *hisba* patrols, and generalized control over public morality—has increased the power of extremely conservative and narrowly trained ulama to regulate women, especially those who are poor, uneducated, and powerless. Nevertheless, women's education has increased significantly during this period and, equally important, civil society groups have raised the profile of women's issues involving health, education, and access to justice. These two trends constitute a dialectic which is working itself out in the communities of Muslim northern Nigeria.

As indicated above, the Sufi brotherhoods were associated with the seclusion of women and the reduction of traditional (pre-Islamic) rights enjoyed by northern women, but not with restricting their religious education. Elite women, typically the bright daughters of ulama, have traditionally had access to Islamic learning since the jihad (Mack and Boyd 2000). One major trend that has continued is the increase in the number of girls and young women who are enrolled in the state-sponsored and private Islamic educational systems. Umar's research on female ulama not only presents two superb ethnographic profiles of ulama (*mallama*) with contrasting interpretations of Islamism but also provides some estimates of female enrollment in Izala-sponsored schools. He estimates that from a third to as many as one-half of the graduates of such schools are women, and that up to a quarter of the women graduates have completed university degrees in Islamic studies (2004, 109). The increasing Islamic education of women in Western and Islamic studies is, arguably, the most powerful change occurring in the Muslim world and it is affecting the rights of women living under shari'a law in northern Nigeria.

Interviews with female ulama, educated women, and health providers confirm that the number of female Islamic teachers is increasing, the number of educated women participating in Islamic civil society groups is growing, and these women are participating in the debates within the public sphere regarding the meaning and application of shari'a. To be sure, this is a middle- and professional-class phenomenon, but, nonetheless, this is a radical change within the conservative Muslim societies of northern Nigeria. Interviews with female judges indicate that women are engaging with and debating personal status law, divorce rights, and other issues related to shari'a law. Gwarzo's field work on Islamic civil society organizations in Kano found virtually no female participation in Islamic community organizations, with the exception of one that evolved out of an adult literacy program (Gwarzo 2003, 2006). Among professional women, the trace influence of MSS is represented by former students who formed the Muslim Sisters Organization to support Islamic and health education. It is an elite organization, led by the wives of officials, and has avoided controversy. The Federation of Muslim Women's Associations in Nigeria is a

much more activist civil society group which promotes the participation and needs of Muslim women. Its members are involved in promoting education at all levels, access to reproductive health, micro-enterprise schemes, and Muslim women's interests in national deliberative bodies. Interviews with activists associated or employed by the federation confirm that they are effective advocates for women and have worked to defend women's rights under shari'a.

The major controversies since the implementation of shari'a emerged from the conviction and sentencing to death by stoning of two poor, rural, illiterate women—Amina Lawal and Safiya Hussaini—for the crime of *zina* (adultery, fornication) when they became pregnant out of wedlock. This set the stage for a vitriolic confrontation between international human rights and women's groups and the shari'a advocates in Nigeria. Interestingly, one defendant was acquitted at the shari'a appeals court level through the application of creative *ijtihad* (interpretation), whereby the fetus was determined to have been sleeping for years, so the conception could have occurred during the defendant's previous marriage. Of course, this pitted the conservative members of the shari'a community against their adversaries in ways that made negotiations between progressive Muslims and the shari'a court system extremely difficult. Women's rights groups like Baobab eventually asked Westerners not to sign petitions or attack the shari'a system, because their criticism was fueling a siege mentality among Muslims in northern Nigeria. Human rights advocates have written extensively on the way in which men are exonerated and women are convicted of crimes that the women could not have committed by themselves. To be sure, these decisions reflect the poor training and preparation of rural judges at the lower levels and the class and gender bias of the system.

Space does not permit a more extensive discussion of the exemplary work performed by women's NGOs and civil society groups that have advocated for the rights of Muslim women in Nigeria. The refusal of women in cities like Kano to conform to dress codes and to accept harassment from *hisba* groups trying to prevent them from using motorcycle taxis also deserves greater attention than can be given here. While women have had to defend their constitutional rights in Islamic language, the educational trends and the commitment of professional women in civil society groups indicate that a spirited debate on the rights of women under shari'a law in northern Nigeria is just beginning.

