I. Introduction

Since 1999 twelve of Nigeria’s Northern states have implemented full Sharia law extending it from civil to criminal matters. The proclamation of these twelve states has escalated religious conflict and generated a multitude of concerns that has aggravated the already fragile relationship between Muslims and Christians in Nigeria. In the wake of the Sharia debates disagreement on its application has been met at every avenue, whether it is on its constitutional validity, religious freedoms and ideology, or human rights. This research aims to call attention to the problems that are mired in Nigeria’s past which have exacerbated many of the issues that surround the adoption of Sharia Law, with a particular emphasis being placed on the constitutional, civil and religious rights of the parties involved. The research will also attempt to shed light on the essentiality of Sharia law for Muslims and the religion of Islam while discussing the problems associated with the implementation of Sharia in an assumed secular state. The findings will contemplate the perceived negative and positive effects of Sharia through a comparative process of filtering through the fears and concerns of both Christians and Muslims in Nigeria.

II. Overview of Sharia

Presently, Sharia is understood as a legal code that is synonymous with the faithful adherence to the religion of Islam. It is God’s law, the sacred law of Islam. The two primary sources that the Sharia was developed from are the Qur’an, which is considered by Muslims to be the divine revelation from Allah, and the Sunnah of the Prophet Muhammad, which are his
saying and actions as recorded by his Companions. In many cases, especially from a Western perspective, Sharia is understood to simply be a system of laws that strictly governs legal circumstances but this is not entirely accurate. While it is true that there are legal aspects incorporated in the text of the Sharia they do not encompass its complete scope. In addition to legal instruction and punishments, the Sharia governs every facet of a Muslims life including prayer, fasting and rituals. The term Sharia, in its literal sense, means the way to the watering – place or the path to seek salvation.¹ Since Sharia is such an intrinsic part of the Islamic faith, one may assume that the concept of Sharia would be a main component of the Qur’an but in fact, the term Sharia only occurs once in the Qur’an, in Sura (45:18).² This verse reads as follows:

“Thus we put you on the right way [shari’atan] of religion. So follow it and follow not the whimsical desire (hawa) of those who have no knowledge”. (45:18)

‘Abdullah Yusuf Ali, a renowned interpreter and commentator of the Qur’an, asserts that the term shari’atan is best understood in this verse as “the right way of religion”.³ The term hawa is interpreted here as “whimsical desires” which lead to a deviation from correct guidance; therefore, it is used to illustrate a demarcation between the two ideas.⁴ An imperative in understanding the nature of the meaning of sharia is to place it within its historical context. At the time this verse was revealed Islam was encountering other religions, namely pagan, on a rather consistent basis and it is quite plausible that the reference to hawa was used to explain how the belief system of such groups were fallible and in stark contrast to the values and way of life of the Islamic faith. This understanding assumes that Sharia in its literal sense should be

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²Ibid. p. 2
³Ibid. p.2
⁴Ibid. p.2
perceived as the proper course of the religion of Islam, rather than an implied legal system. To compliment this notion, there is Sura (42:13) which uses the term *shara’a*, of which its derivatives mean to enact or to begin something. The Sura reads as follows:

“The same religion has He enacted for you [ *shara’a lakum min al-din*] as that which He enjoined on Noah and the one we revealed to you and that which We enjoined on Abraham, Moses and Jesus, namely that you should remain steadfast in religion and make no divisions therein”. (42:13)

Certain commentators on the Qur’an have asserted that in this Sura the term *shara’a* should be understood as relating to *tawhid*, essentially the belief in the oneness of God, since this is what the scriptures revealed to the afore mentioned prophets had in common. From this, one cannot ascertain that the reference implied here relates to law in the juridical sense since the laws handed down to each prophet were not identical. Therefore, the terminology would be better understood as speaking in regards to religious doctrine. If we understand Sharia to be the “profound expression of God’s will and assume the purpose of Sharia to be the preservation of the fundamentals of the Islamic faith, these being faith in God, the manner by which he is revered and observance of the five pillars”\(^7\), then we must ask ourselves where and how legality and justice enter the picture.

First and foremost, it must be noted that of the approximately 6,000 verses that makeup the body of the Qur’an, there are only about 200 that encompass legal aspects.\(^8\) This certainly suggests that the Qur’an is not, with respect to its inherent nature, a law book as would be

\(^5\) Ibid. p. 4  
\(^6\) Ibid. p. 4  
\(^7\) Ibid. p. 4.  
perceived in the Western sense. As such, the Qur’an and the Sunnah mainly engage in topics that revolve around moral and religious obligations. When Sharia law was being developed the Qur’an and Sunnah were used as the primary sources to determine certain truths that were considered indisputable, however, these sources did not fully explain every facet of life and law. Because of this, certain aspects needed to be extrapolated through the use of human interpretation and reasoning. Therefore, it can be said that Islamic law in reality originated from two major sources, divine revelation and human reason. Man’s involvement is specifically relegated to the discovery, comprehension and application of Sharia which was only allowed to be executed by an appropriately qualified Muslim jurist. It was these jurists that engaged in the application of Sharia through the process of interpretation and independent reasoning called ijtihad.

When applied to its function in the context of Sharia, the effect of ijtihad was used to discern an extending formulation of the rules in the primary texts through the application of qiyas or analogy. In other words, it is through interpretation or ijtihad that the jurist determined the grounds for a specific ruling found in the primary texts and therefore, it expanded it to cover a broader spectrum of legal issues through means of analogy or qiyas. Once this had occurred and a public judgment had been acquired it was to be accepted by Muslim jurists through unanimous consensus or ijma in order to be considered as fiqh or jurisprudence. Fiqh is comprised of the developed literature on legal rulings formulated by Muslim jurists based on

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9 Ibid. p. 19.
10 Ibid. p. 39.
11 Ibid. p. 39.
13 Ibid. p. 294.
ijtihad, qiyaas, and ijma.\textsuperscript{14} It is important to note here that the terms Sharia and fiqh are
differential. While some use the language interchangeably this is not an appropriate application
of the terms. Sharia is implicit in its definition as divine revelation which distinguishes the path
that must be pursued by the believer in order to acquire guidance, whereas, fiqh is associated
with human reason, knowledge and understanding.\textsuperscript{15} Fiqh is not given any precedence over the
law that God delivered to the Prophet Muhammad, instead it is seen as a compliment to those
laws, a derivative of them so as to achieve a better understanding. Bernard Weiss emphasized
this sentiment by asserting that:

\begin{quote}
The premise of Ijtihad assumes that the Holy Law is not given to

man ready-made, it is to be actively constructed on the basis of

sacred and acknowledged sources by expounding on that which is

present but yet is not self-evident. Therefore, the Muslim jurist

never invents rules; his endeavors are attempts to derive rules from

those which are divinely ordained. These rules which constitute

the ideal Law of God, exist objectively above and beyond all

juristic endeavor.\textsuperscript{16}
\end{quote}

This being said, Islamic law has never been applied as a standardized system. There are
variations based on such factors as geographic location, culture, and social situations.\textsuperscript{17} While
the differences cannot be seen in the fundamentals, there are variances within the application and

\begin{itemize}
\item \textsuperscript{14} Ibid. p. 294.
\item \textsuperscript{16} Weiss, Bernard. \textit{Interpretation in Islamic Law: The theory of Ijtihad}. The American Journal of Comparative Law,

\item \textsuperscript{17} Oba, A. A. \textit{Islamic Law as Customary Law: The Changing Perspective in Nigeria}. The International and

\end{itemize}
interpretation of scholars. These factors have led to a difference in the approach to and application of jurisprudence which has produced multiple schools on the theory of Islamic law.

a. Schools of Islamic Law

After the death of the Prophet Muhammad (632 CE), problems arose in the Muslim community surrounding the idea of succession. The conflict revolved around whether Abu Bakr, a close companion of the Prophet, or Ali ibn Abi Talib, his cousin and son-in-law would become the Prophet’s successor. The group that would become known as the Shi’a believed that leadership should stay within the family of the Prophet and those that would become Sunnis felt that leadership should fall to the person who was deemed by the elite of the community to be best able to lead. It was Abu Bakr that would assume the role as leader of the Muslim community; however, both Ali and Bakr would become members of what Muslims refer to as the four rightly guided caliphs. This led to the first major division in the Muslim community which produced the Sunni and Shi’a schools of law. From this division emerged multiple centers of juristic activity, the most significant of them being the Medina school in the Hijaz, and the Kufa school in Iraq. Within these schools, geography played an important role in the development and approach to their jurisprudential thought.

The Medina school, arising in the city with such a close connection to the Prophet during his life, placed tradition or hadith as the most highly regarded aspect and the Kufa school, being located away from the Hijaz, laid more of an emphasis on personal opinion through the

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18 Ibid. p. 821.
21 Ibid. p. 69.
The implementation of ra’y. 22 These two entities, sometimes referred to as the “ancient schools of law” further produced additional schools that were based on allegiance to a particular jurist rather than that of geographic locality. 23 Because the Sunni schools of thought are pertinent to the understanding of Sharia and its implementation in Nigeria I will focus my discussion around them in the following section.

b. **Sunni schools of Islamic thought**

The legal scholars located in the Medina and Kufa schools produced the four leading Sunni schools of Islamic law, the Hanafi, Maliki, Shafi‘i, and Hanbali, which were led by prominent imams of the day. 24 As mentioned before, the major divisions between these four schools came from their approach to developing jurisprudence based on their association with either the Medina or Kufa schools. In other words, in addition to the acceptance of the Quran as a primary source of Sharia, certain schools adhered more towards the recognition of the hadith as the second most important source for the development of jurisprudence, while others favored a focus on personal opinion and ra’y. 25

Abu Hanifah, was an influential imam that was born in Kufa where he studied Islamic legal theory. 26 He is the founder of the Hanafi school which is considered to be the first of the Sunni schools on Islamic jurisprudence. The majority of Hanifah’s teachings were compiled by his disciples, however, during his life he contributed a great work called *Al-Fiqh al-Akbar* or The

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22 Ibid. p. 69.
25 Ibid. p. 69.
Great Understanding which dealt with the issues of dogma. Additional disciples have provided works to the Hanafi school of thought which have had a profound impact on its development of legal reasoning. In particular, Muhammad ibn Hasan al-Shaybani assembled the corpus juris of the Hanafi school, of which six of the works dedicated to principal matters became the foundation of multiple literary sources on jurisprudence. The Hanafi school has the reputation for putting a greater emphasis on the role of reason and analogy or qiyas, and Kamali explains that Hanafi law is considered to be the most humanitarian of all the schools, specifically concerning the treatment of non-Muslims and war captives, and its penal law is considered to be more lenient. Currently it is the predominant school of Islamic thought, comprising one third of the Muslims around the world in areas such as Syria, Jordan, Lebanon, Pakistan, Afghanistan, and the majority of Muslims in India. The second largest of the four Sunni schools of Islamic legal theory is the Maliki school.

Malik ibn Anas was a prominent legal expert that had lived his entire life in Medina and his most acclaimed and recognized work was the al-Muwatta. After the Qur’an, al-Muwatta is the earliest and most complete compilation in the history of Islam and it is frequently described as a work of hadith; however, unlike others it is arranged according to the topics of fiqh. What is particular to this work is that it is based on the practices of the close companions of the Prophet in Medina. Malik favored these hadith on the premise that it was a more reliable source of the true Sunnah as opposed to other sources by individuals that were not in close contact with

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27 Ibid. p. 70
28 Ibid. p. 70
29 Ibid. p. 70.
30 Ibid. p. 73.
31 Ibid. p. 73.
32 Ibid. p. 73.
the Prophet and his teachings.\textsuperscript{33} Therefore, it can be said that the Maliki school looked to the hadith that originated in Medina to derive a ruling when encountering the dilemma of conflicting literature.\textsuperscript{34} The Maliki school is inclusive in the sense that it accepts all the collected works that are maintained by the three other Sunni schools, however, in addition they have added three other sources, these being the “Madinese consensus (ijma’ ahl al-Madinah), istislah (consideration of public interest), and sadd al-dhara’i (blocking the means).\textsuperscript{35} Kamali asserts that, the scope and source materials employed by Maliki jurisprudence has significantly opened the doors of ijtihad wider than most.\textsuperscript{36} The third school I will discuss is the Shafi’i school founded by a pupil of imam Malik.

The third major Sunni school is the Shafi’i school, founded by Muhammad ibn Idris al-Shafi’i. The major significance of the Shafi’i school, which differentiates it from the others, is the fact that it emphasizes the authority of four essential sources from which legal theory can be derived. In other words, for Shafi’i, the Quran, the authenticated Sunnah of the prophet Muhammad, ijma (consensus), and qiyas (analogy) are the only reliable sources with which one can derive legal rulings.\textsuperscript{37} Shafi’i believed that the Qur’an and the Sunnah were not mutually exclusive, and therefore, must be read in tandem. As for his views on ijma, he rejected the idea of consensus as asserted by the elite scholars of the previous schools and proclaimed that the only valid consensus is that of the whole Muslim community.\textsuperscript{38} When addressing qiyas, Shafi’i explains that “when confronted with a situation on which the Quran, the Sunnah, or ijma do not

\begin{footnotesize}
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  \item \textsuperscript{33} Ibid. p. 73.
  \item \textsuperscript{34} Ibid. p. 73.
  \item \textsuperscript{35} Ibid. p. 75.
  \item \textsuperscript{36} Ibid. p. 75.
  \item \textsuperscript{37} Ibid. p. 77.
  \item \textsuperscript{38} Ibid. p. 77.
\end{itemize}
\end{footnotesize}
provide a definitive answer, only then should qiyas be applied in order to deduce the law”.  
From this, one can ascertain that Shafi’i felt there was a hierarchal nature to the sources of which legal theory could be derived. While Shafi’i rejected some of the ideas from the previous schools, he was adamant in studying their jurisprudence and his aim was to accommodate both schools through the attempt to find a sense of unanimity when deducing law. From a modern perspective, Shafi’i could be categorized as a moderate since he ventured to find a middle ground between the Hanafi and Maliki schools when developing his legal theory. The fourth and final school of law within Sunni Islam is the Hanbali school, which mainly took its directives from Shafi’i legal theory.

The Hanbali school was founded by Ahmad ibn Hanbal who studied under many of the previous masters including imam Shafi’i. As with the Shafi’i train of thought, Hanbal also placed qiyas as the last method in deducing law; therefore, the majority of his rulings were derived from the primary sources with a major emphasis on hadith. His key work and contribution to the Hanbali school was Al-Musnad (the Verified), which is a compiled resource of approximately forty thousand hadiths. In the eighteenth century the Wahhabi movement in Arabia used the Hanbali methods to derive its doctrine and as a result the Hanbali school is still the recognized school of Islamic law in Saudi Arabia.

We can see from the previous discussion that the four Sunni schools were not polarized entities that stood in stark contrast to one another. While particular emphasis may be placed in different areas there is a shared commonality throughout much of their developed legal theories.

40 Ibid. p. 298.
41 Ibid. p. 84.
42 Ibid. p. 84.
43 Ibid. p. 84.
What is important to note here is that the application of ijtihad was a main component of the development of each of these schools of thought. However, it was determined that the legal rulings ascertained by the four Sunni schools were adequate for dealing with any further developments that may be encountered, and as a result a conclusion was reached for closing the gates of ijtihad. This meant that no other jurist had the right to look to the texts to derive new formulations of legal rulings or theory through the implementation of ijtihad. It was decided that the concept of ijtihad would be banned and replaced with taqlid (imitation); therefore every subsequent jurist was forced to accept the legal rulings of the masters of the four established Sunni schools.

It is important to point out that the ban on ijtihad may be seen to have played a major role in the way Sharia has been implemented throughout the modern era. Within the context of progress and the evolution of individual human rights, Sharia law may seem static. It will be pertinent to consider this aspect as we move further through our investigation of Sharia law in Nigeria. I believe that the effect of taqlid will be seen as problematic when we look at the sharia law in juxtaposition with constitutional and fundamental human rights.

As we move further through our investigation of Sharia and its implementation in Nigeria, I feel it is essential to discuss Nigeria’s authoritative and governmental structures from the pre-colonial era to the present. This is pertinent in achieving a broader understanding of the context in which the Sharia debate has formed. It also gives us a background to consider the multitude of dilemmas that Nigeria has faced throughout its existence which will hopefully result in a framework that allows us to discuss the aspects of Sharia in Nigeria appropriately.

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III. Nigeria

Currently, Nigeria is home to over 155 million\textsuperscript{46} inhabitants which makes it Africa’s most populous country. There are more than 250 ethnic groups and over 500 languages, many of them indigenous, spoken in the country of Nigeria.\textsuperscript{47} These numbers are proof that it is impossible to group the people of Nigeria into a single category or to use one overarching theme to describe them. Many here in the West tend to split Nigeria into Muslim and Christian categories and use these terms to explain the ongoing problems that fester within the nation, however, it is important to consider the ethnic diversity and the role it plays in the development of Nigeria as a whole. Beyond this, it is important to look at the history of Nigeria and the key circumstances that have been the impetus for the struggles Nigeria has had in creating a common unity for its people. Within these struggles we find the foundation of the issues surrounding sharia and where they begin may very well be at Nigeria’s inception.

a. Pre-Colonial Era

Nigeria lies in the Western portion on the continent of Africa and is home to a large number of ethnic groups. The most predominant groups in the Northern portion are the Hausa, Fulani, and the Kanuri, however, it can be said that the Hausa and Fulani are the majority, which is a result of political hegemony and they are usually coupled together as a single group.\textsuperscript{48} The Hausa came to Nigeria through migrations, forming an identifiable group around the twelfth century and by the thirteenth century they had established several major city-states which came


\textsuperscript{47} ibid.

to be known as Hausaland.\textsuperscript{49} The Fulani were primarily nomadic people that migrated to
Hausaland between the thirteenth to fifteenth centuries from the area that is currently known as
Senegal, however, the scholars of the Fulani eventually found favor with the Hausa nobles and
established a place of prominent influence.\textsuperscript{50} The Hausa were able to establish a strong hold on a
significant portion of the region through their control of several areas of trade. It is through these
trade routes that Islam would initially come to establish itself in Hausaland.