### Interpreting the Politics of Restoration

In this final section I would like to present a typology of the different interpretations of the shari'a movement that I and my research team recorded dur-



ing formal interviews and informal conversations with northern Nigerians. In classifying interpretations I relied on the position each person took on shari'a restoration in general, on classical hudud punishments, and on the overall impact of shari'a restoration on northern Muslim society. To take the marginal positions first: non-Muslims generally believed that restoration violated their constitutional rights, especially by the vigilante activities of the *hisba* groups. Many feared the consequences of the politicization of religion and lamented the departure of many non-Muslims from the north. Alternatively, the more militant Shi'as and radical groups like Boko Haram opposed partial restoration at the state level and insisted that Nigeria should be transformed into a true Islamic state with full shari'a.

Professing secular Muslims were another outlying minority. Many had been active in the populist political parties and student movements of the 1970s and 1980s and lamented the triumph of what they referred to as Wahhabi authoritarianism, social backwardness, and "fanaticism." Many were employed in education, trade unions, international agencies, civil society groups, and independent professions. These secularists deplored the fact that shari'a had contributed to the north's economic and intellectual decline and to the departure of many productive southern Nigerians. They viewed shari'a as a xenophobic and reactionary response to Nigeria's economic and political crises. Since the real social problems of the majority of northern Muslims were not being addressed, they believed that pressures driven by the deprivation of the majority would eventually nurture a new movement to raise living standards, reignite democracy, and revitalize manufacturing industries.

The overwhelming majority of the people we interviewed, however, could be categorized under three headings: strict and full restorationists, *ijtihad*-minded restorationists, and enlightened Muslim modernists.

### *Strict and Full Restorationists*

The full restorationists are the largest and most conservative group. They are also the one most influenced by neo-Salafi doctrines. They support the restoration of the "unchanging" shari'a as practiced in the nineteenth century, seeing it as a solution to what they perceive as lawlessness, criminality, Westernization, and moral decadence. A significant proportion have been the recipients of Islamic or Western education in Arabic, history, or Islamic studies. All denounced the performance of the Nigerian state, and they blamed backsliding Muslims for the corruption, waste, and indiscipline that characterizes contemporary Nigeria. They described many aspects of Nigerian national society as a Christian (colonial) imposition and represented the shari'a movement as a final and necessary stage of liberation from colonialism. They invoked con-

spiracy theories to explain away problems with shari'a implementation. While they supported democracy in principle, they did not put much weight on protecting minority rights. One volunteered, "We are an overwhelming majority in this state, so we have the right to democratically legislate our own legal system, one consistent with our customs, without interference from outsiders." Many echoed the conclusion reached by Tijani Naniya, a historian who is Kano State's commissioner for information and culture:

There is a widespread feeling among Nigerians that the forty or so years of independence have brought nothing but corruption, degradation, and misery to the country's teeming populace. The new democratic dispensation introduced in 1999 is seen by many as the last chance for a change. While the solutions proposed by various ethno-cultural entities in the south range from redefinition of Nigeria federation, to recognizing regional autonomy and resource control, some states in northern Nigeria are opting for a return to the Shari'a. To these states, the strategies for social transformation and economic development induced by the West have failed. The alternative for them is for a return to their religio-cultural heritage represented by the Shari'a. (Naniya 2002, 31)

### *Ijtihad-Minded Restorationists*

Most of the ijtihad-minded restorationists are public intellectuals who graduated from Western public universities and have credentials in shari'a law and Muslim subjects in general. Many belong to academic institutions with linkages to international Islamic university and foundation networks. Most are lawyers, academics, or consultants to international foundations and aid organizations because they can articulate the nuances of shari'a reform to a global audience. Known as "moderate Islamists" by the NGO community, they denounced the British corruption of shari'a and support its restoration in a humane way by staging educational campaigns, democratizing access to justice, supporting women's rights, raising the standard of shari'a court judges, and codifying shari'a. Many criticized the divisive effects of foreign-affiliated groups dependent on the patronage of foreign powers. They are hostile both to the imposing of cruel sentences by poorly trained judges and to the West's sensationalization of cases like that of Amina Lawal.