Islamic expansion spread through the areas of West Africa in two broad phases. The first
phase was brought by Muslim clerics and Arab traders from the North between the eleventh and
the seventeenth centuries.\textsuperscript{51} Islam had reached those in Hausaland around the middle of the
fourteenth century and was accepted primarily by the ruling classes which formed the beginnings
of a division between the elites and the rural classes. However, Islam and the traditional customs
of the indigenous people were able to coexist in a relatively peaceful manner.\textsuperscript{52} The second
phase of Islamic expansion can be characterized as a religious revival which was aimed at the
return to a purer form of Islam. This purification of Islam primarily came through jihads in the
nineteenth century and the motivator of these jihads was a prominent Fulani preacher named
Usman dan Fodio.\textsuperscript{53} Usman saw the ruling Hausa elite as a self-indulgent and corrupt class that
interfered with his ideal form of Islam and therefore, needed to be suppressed. His jihads gained
support from many of the rural Fulani class which had been deprived and repressed under the
Hausa leadership.\textsuperscript{54} By 1810 Usman and his followers had gained control of the Hausa states

\textsuperscript{49} Ibid. p. 2.
\textsuperscript{50} Ibid. p. 2.
\textsuperscript{51} Ibid. p. 3.
\textsuperscript{52} Rasmussen, Lissi. \textit{Christian-Muslim Relations in Africa: The Cases of Northern Nigeria and Tanzania Compared.}
\textsuperscript{53} Ibid. p. 7.
\textsuperscript{54} Ibid. p. 6.
and replaced the ruling Hausa elite with Fulani emirs. The jihads that Usman had initiated had several religious and political aspects tied to them and of these the most significant was the establishment of the Sokoto Caliphate.

The Sokoto Caliphate was at the epicenter of the emirates in West Africa and the caliph was the central figure of both spiritual and political authority. Each emirate was in a sense self-governing but they were regulated by a method of supervision through the caliphate in Sokoto. The Fulani leaders imbedded the principles of the Islamic faith throughout most of the area they ruled in order to establish a common identity that would surpass any ethnic divisions that had previously been an obstacle. At this time a stringent form of Sharia was applied throughout the majority of the region, and in some respects it was seen as a tool for oppression among those who were not strict adherents of Islam. However, things remained relatively peaceful for a time and as a result trade was extremely prosperous in these areas, however, while things seemed relatively secure, growing tensions within the community would begin to weaken the Sokoto structure. As a result of these tensions the British found it easier to gain control over the emirates and the caliphate when they began their colonization of Nigeria.

b. The Colonial Era

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55 Ibid. p. 7.
56 Ibid. p. 7.
57 Ibid. p. 9.
59 Ibid. p. 4.
Colonialism is a term that evokes strong feelings of mistrust which continue to plague the relations between Christians and Muslims in Nigeria and throughout most of the world. This is not necessarily linked to the existence of the two religions in Africa but rather the sentiment was developed out of the perpetual conflict that had risen from their encounters in the Mediterranean.\textsuperscript{60} Prior to the time of European dominance Islam had been present for centuries in various parts of Africa.\textsuperscript{61} As mentioned before, Islam had made its appearance in Northern Nigeria, e.g. Hausaland, around the fourteenth century and was further imbedded in the eighteenth century as a result of the Usman dan Fodio jihads.

Lissi Rasmussen, religious scholar and author asserts that “By 1900 the ‘race’ for the area of present-day Nigeria had ended with the creation of the Colony and Protectorate of Nigeria, and the amalgamation of the Protectorate of Northern Nigeria and the new Southern Nigeria”.\textsuperscript{62} The British had neither the resources nor the man power to establish a formal colonial government, and with the combining of the Northern and Southern regions they feared that retaliation to their power could be implemented from both sides. It was due to this fact that the British decided to employ a form of indirect rule that would allow Muslim leaders to retain a certain amount of power. The intentions behind such actions were not embedded in a respect for the current religion of Islam and its Muslim adherents; rather it was for the purpose of maintaining some sort of peaceful negotiating tool and in avoidance of Muslim uprisings against the imperial agenda. The British were able to rationalize this pragmatic approach through the consideration that Islamic culture was far more civilized than the pagan traditions that were


\textsuperscript{61} Ibid. p. 302.

confronting them elsewhere, even though it was not viewed as elevated as their own.\textsuperscript{63} The British believed that the system for ruling that had been in place under the Sokoto Caliphate presented the best form of control in their present situation. However, the British modified the system and eventually extended it over the whole colony, including non-Muslims.\textsuperscript{64} This would prove to affect the Christian efforts that were largely playing out in the Southern portion of Nigeria.

As early as the mid 1800’s Christian missionary work had begun in Southern Nigeria but it had not necessarily made a huge impact. Conversion of Muslims, especially those in the North, was a primary aim of the missionaries; however, they were having more success with those who lived in the Southern region and adhered to traditional pagan religions. The British perceived the efforts of the Christian missionaries to be problematic for their overall agenda in the sense that it could ignite a Muslim uprising. Therefore, the British government enforced a ban on missionary work and proselytization in Muslim territories.\textsuperscript{65} As an inadvertent result of this tactic, Islam was able to spread rather easily throughout areas of Nigeria and the suppression of Missionary activities was yet another obstacle that had been removed from Islam’s path.

While some of the policies implemented by the British may have helped Islam maintain a strong presence in the Northern region, these policies were primarily viewed by Muslims as a way for the British to assert their ultimate goal of domination.\textsuperscript{66} Many Nigerians equated the British colonizers with the Christian Missionaries coming from the West, and since the rule of the British was being imposed throughout all of Nigeria which essentially affected those that adhered to traditional customs many Nigerian’s turned to Islam in rejection of imperial rule. As


\textsuperscript{64} Ibid. p. 16.

\textsuperscript{65} Ibid. p. 28.

\textsuperscript{66} Ibid. p. 18
a result, Islam became a representation of the resentment that was felt by many Nigerian’s who had colonial rule imposed upon them. This gain of members to the Islamic faith concerned Missionaries who had been limited in their reach by the colonial powers which “contributed to anti-Muslim feelings among Christians”. In discrepancies between Muslim and Christians the government regularly took the side of the Muslims and accused the Missionaries for being culpable of political agitation, therefore, every endeavor asserted by the Muslims was perceived by Christians as step towards political gain. Essentially, colonialism in Nigeria and throughout Africa set the tone for uneasy relations between Christian and Muslims.

c. Post-Colonial Era

Nigeria officially gained their independence from the British government in 1960 but prior to authority changing hands the British engraved their colonial marks even deeper by “sowing the seeds for conflicting claims to political space, economic rights and societal values”. The British continued to focus missionary efforts in non-Muslim areas and since schools were a predominant part of their work, it was converted Christians that benefited from the Western education they supplied. This created an uneven balance in education between the two religious groups that generated fears amongst the Northern and Southern regions and it would be an issue that would continue to play out for many years to come. As mentioned before, the British implemented a form of indirect rule throughout Nigeria which had allowed the caliphate to maintain a certain amount of authority. However, in the last years of colonial rule the British removed the criminal aspects of Sharia from the table and introduced a British Penal

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67 Ibid. p. 37.
68 Ibid. p. 43
Code on the grounds that the Shari’a was contrary to the overall rights of the citizens of a religiously plural society.\textsuperscript{70} The Northern Nigerians’ acceptance of the Penal Code was not welcomed by them; they really only accepted it as a part of a compromise which would have resonating effects as can be seen in the Sharia debates of the modern era. What this compromise actually meant for Muslims was an exaltation of Christian values over their own. These decisions would come to manifest itself in feelings of mistrust and anti-“other” sentiments that continue to plague the relationship between Muslims and Christians in Nigeria today.

As Nigeria’s independence grew closer the British authorities and Nigerian officials agreed on the adoption of a federal administration which was considered suitable based on its ability to “accommodate the countries diverse ethnic, religious, linguistic, and regional groups”.\textsuperscript{71} This form of government, it was thought, seemed to best suit the many levels of Nigeria’s pluralistic society. As far as an arrangement of powers is concerned, “a federal system of government seeks to provide a certain degree of autonomy between the national and regional governments”\textsuperscript{72} and it was intended to provide a balance of powers that would help create a homogeneous political, economic, and social entity in Nigeria. As we move through our review of Nigeria’s governments since independence we will see that this homogeneous entity was never realized as those who praised its implementation thought it would. Unfortunately, the years following Nigeria’s independence were riddled with political dissension, military coups, and religious and economic strife. These features became the catalyst for a multitude of violent wars and riots which lead to a countless number of deaths.

\textsuperscript{70} Ibid. p. 5.
\textsuperscript{72} Ibid. p. 157.
d. **Nigeria’s First Republic**

As early as the mid 1950’s and prior to independence, Nigeria saw the emergence of political parties. The two most influential were the Northern Elements Progressive Union (NEPU) and the Northern People’s Congress (NPC). At this time Nigeria was divided into three geopolitical regions (North, Western, and Eastern). The prominent groups in the Northern region were the Hausa-Fulani, in the Eastern region were the Igbo, and in the Western region were the Yoruba. The NPC proved to be the party that gained significant strength and Ahmadu Bello, who was the head of the party, situated himself as premier of the Northern Region. Bello then positioned Abubakar Tafawa Balewa as Nigeria’s first Prime Minister, however, in a coalition agreement with the National Convention of Nigerian Citizens (NCNC) it was determined, based on parliamentary norms, that the NCNC would provide the presidency of the Senate. Nnamdi Azikiwe would assume this position and eventually move into place as Nigeria’s first president, in a ceremonial sense, when the country became a republic in 1963.

The period of the First Republic can be described as a quest for unification, both in the Northern portion of the country and throughout the three regions as a whole; however, these hopes would not culminate as such in the years to come. Ahmadu Bello advanced several policies, which privileged those of all religions, in order to strengthen the cohesiveness of the North. The policies that were put into place forged a sense of harmony in the North but fostered various fears in the Western and Eastern Regions. These fears were based on the perception of the Northern region gaining strength and a disregard for the demands being made.

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75 Ibid. p. 130.
by the other regions such as the development of states. Balewa tried to appease the situation by
creating a Midwest Region in 1963; however, this only satisfied those in the specific area and did
not pacify the same requests coming from the East.\footnote{77} As a result Balewa had to focus his efforts
on conciliatory matters that would diffuse the notion of secession out of the trepidation that it
would be detrimental to the new government structure and the country as a whole. The efforts to
increase the unification of the North and the perception of Islamic hegemony created a rift that
lead to a military coup in 1966 by Christian Igbo officers from the Eastern Region.\footnote{78} In the
military takeover of the government several politicians, including Ahmadu Bello and Abubakar
Tafawa Balewa, were killed.\footnote{79} This event marked Nigeria’s transition from a federal
government to a military dictatorship.

\subsection*{e. Nigeria’s Military Era}

The years between 1966 and 1999, Nigeria experienced multiple military coups that led
to copious amounts of violence and unstable government structures. After the January coup of
1966, General Aguyi-Irons\-si acquired control of the military regime and proclaimed Nigeria to be
a unitary state, referring to it as The Republic of Nigeria; therefore, all former regions were
considered abolished.\footnote{80} At this point Southern domination was a primary concern and
minorities in the North came together with the Muslim (Hausa-Fulani) majority and staged a
counter- coup in July of 1966.\footnote{81} As a result, General Ironsi’s time in power and his life were cut
short. With the counter-coup of July 1966, Colonel Yakubu Gowon emerges as Nigeria’s authoritative figure.\textsuperscript{82} Unrest and violence continued to run rampant throughout the country, however, the worst could be seen in the Eastern region where the Igbo, who are primarily Christian, were targets of hostility after the takeover of the government in 1966 which was headed by Igbo army officer General Ironsi.\textsuperscript{83} The military coup of 1966 was perceived by many Muslims as a way to forward a mainly Christian agenda. Colonel Gowon responded to the situation by splitting Nigeria’s four geopolitical regions into a 12 state structure.\textsuperscript{84} This created a further divide in the relationship between Gowon and the governor of the Eastern Region Colonel Emeka Odumegwu-Ojukwu who refused to accept Gowon’s authority and as a result, Ojukwu’s Eastern Region formally seceded from Nigeria on May 30, 1967 and declared itself the Republic of Biafra.\textsuperscript{85} This secession led to a horrific civil war that ensued for over two years and led to innumerable Nigerian deaths. Eventually Biafra collapsed and was re-absorbed by the country of Nigeria. While attending an Organization of African Unity (OAU) meeting in Kampala, Gowon was ousted in a bloodless coup on July 29, 1975.\textsuperscript{86}

The coup that removed Gowon from power was led by General Murtala Mohammed who in 1976 created seven additional states which brought the total number of states in the federation to nineteen.\textsuperscript{87} Mohammed’s reign was short lived as he was killed in an abortive coup led by Lieutenant Colonel Buka Suka Dimka in February 1976, only ten days after the establishment of

\textsuperscript{82} Ibid. p. 8.
\textsuperscript{83} Leadership Timeline. \textit{PBS Newshour}. http://www.pbs.org/newshour/indepth_coverage/africa/nigeria/timeline.html
\textsuperscript{84} Ibid. p. 8.
\textsuperscript{85} Ibid. p. 8.
\textsuperscript{87} Ibid. p. 137.
the seven new states. Mohammed’s next in command was General Olusegun Obasanjo, who took over the position of head of state following his death. Obasanjo’s most important contributions to Nigeria were the supervision over the removal of the military from the political arena and the development of a committee to draft the 1979 constitution. Obasanjo’s regime was the last in a long line of military dictatorships and he was successful in handing over power to a new civilian government in which a democratically elected president would take the helm.

Alhaji Shehu Shagari became the first executive president of Nigeria in 1979 which put an end to thirteen years of military rule. Shagari governed for two consecutive, four year terms but throughout his political career there were rumors of corruption, rigging of elections, and frivolous expenditures which cast Shagari’s presidency as rather ineffective. The military overthrew Shehu Shagari on December 31, 1983 and unfortunately, this would lead to another substantial period of military dictatorships in Nigeria. Each consecutive military regime from 1983 forward appeared more and more ruthless and aggravated the already fragile Nigerian society. Corruption and violence were the principal tactics of the majority of the military regimes that came into power throughout the following 15 years. This carved deeper divisions between religious groups and furthered the problems that revolved around socioeconomic status in much of the country. Nigeria’s stability was in great jeopardy as it reeled in turmoil. Eventually an actual return to democracy would come for Nigeria in 1999.

f. Nigeria’s Return to Civilian Rule

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88 Ibid. p. 138.
89 Ibid. p. 139.
90 Ibid. p. 139.
92 Ibid. p. 140.
Nigeria’s return to civilian rule is not a fantasy that relieved the complications that Nigeria had faced in the previous decades. While the government was structured more towards an inclusion of Nigeria’s public, there were still overwhelming violent outbreaks and a general suspicion and mistrust for government entities. Olusegun Obasanjo was elected to return to the presidency on May 29, 1999\textsuperscript{93} which was almost twenty years after he had handed over his authority to Shagari. While there were still grounds for concern, Obasanjo's election was primarily seen as a hopeful progression for Nigeria. However, throughout his first term the country continued to spiral economically and violence was still a major component of societal struggles. He was elected again in 2003 for another four year term and focused his attention on squelching corruption in the political arena through setting up the Economic and Financial Crimes Commission (EFCC).\textsuperscript{94} Obasanjo pushed the limits of his constituency when he made an effort to amend the constitution to allow him to run for a third term; the amendment was never ratified and he stepped down from power in 2007.\textsuperscript{95} It would seem that the suspicions that surrounded the Obasanjo presidency continued to haunt his successor Umaru Yar’Adua.

Umaru Yar’Adua was elected to the presidency in 2007 but there was much uneasiness about the legitimacy of his election. Rumors of election rigging and fraudulent votes were rampant and the people requested the help of the Supreme Court to determine the validity of Yar’Adua taking office and in 2008 the Supreme Court acknowledged possible errors made in the election process but concluded that they were not severe enough to reverse the results.\textsuperscript{96}

\textsuperscript{93} Nigeria’s Leadership Timeline. PBS NEWSHOUR. http://www.pbs.org/newshour/indepth_coverage/africa/nigeria/timeline.html.
\textsuperscript{94} ibid.
\textsuperscript{95} ibid.
\textsuperscript{96} ibid.
Yar’Adua became ill early on in his presidency and on May 4, 2010 he passed away, leaving his vice president Goodluck Jonathan to succeed him in office.

Goodluck Jonathan became the acting president of Nigeria when his predecessor Umaru Yar’Uda fell ill. He was sworn in as the official president after Yar’Uda’s death in May 2010 proclaiming that the focus of his administration would be anti-corruption, power and electoral reform. His presidency has not been overwhelmingly easy as there continues to be religious, economic and societal issues that have been ongoing for several decades. Jonathan remains Nigeria’s current head of state; however, he is facing new elections that will be occurring in April 2011.

As we can see by the previous overview, Nigeria has had a less than productive political life. Government rule has transitioned through a multitude of hands and many, if not the majority, of them have not had Nigeria or its people’s best interests in mind. Power struggles and individual gain have plagued the ranks of politicians which have provided the arena for Nigeria’s downward spiral. The impetus of the country’s short comings can be traced back to the imposition of British rule which left Nigeria with a myriad of tribulations that would continue to inundate it even until present-day. One of the issues, which has had a major impact on Nigeria is the implementation of Sharia law in twelve of its Northern states and more specifically the addition of its criminal law aspects. The focus of the next section will focus upon trying to answer questions that surround the Sharia debate. We will look at the validity of Sharia from a constitutional standpoint, the religious issues that surround Sharia from both the Christian and Muslim perspective, and the effect Sharia has on human rights.

**IV. Issues surrounding Sharia in Nigeria**

97 Ibid.
As previously discussed, relations between Christian and Muslim communities in Nigeria have been strained by factors that can be traced as far back as Colonial rule. These relationships have continued to deteriorate on many levels throughout Nigeria’s struggle to maintain some type of stability within its governmental structures. It can be said that the root of the tensions between Muslims and Christians has been cultivated in the political, economic, and societal struggles that have been an ongoing predicament for the people of Nigeria. At the same time, it is not incorrect to suggest that these relationships were complicated by the religions of the two groups; however, as it has been mentioned above, religion by itself was not necessarily the fundamental cause. All of these factors play an important role in the issues that surround the Sharia debates, in the sense that the uneasiness between both religious groups had already been playing out in the form of other conflicts. In other words, the implementation of Sharia in twelve of Nigeria’s Northern states was not the catalyst for the mounting tensions between the two religious groups, although it can be viewed as a vehicle or megaphone for many underlying issues. However, with this being said, there are still many questions that continue to circulate regarding the validity of full Sharia implementation in light of the Nigerian Constitution, the implications it has on human rights, as well as, how it effects the religious rights of both Muslims and Christians.

a. The Question of Constitutional Legitimacy

First and foremost, it must be stated that Sharia or Islamic law has been a part of the Northern Region of Nigeria prior to the time of British Rule. As I have discussed earlier, the British implemented a form of indirect rule which allowed Muslims in this region to maintain a certain amount of authority which included Islamic law. Dr. Andrew Ubaka Iwobi, lecturer at the
Swansea University school of law asserts that “A notable feature of this system of governance was that it sought to preserve traditional administrative structures…insofar as these did not undermine or militate against the hegemony of the colonial power.” However, the British scaled down the limits to which Sharia could be applied, mainly focusing it on topics that dealt with personal matters which in turn meant that all aspects of criminal law were abrogated from the scope of the Sharia. Essentially, at this time “Islamic law was primarily personal, customary law applicable to Muslims, and was limited to civil matters such as marriage, and succession”. This was a problem for Muslims as they saw the limiting of Sharia on any level to be a blatant act of subordination. Prior to Nigeria’s independence a compromise was made when Muslim authorities in the North accepted the introduction of the British Penal Code which would delineate punishments for criminal offenses. While this may have seemed to placate Muslims in this region for the time being, it would not completely satisfy their future desires to implement an unabridged version of Islamic law.