When discussing specific legal practices, these restorationists referred to the need to practice ijtihad to realize the public interest (*maslahah*) and suggested drawing on legal schools other than the Maliki or Hanbali, making such comments as "You know, there are actually sixteen different schools of shari'a law." They strongly favored implementing shari'a because citizens understand it and

use its principles already in their daily lives. Several acknowledged that full restorationist positions were too harsh, and were applied unfairly to women and the weak. A provost of a medical college voiced his support for shari'a as an ideal, appropriate even for Christians, but was disillusioned with what he called "political shari'a" because it was corrupted by opportunistic, ambitious politicians. He and others rejected the effort of the state government to establish *zakat* commissions to collect and distribute alms, saying that this is the responsibility of individual Muslims, not the state. Most supported the continued funding of the religious police, the *hisba*, arguing that they acted as mediators and, if trained properly, functioned as a community police force. One articulate law professor, who has worked with British aid agencies to publish a handbook in Hausa and English defining the rights of women under shari'a (Centre for Islamic Legal Studies 2005), challenged the misguided intrusion of international NGOs into Muslim women's rights. "You Westerners think that you can transfer laws and customs that negatively impact women here. Really, Nigerian Muslim women will gain far more rights and freedoms if they understand their rights under shari'a law, because people in authority will listen to them but not to Westernized women from the NGOs." Interestingly, the *ijtihad* restorationists were optimistic that increasing outreach to women and improving women's education would shift the discourse of shari'a increasingly toward their interpretive framework.

### *Enlightened Muslim Modernists*

The Muslim modernists favor the spirit of shari'a as a way of life but strongly believe that the militant restorationists are dogmatic and ill-equipped to perform the *ijtihad* required for a proper implementation of the law. They also decry the militant restorationists' dependence on Wahhabi patronage and doctrines. Their key point is that, before harsh punishments can be carried out, a just Islamic society and state must be established, an educated and compassionate judiciary must be put in place, and an informed Islamic citizenry must know its rights. Because none of these preconditions prevail, the implementation of shari'a by opportunistic politicians will only inflict injustice on women, the poor, and the weak. All spoke in favor of religious practice as a personal matter; most dismissed the politicians who are implementing "political shari'a" as backward, opportunistic, or corrupt. One thanked Allah that he lived in a secular state so that the full restorationists could be contained by the federal government. This is a small but intellectually influential group who are waiting for the tide to turn against what they see as a bumbling Islamist populism that has failed to meet societal needs.



## Concluding Thoughts

A decade has passed since the governor of Zamfara restored shari'a criminal law. There is no doubt that the shari'a movement has transformed public life, especially in cities; improved security and public order along Islamist lines; and ignited an engaging debate within the Muslim public sphere on the proper application of the law. Yet, during this same period, the living conditions of the majority of the population have deteriorated significantly. It is readily apparent that Nigerian and international investors have not found conditions attractive, so the manufacturing industries of the shari'a states continue to decline, as do state infrastructures and services. Muslim modernists are very optimistic that the failure of the Islamist state governments to improve the lives of their citizens will lead to demands for more pragmatic policy choices. Overall, it appears that shari'a has become naturalized in different ways in each of the twelve states. It is noteworthy that in the federal presidential election of 2007, shari'a was not a divisive issue, as it had been in the 2003 election, even though the winning presidential candidate had overseen the introduction of shari'a criminal law when he was governor of Katsina. Whether the religious solidarity and Islamic discipline generated by the restoration of shari'a will help improve the life chances of the residents of the northern states remains an open issue.

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