The initial post Colonial debate surrounding Sharia that truly created a firestorm was during the drafting of the 1979 Constitution. It was initiated when the Constitution Drafting Committee (CDC) proposed, what would become, a rather controversial provision for the development of a Sharia Court of Appeal at the Federal level. Almost immediately debates began to ensue on the constitutional legitimacy of such a proposal. Religious fervor may have been at its highest when the Constituent Assembly (CA) convened in order to review the content of the draft constitution. The outcome was the recommendation of “the operation of Sharia

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Courts of Appeal at the state level but appeals from these courts would be referred to the Federal Court of Appeal rather than a separately constituted Federal Sharia Court of Appeal.”\textsuperscript{101} The Muslim members of the CA were outraged and essentially walked out on the proceedings with no intentions of returning until the recommendations for prohibiting a Sharia Court of Appeal at the Federal level had been reversed. This threatened the very nature of the constitutional process and there were growing concerns that there would be no constitution in place when civilian rule was restored; therefore, the military government had to intervene in order to convince the Muslim members to reconsider their stance on the matter.\textsuperscript{102} The result of the Constitutional compromise was that states could establish their own Sharia Court of Appeal if they chose to do so, however, appeals would be referred to the Federal Court of Appeal where they would be heard by learned Islamic judges.\textsuperscript{103} Once again this was seen by many Muslims as a way for the Western oriented government to marginalize them.

On May 29, 1999 a new Constitution was introduced in Nigeria and only a few months after its induction the Governor of Zamfara, one of Nigeria’s Northern states, “proclaimed Sharia Law as the controlling legal system for the state”\textsuperscript{104} Since this time, eleven other Northern states have followed in Zamfara’s footsteps, these include; Kano, Katsina, Niger, Bauchi, Kaduna, Sokoto, Borno, Gombe, Kebbi, Jigawa, and Yobe.\textsuperscript{105} What the proclamation of these states means is that Sharia, which was previously relegated to personal and civil matters, would now govern all areas of life including criminal aspects. It is important to note that not all of these states immediately implemented the full scope of Sharia. Some have chosen to take the route of

\textsuperscript{101} Ibid. p. 115.
\textsuperscript{102} Ibid. p. 115.
\textsuperscript{103} Ibid. p. 115.
\textsuperscript{104} Nmehielle, Vincent O. Sharia Law in the Northern States of Nigeria: To Implement or Not to Implement, the Constitutionality Is the Question. \textit{Human Rights Quarterly.} Vol. 26, No. 3 (2004). p. 731.
\textsuperscript{105} Ibid. p. 731.
a gradual implementation, mostly out of concern for the stability of the state in regards to religious backlashes. The declaration of these states is what has brought the most attention to the Sharia debates, not only within Nigeria but from around the world as well. It is here where several arguments have been made surrounding the constitutional validity of the establishment of full Sharia.

First and foremost, section 1(1) of the 1999 Constitution states that “This Constitution is supreme and its provisions shall have binding force on the authorities and persons throughout the Federal Republic of Nigeria.” In addition to this, section 1(3) asserts that “If any other law is inconsistent with the provisions of this Constitution, this Constitution shall prevail, and that other law shall, to the extent of the inconsistency, be void”. The wording in these sections seems to be rather clear cut on the supremacy of the Constitution over any other law that may conflict with it. However, the arguments made by some Muslim intellectuals is that “there is a deeply held conviction that the Sharia embodies the will of Allah and as such is eternally valid, immutable and not susceptible to review by any human agency….thus, according to the fundamental tenets of Islam, the Constitution must defer to the supremacy of the Sharia.” This argument is highly problematic legally, especially in respect to the Constitution of a country that has a religious and ethnic plurality; and it is difficult for an argument to withstand legal questions about its validity by basing claims to a single set of religious beliefs. The very sentiment revolving around the religious nature of the argument from a Muslim point of view moves us to the next question of whether the Sharia is constitutionally valid.

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107 Ibid.
In section 10 of the 1999 Constitution it states that “The Government of the Federation or of a State shall not adopt any religion as a State Religion”\textsuperscript{109} Both Christians and Muslims have used section 10, on several occasions, to promulgate their positions on the secular nature of Nigeria. Opponents of Sharia proclaim that “the Sharia reforms are unconstitutional because they infringe on the prohibition of a state religion which is enshrined in section 10”\textsuperscript{110} On the other hand, supporters of the Sharia profess that there is no reference to Nigeria being a secular state within the context of section 10 of the 1999 Constitution. It is true that this line in the Constitution does not specifically use the word \textit{secular} but many scholars agree that the wording “shall not adopt any religion as a state religion” implies that Nigeria is in fact secular. The problem here is that the term secular is being assumed by many Muslims to have a religious connotation attached to it that implies a removal of religion from society in general when it actually applies more to legal terminology that describes a political or governing entity as having no affiliation with religion on any level.\textsuperscript{111} This sentiment is furthered by David Ihenacho, a religious scholar and journalist, who opines that:

The observation is quite right that Section 10 of the 1999, unlike its immediate predecessor, the 1979 Constitution, does not specifically use the word “secular state” to describe the Nigerian polity. It only says that Nigeria shall not adopt a state religion. In other words, the Constitution states that Nigeria shall be


independent of all religions and it seems clear and unambiguous in sociology and political science that a state that is independent of religion is a secular state.\textsuperscript{112}

The point of section 10 may seem to be moot as the arguments that surround it can be said to be built on a matter of semantics, however, they have contributed to and maintained yet another layer of disagreement within the Sharia debates.

While discussing the topic of religion the next logical progression is to discuss the aspects of freedom of religion under the 1999 Constitution which are contained in section 38. This section delineates the freedoms that are entitled to each and every Nigerian citizen.

Section 38(1) provides that: Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance.\textsuperscript{113}

Many of the arguments made that are relevant to this section not only fall under the arena of religious freedoms but they also correspond with how a person’s human rights are affected. Once again this is a card that is strategically played from both sides of the table and in all actuality it is probably one of the most difficult subjects to navigate. Why is this? It is due to the fact that taken at face value section 38 seems to be clear that it professes freedom of religion in any circumstance. Therefore, Muslims see this as a proclamation that invites them to practice their religion in its totality. Muslims are absolute in their insistence that Islam is a complete way of life that encompasses all aspects. For them there is no distinction between the religious and secular portions of life or for that matter, governing. So the question that is derived from these

\textsuperscript{112} Ibid.
sentiments is if prevention of the implementation of Sharia, and more specifically its criminal 
 system, in some way infringes on a Muslim’s right to practice their religion freely? In response 
 to this, Vincent O.Nmehielle, professor of law at the University of Witwatersrand in 
 Johannesburg, asserts that:

This reasoning fails to recognize that there is a difference between freedom to 
 exercise one’s religious belief and the wholesale adoption of religious law as a 
 basic law of a state, which is by no means totally composed of members of a 
 particular religion. The freedom of religion is not an absolute freedom, but one 
 that is limited by another individual’s freedom in that one person’s freedom to 
 practice his or her own religion cannot legally impede another’s freedom.114

Another area where this becomes problematic is in the case of changing one’s religion. This 
 right is afforded to all individuals and this concept is in direct contrast to the principle of 
 apostasy found within Sharia law. For a Muslim to leave Islam and convert to another religion is 
 seen as a criminal offence which is punishable by death under the Sharia. This very act does not 
 only impede the choice of one to freely make a decision to change their religion without fear, it 
 also creates a veritable human rights dilemma.

The problem of jurisdiction also comes into play when dealing with the issue of whether 
 state Sharia Courts of Appeal actually have the power to exercise criminal jurisdiction. Section 
 277 (1) of the 1999 Constitution states that:

The sharia Court of Appeal of a State shall, in addition to such other jurisdiction 
 as may be conferred upon it by the law of the State, exercise such appellate and 
 supervisory jurisdiction in civil proceedings involving questions of Islamic

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114 Nmehielle, Vincent O. Sharia Law in the Northern States of Nigeria: To Implement or Not to Implement, the 
personal Law which the court is competent to decide in accordance with the provisions of subsection (2) of this section.\textsuperscript{115}

Section 277 (2 a-e), explains the capacity and extent to which state Sharia Courts of Appeal have jurisdiction over cases that are presented before it. Thus, Section 277 (2) states:

For the purposes of subsection (1) of this section, the Sharia Court of Appeal shall be competent to decide –

(a) any question of Islamic personal Law regarding a marriage concluded in accordance with that Law, including a question relating to the validity or dissolution of such a marriage or a question that depends on such a marriage and relating to family relationship or the guardianship of an infant;

(b) where all the parties to the proceedings are Muslims, any question of Islamic personal Law regarding a marriage, including the validity or dissolution of that marriage, or regarding family relationship, a founding or the guarding of an infant;

(c) any question of Islamic personal Law regarding a \textit{wakf}, gift, will or succession where the endower, donor, testator or deceased person is a Muslim;

(d) any question of Islamic personal Law regarding an infant, prodigal or person of unsound mind who is a Muslim or the maintenance or the guardianship of a Muslim who is physically or mentally infirm; or

(e) where all the parties to the proceedings, being Muslims, have requested the court that hears the case in the first instance to determine that case in accordance with Islamic personal law.  

When reading this portion of the 1999 Constitution one can see that there is no mention of criminal law anywhere in the section. Each time the word law is mentioned, it explicitly refers to Islamic Personal Law which has been explained as dealing specifically with civil matters. Therefore, many people especially those who are non-Muslim, see the proclamation of the twelve Northern states to extend their jurisdiction over criminal matters to be in direct conflict with the Constitution. The caveat to this interpretation is that some scholars believe that a portion of the wording in section 277(1) is misleading and leaves a relative loophole for state Sharia Court of Appeals to extend jurisdiction over criminal offenses. One of these scholars in particular is Phillip Ostien who has coined a line from section 277(1) as the “delegation clause”.  

Ostien explains that he has given the line this name because “it may plausibly be read as delegating to the states the power to give their Sharia Courts of Appeal any jurisdiction they please”.  

The line of section 277(1) of the 1999 Constitution to which Ostien is referring to reads as follows: “in addition to such other jurisdiction as may be conferred upon it by the law of the State”.  

Ostien suggests that:

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118 Ibid. p. 249.

119 Ibid. p. 249.
The clause appears to authorize the states to extend the jurisdiction of their Sharia Courts of Appeal *ad lib*…and since 1999, this is how the clause has been read by all twelve of the so called sharia states, which have acted under it, by their own laws, to extend the jurisdiction of their Sharia Courts of Appeal from Islamic personal law all the way to Islamic criminal law. This they say is expressly permitted by the Delegation clause.\(^{120}\)

This is, of course, one way of looking at the situation and it has never been completely determined whether or not the twelve sharia states are correct in their assessment of section 277(1). With respect to this state of affairs, in 1999 when the governor of Zamfara announced his decision to implement full Sharia it was originally denounced by President Obasanjo as being completely unconstitutional, however, since that statement was made there has been a change in his stance and he seemed to even be backing the line of thinking of the twelve Northern states.\(^{121}\)

This reversal of Obasanjo’s can be taken to imply that there may actually be grounds based in the constitution that allow the Sharia states to implement their jurisdiction over criminal matters, however, no formal decision has been revealed to the public. This issue obviously has not been resolved since it is now almost twelve years since the initial proclamation was made and there has been no reversal of it from a constitutional stand point. Besides the questions of constitutional validity there are many human rights concerns that are brought about in regards to the implementation of full sharia. Many of the issues that are being raised surrounding the question of human rights and Sharia have direct correlations with the subject of constitutional

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\(^{120}\) Ibid. p. 250-251.

validity as have been mentioned above. In the following section I will discuss the issues surrounding the implications that full Sharia law has on human rights in Nigeria.

b. Sharia and Human Rights

Throughout the ordeal that has been circling the implementation of full sharia in twelve of Nigeria’s Northern states one of the key concerns has been how it effects the human rights of the people, both Muslim and non-Muslim, in these areas. The proclamation of these twelve states has garnered international attention and a magnifying glass has essentially been placed over the Northern region of Nigeria. The common consensus by human rights advocates is that many of the Sharia laws and their punishments infringe or outright violate the various rights that are deemed to be entitled to individuals under several international and regional human rights protocols. As space and time does not permit me to unpack every aspect of how Sharia law infringes on human rights, I will discuss those that I feel are most important and have gained the most scrutiny from around the world.

Nigeria is a member of the United Nations (UN), as well as, the African Union (AU) and has willingly ratified the following international and regional conventions:

The international conventions include the International Covenant on Civil and Political Rights (ICCPR), to which Nigeria has been a state party since 1993; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Nigeria ratified on June 28, 2001; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which Nigeria ratified on July 13, 1985; and the Convention on the Rights of the Child (CRC), which Nigeria ratified on April 19, 1991.

This list shows that Nigeria is concerned with the equitable and just treatment of their citizens which extends to both Muslims and non-Muslims. Therefore, listing out these conventions is important to our discussion in understanding why so many people observe various aspects of Sharia to contravene a range of entitled human rights as delineated by the above mentioned protocols.

First I want to address the issue surrounding the right to equality before the law. Several of the conventions mentioned above contain language that speak to the rights of all persons, male or female, to have equality in the eyes of the law. In Article 26 of the ICCPR it states that:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

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In addition to this, Article 3 of the African Charter provides that “Every individual shall be equal before the law and Every individual shall be entitled to equal protection of the law”. Certain aspects of Sharia, which has been implemented in Northern Nigeria, are in stark contrast to the two statements provided above. Dr. Frieder Ludwig, professor of mission and World Christianity at the Luther Seminary asserts that “Under the new legislation the testimony of a male Muslim is given greater weight than that of a woman (whether Muslim or not) or any non-Muslim (whether female or not), if indeed, women and non-Muslims are considered competent to testify at all”. This sentiment has played out in most respects towards women who are being tried in Sharia Courts, and an example of this is the law that considers “the testimony of two females to equal that of one male”. Therefore, a woman is never seen to be equal in the eyes of sharia law and in such a situation a woman usually cannot bring forth enough evidence in her defense to acquit her of the crime she has been accused of.

This is especially apparent in the laws that revolve around the crime of zina (extra-marital sex, which is referred to as adultery if the person is married, or fornication, if she is not). The two most high profile cases attached to the conviction and punishment for zina were those of Safiya Husseini of Sokoto State and Amina Lawal of Katsina State. Both of these women were young adults who were accused of having engaged in sex without being married and became pregnant. In this circumstance, these two women were accused of the crime of zina. Since Nigeria implements the form of Sharia found under the Maliki school, where pregnancy is...
considered to be an admittance of guilt, they were convicted of the crime and sentenced to death by stoning.\(^\text{129}\) In both of these cases the women did not have adequate legal representation and the men that each of the women had engaged in extramarital affairs with were acquitted of the crime of adultery for lack of evidence and their denial of the act.\(^\text{130}\) These cases were eventually taken to the Court of Appeal where the convictions were overturned due to insufficient evidence and a lack of a proper adherence to protocol and due process, therefore, the sentences for death by stoning were never carried out.\(^\text{131}\) While the punishment for these crimes was reversed, it does not discount the fact that the males in this scenario were treated with a higher regard in the eyes of the law than the women were. The equality that is discussed in the ICCPR and the African Charter were not taken into consideration in the Sharia courts. These women were disproportionately affected in these cases involving adultery on the basis that there are different standards of evidence required based on whether the person is a male or a female.\(^\text{132}\) In cases involving zina, a man facing charges of adultery must have been seen in the act by four independent witnesses before he can be convicted, whereas a woman can be found guilty on the basis of pregnancy alone.\(^\text{133}\)

Beyond this, CEDAW which is another human rights protocol that Nigeria has ratified discusses several instances where equality before the law is mandatory. The following articles illustrate these examples:

Article 2 commits state parties to pursue a policy of eliminating discrimination against women and ensuring equality of men and women in several ways, notably

\(^{129}\) Ibid. p. 34-35.
\(^{130}\) Ibid. p. 34-35.
\(^{131}\) Ibid. p. 34-35.
\(^{132}\) Ibid. p. 22.
\(^{133}\) Ibid. p. 22.
through adoption or amendment of legislation. In particular, Article 2 (f) commits state parties to take “all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.” Article 15 of CEDAW requires all state parties to “accord to women equality with men before the law.”

As we have seen from the discussion above, the measures prescribed in the CEDAW documents were not taken into account by the Sharia Court when it rendered convictions or punishments, of these women.

Another instance where human rights have been in question is surrounding the topic of cruel, inhumane and degrading treatment or punishment. Many of the punishments that are called for by Sharia law involve amputations, public lashings, and death by stoning. Human rights advocates see these punishments as needing to be abolished since they are nothing less than cruel and inhumane treatment of human beings. According to inquiries by Human Rights Watch there have been approximately sixty sentences of amputation carried out since the year 2000. These sentences are usually delivered when the crime involves theft. The ICCPR and The African Union contain statements regarding the right of all individuals to be exempt from enduring such punishments that are viewed as cruel, torturous, or inhumane. From their perspective the act of amputation as a punishment for theft falls within this category. Article 7 of the ICCPR states that: “No one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment”. In addition to this, Article five of the African Charter states that:

134 Ibid. p. 108.
135 Ibid. p. 36.
“Every individual shall have the right to the respect of the dignity inherent in a human being and... all forms of exploitation and degradation of man, particularly... torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.”

The articles of these protocols do not only pertain to the punishment of amputation they apply to any and all acts that are seen as demeaning and inconsistent with the standards of the modern world.

As I noted earlier, flogging or lashing is another punishment that is called for under Sharia law in Nigeria. Flogging is reported to be the most frequently applied punishment and is typically performed with a cane that is whipped across the body with the number of strokes ranging from forty to one hundred. Flogging or lashing is usually carried out in public so others can observe the effects of criminal actions which, in turn, heightens the demoralizing process of the punishment. If there is a question as to whether or not these actions can be considered torturous or cruel the answer can be found in Article 1 of CAT (the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) which proclaims that: “For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person.”

Every punishment that has been discussed in this section is deemed, by the above mentioned human rights protocols, to be an act of torture.

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In line with the right to equality before the law and the right to be free from torture is the right of all individuals to have a fair hearing. Article 14 of the ICCPR states:

“All persons shall be equal before the courts and tribunals [...] everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.” It states that everyone shall be entitled to minimum guarantees including “(a) to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him; (b) to have adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing; […] (g) not to be compelled to testify against himself or to confess guilt.”

If we look back at the situation surrounding the accusations of Amina Lawal and Safiya Husseini, we can see that many of these provisions in Article 14 of the ICCPR were not taken into account when the women were on trial in the Sharia courts. In both cases there was a failure to clearly explain the offence that the women were being accused of; both women were not properly informed of their legal right for representation, nor were they made aware of the consequences of confessing the offense. This failure to follow proper procedure is not uncommon. Similar situations can be found in many cases that come before Sharia courts, and the result affects both men and women drastically whether the punishment inflicts stoning, flogging, or amputation.

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All the situations I have previously discussed, whether they be constitutional issues, human rights or religious rights, affect the people of Nigeria on many levels. In particular the debates involving Sharia have a direct impact on Christian-Muslim relations which has widened the gap in understanding and appreciation for one another. In many instances this lack of understanding has led to violence which has culminated in the deaths of countless numbers of Nigerian citizens from both religious groups.

V. Christian-Muslim Relations

As can be deduced from the discussions above we can see that there is a definite line of demarcation in the views that surround the implementation of Sharia in Nigeria’s Northern region. On the one hand, it is seen as being in direct conflict with the interests of Nigeria and its people which is a view shared by the majority of Christians and non-Muslim individuals. On the other hand it is seen as being fully legitimate and within the rights of Muslims to exercise the provisions of full Sharia implementation. The unfortunate situation is that these two schools of thought have created prominent feelings of mistrust and animosity which have effected Christian-Muslim relations on many levels.

It is important to note that Sharia has been a part of the lives of Muslims and has always been implemented in Nigeria in some form. The debates and tensions surrounding the issue of Sharia is not an entirely new circumstance, however, the proclamation of full Sharia in twelve of Nigeria’s Northern states has churned religious fervor on both sides of the divide which seems to be at its apex. It is also important to understand that the “historical antagonism”\textsuperscript{142} between

Christians and Muslims is far reaching and many underlying issues, which have stemmed from
the time of Colonialism, are being played out today. Beyond this, societal and economic
situations in Nigeria are fuel for the religious fire which continues to divide the relationship
between the two religious groups. As I have discussed earlier, the fact that Nigeria had, and
continues to have, such an unstable government structure does nothing to placate the fears of
both Muslims and Christians alike. Therefore, it can be said that much of this animosity is being
housed within the context of the Sharia debate.

Muslims believe that the Sharia is God’s law and as such it encompasses every aspect of
their lives. This is difficult for Christians to comprehend since, for them, there is a difference
between that which is religious and that which is secular. For Christians it is not problematic to
be governed by laws that are of human construct. Professor of political science, Jonas Isawa
Elaigwu, who is the head of the Institute of Governance and Social Research and his colleague
Dr. Habu Galadima explain that:

According to Muslims, Islam means total submission to the will of God. Islam is
understood as a religion, a way of life, and a state. It does not distinguish
between religion and other aspects of living. The legal framework that governs
the life of a Muslim is the Sharia- the law of God, the application of which cannot
be negotiated by human beings.

This sentiment is at the very heart of the problems surrounding the discourse of Christians and
Muslims in regard to Sharia. For Muslims, Sharia is an absolute and inherent part of their faith

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144 Ibid. p. 124.
and they feel that this is not being respected by their Christian counterparts. In addition to this, Nigerian Muslims view the world around them as corrupt and lacking in moral values. For them, this is directly associated with the fact that Sharia has not been allowed to exist in its complete form. Therefore, Muslims believe the only way to “alleviate the moral ills of society is through the restoration of the religious imperatives of Islam”\textsuperscript{145} However, Christians are concerned that the adoption of full Sharia in areas of Northern Nigeria will negatively impact several aspects of their lives. In truth, their fears are not entirely unwarranted.

Regardless of the fact that Muslim leaders in Nigeria have continually made claims that Sharia only pertains to Muslims and it will not in any way affect Christians and non-Muslims, there has been evidence to the contrary. Christians profess that they have experienced instances of discrimination in various forms throughout the areas that have adopted full Sharia, and as a result they are becoming increasingly resentful of such actions. In Sokoto state, Christians explain that they have encountered problems when trying to acquire land for building churches, as well as, there being a marginalization of Christian programming on the state radio and television stations\textsuperscript{146}. Some may see these as minor infringements but when taken into context with other actions, one can see that they are just the tip of the iceberg. Dr. Frieder Ludwig, professor of mission and world Christianity at the Luther Seminary discusses the problems that have affected the relationship between these two religious groups in his article \textit{Christian-Muslim Relations in Northern Nigeria since the Introduction of Shari’ah in 1999}. He asserts that:


In Zamfara a law was passed in 2001 prohibiting indecent dressing in public, as well as, indecent haircuts for both men and women. The same law banned the association in public of two or more persons of opposite sexes to engage in discussions or acts of immoral or indecent nature in circumstances not approved by the tradition and culture of the people of the state. \(^{147}\)

This proclamation brings up serious concerns because it is imposing Muslim norms on a religiously plural society. While Christians may be a minority in Zamfara, they feel they should not have to adhere to the restrictions of a religion that is not their own. Laws such as the one mentioned above are even more problematic in the sense that they are constructed around the “tradition and culture of the people of the state” but are meant to govern those who are not privy to the dictates of the Muslim culture and tradition. Therefore, Christians and non-Muslims are not fully aware of what is considered acceptable or unacceptable in such a situation as they are not a part of the Muslim tradition and culture.

Another point of contention has been the restrictions imposed on travel. This has been extremely difficult on both Christian and Muslim women alike. Taxi cars, motorbikes, and kabu-kabu are the primary modes of transportation in many areas of Nigeria and they are predominantly operated by men. Since there are laws prohibiting the association of males and females in public, the drivers of these vehicles refused to pick up female passengers which have forced women to walk long distances to get to their destination. \(^{148}\) As a result the Christian Association of Nigeria (CAN) formed the “Association of Christian Motorcycle Operators” in 2001 and some members of the association have turned their cars into taxis so that Christian

\(^{147}\) Ibid. p. 621.  
\(^{148}\) Ibid. p. 622.
women can travel without being harassed.\textsuperscript{149} While this may be seen as a resourceful way to navigate restrictions on travel that are imposed by the state, it again impacts the lives of Christians who are not a part of the Islamic faith and who adamantly feel that Sharia laws should not hinder their daily activities.

In addition to this there have been reports that many of the Northern states have instituted regulations that force women and men to sit in separate areas of buses, if they are allowed to travel together at all, and there has been talk of girls and boys being educated in different schools.\textsuperscript{150} There has also been a ban on the sale of alcohol and numerous business establishments have been forced to shut down, which in turn negatively affects the economic life of both Christians and non-Muslims.\textsuperscript{151} Restrictions such as these are the very reason that the introduction of Sharia is associated with an imposition of Islamic values and as such, it is viewed as a new legal system that attempts to assert Muslim dominance in Northern Nigeria.\textsuperscript{152} These are just some examples of how the adoption of Sharia has compromised the lives of both Christians and non-Muslims living in the Northern states in Nigeria.

Essentially, the implications of such laws and restrictions have ultimately perpetuated the fears of both Christians and non-Muslims leaving in these states and they are concerned that there is a fanatical element lurking behind the motives of these states. Christians bring up the problematic situation of gender inequality and the barbaric punishments called for

\textsuperscript{149} Ibid. p. 622.
\textsuperscript{150} Ibid. p. 610.

by the Sharia as proof that their laws infringe on human rights, are unjust and contravene modern-day mores and expectations. Both human rights advocates and Christians in Nigeria assert that “the world is now a global community which has gone beyond the age of amputation, flogging, and so on”. Many Muslims explained their feelings about human rights’ objections to the Sharia “as being a campaign against Islam”. Sentiments such as these weaken the already fragile relationship that exists between the two religious groups and unfortunately, in many circumstances it has led to violent clashes.

Since the adoption of full Sharia by Zamfara state in 1999 and the consecutive adoption of it by eleven additional states, there has been an unequivocal surge in religious violence. These backlashes have had resounding implications for both Christians and Muslims. Rioting and vandalism has led to the destruction of homes, religious structures, and countless deaths. In May 2000, when the Kaduna government announced they would implement Sharia, fierce violence broke out in the streets resulting in the deaths of two thousand people. Since that time, there has been consistent rioting and destruction and at one point the “idea emerged to divide the state into a Muslim North and a Christian South”, as has been the case in the Sudan with the creation of Africa’s newest state. Obviously this scenario has not played out, but the fact that the idea was even entertained is a foreboding consequence of the heated dissention that is brought to the surface over the Sharia debate. Similar instances of religious violence have been observed in various areas throughout the Sharia states in Nigeria’s North. While the majority of the violence

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154 Ibid. p. 140.


has taken place in the Northern region there is evidence that it is reaching areas of Nigeria that are not directly involved in the Sharia controversy. For example, fighting ensued in Aba in South-East Nigeria, leaving hundreds dead and injured, in response to rioting in Kaduna that had taken place over the introduction of Islamic law.\footnote{Nigerian Riots Kill Hundreds. BBC NEWS. http://news.bbc.co.uk/2/hi/africa/662246.stm} Many feel that “the sharia issue has caused the most serious threat to the nation’s unity since the Biafran war thirty years ago”.\footnote{Ibid.} As a result of the horrifying situation, multitudes of Christians, fearing for their lives, have fled the Northern states.\footnote{Kalu, Ogbu. U. Safiyya and Adamah: Punishing Adultery With Sharia Stones In Twenty-First-Century Nigeria. \emph{African Affairs.} 2003. p. 396.} Unfortunately, at this point and time violence seems to be the vehicle of choice for the conflicting views of Christians and Muslims surrounding the implementation of Sharia, which inevitably threatens the peaceful coexistence of each and every individual living within its borders. Therefore, in the interest of mutual understanding and a hoped for peaceful solution to this dilemma, the question that must be asked is what does the future of the implementation of Sharia in the majority Muslim states of Nigeria portend for the people of Nigeria.

\section*{VI. Is There a Future for Sharia}

As the years pass, the debate that revolves around Sharia continues to intensify since the first of Nigeria’s Northern states made its proclamation to implement it in full in 1999. Disagreement on its application has been met at every avenue, whether it is on its constitutional validity, religious freedoms and ideology, or human rights. Contention between Muslims and Christians grow stronger every day, pushing the gap between them further and further apart. Violence has become the primary tool for acting out ones oppositions to the situation at hand and
many would say that the situation in Nigeria has spiraled out of control with no plausible answer in sight. However, there are some scholars that believe that Sharia has a productive future in Nigeria and it does not come at the cost of its current predicament. Abdullahi Ahmed An-Na’im, a renowned human rights scholar and professor of law at Emory University asserts that:

Shari’ah has a most important future for its role in the socialization of children, sanctification of social institutions and relationships, and the shaping and development of those fundamental values that can be translated into general legislation and public policy through the democratic political process. But it does not have a future as a normative system to be enacted and enforced as such by the state as positive law.160

Since Muslims accept Sharia as an inherent part of their religious faith that regulates and governs all aspects of their lives there is no possible way for it to be completely withdrawn from the picture. We need to remember that Sharia is not just a set of laws in the legal sense; it is also a law that decrees the values and duties that should be honored in order to follow the Islamic faith in its proper sense. Therefore, it can be said that Sharia influences the very nature of the person that adheres to the Islamic faith, just as much as the religious dogma of the Christian faith influences a person who adheres to its tenets. It seems what An-Na’im is suggesting is that there is not a question about whether or not Sharia will remain in the public forum; rather it is the question of how it will take shape and be applied. It is An-Na’im’s belief that there has been an enormous amount of misunderstanding, confusion, and misrepresentation in the debates

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surrounding Sharia and therefore, the initial task, he thinks, which must be addressed is that of communicating what exactly Muslims want to achieve and how they plan on accomplishing that task so as to allay concerns felt by non-Muslims.\textsuperscript{161} The majority of non-Muslims feel that Sharia, in its current interpretation, reduces their security and fundamental rights provided to them by the constitution and several human rights treatise ratified by Nigeria. An-Na’im is cognizant of these concerns and does not discount the validity of them specifically because there has been such ambiguity in the demands of Muslims pertaining to Sharia. In response to this, he asserts that:

\begin{quote}
If Muslims are actually calling for a complete implementation of sharia, including such aspects as; 1- the dimmah system where Christians are considered second class citizens, 2- where those subscribing to non-scriptural beliefs are not accepted as legal persons at all, 3- punishment for the law of apostasy or riddah, or 4- prohibition of charging or receiving interest on loans (riba) and speculative contracts (qarar) which would essentially outlaw modern banking and insurance contracts; then they leave no basis for the equality before the law of those Nigerian citizens who are not Muslims. Therefore, a demand for the application of the totality of shari’ah would be tantamount to an invitation to civil war.\textsuperscript{162}
\end{quote}

It is precisely this lack of understanding on the direction of Sharia that is problematic for both Muslims and Christians. There has been only a broad representation by Muslims leaders regarding the expectations of Sharia implementation and as a result it is negatively affecting those on the ground level. Since there is obvious evidence that the current interpretation of

\textsuperscript{161} Ibid. p. 328.
\textsuperscript{162} Ibid. p. 339-330.
Sharia is problematic in regards to fundamental rights and discrimination against both women and non-Muslims, it therefore produces a counterproductive system for constitutional governance, political stability, and economic development. However, if there was a possibility to reassess the dictates of Sharia could there be a more a modern and progressive approach to its application.

In the second section of this paper above I discussed the ideas of *ijtihad* which is human interpretation and *taqlid* which means imitation. I explain that *ijtihad* had been a major component throughout the development of Islamic jurisprudence in the four Sunni schools of thought until it was determined that the legal rulings ascertained by these schools were adequate for dealing with any further developments that may be encountered, and as a result a conclusion was reached for closing the gates of *ijtihad*. From this point on the concept of *ijtihad* would be banned and replaced with *taqlid* (imitation), therefore every subsequent jurist was forced to accept the legal rulings of the masters of the four established Sunni schools. From a modern point of view the closing of the gates of *ijtihad* can be seen as a hindrance to the application of Sharia since it has not allowed progressive circumstances and concepts to be readdressed.

The development of Sharia was a long and arduous task conducted by Islamic scholars and jurists where it was commonplace to have multiple areas of disagreement on the conclusions they derived from their various interpretive efforts and these differences are still apparent within the various schools of Islamic jurisprudence. This fact is not contradictory to the accepted

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163 Ibid. p. 331.
165 Ibid. p. 300.
understanding of Muslims throughout the world on the inception and development of Sharia. 
What is important to point out is that Sharia was developed “during the first three centuries of Islam”\(^ 167\) at a time when the dictates of society were completely different from the modern context of today. Therefore, the evolution that has taken place in the areas of civil liberties and human rights within the global community compel us to revisit aspects of our religious and political views that are incongruent with these progressive expectations. In other words, a more contemporary implementation of Sharia could be useful in resolving some of the problematic issues that arise out of the traditional interpretation of Islamic jurisprudence. An-Na’im asserts that “a possible response to this dilemma is a paradigm shift in ijtihad and revision of usul al-fiqh (the classical science of understanding the sources of shari’ah) in order to reformulate those problematic aspects of shari’ah”.\(^ 168\) The problem that stems from ideas such as An-Na’im’s is that many Muslims disagree with a new interpretation of Sharia since they believe that only a return to a purer form of Islam, as was the case in the time of the Prophet, is what God has intended. An-Na’im’s response to this line of thinking is that:

While Muslims have always continued to aspire to the model of the Prophet’s state in Medina (622-632 CE), it is clear that that experience can neither be repeated, nor logically compared to any other period in Islamic history or the future of Islamic societies…The model of the Prophet’s state in Medina cannot be

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\(^{167}\) Ibid. p. 333.
\(^{168}\) Ibid. p. 332.
applied in the present context of any Islamic society because it was a unique phenomenon that ended with his death.\textsuperscript{169}

Navigating through the issues mentioned above is complicated and involves an exploration in reform that has not been widely entertained, let alone accepted. However, the foundation for change is being put in place through initiatives that questions the logic behind the avoidance of modern evaluations on issues within the Islamic faith that require progressive review. Since the development of Sharia took Islamic scholars over three centuries to create, it is uncertain how much time needs to be invested in a reinterpretation of those laws. However, it is absolutely imperative that specific attention must be devoted to creating an understanding of why there are aspects of Sharia that need changing, and an inclusive discussion and concerted effort among the entire Muslim community regarding the methodologies for a progressive reform.

\textbf{VII. Conclusion}

It can be ascertained that the debates surrounding Sharia in Nigeria are an intricate web that is imbedded with complex and diverse ideas which have been difficult to come to terms with; thus both Christians and Muslims have developed a growing animosity towards one another in the wake of the debate. The lack of communication between religious leaders on both sides of the table has turned many of their followers into violent vigilantes whose actions have culminated in death and destruction in the name of their faith. Nigeria’s unstable political legacy has only contributed to the already strained relationship between Muslims and Christians and there has been concern that the current government has been woefully inadequate in their attempts to unite the country as a whole. The problems in Nigeria are mired in its past and the

\textsuperscript{169} Ibid. p. 339.
implications of the adoption of Sharia in twelve of its Northern states has perpetuated tensions which has raised questions about the future of Christian and Muslim relations. The only certainty that can be obtained from this situation is that Sharia is not going away. Since it is an inherent part of the Islamic faith that encompasses all aspects of a Muslim’s life it can never be relegated to an obsolete position, however two questions that remain are: Can Muslims reinterpret the Sharia in a way that is in keeping with modern sensibilities regarding the equality of all persons regardless of sex or religion and what role Sharia will play in the future of Nigerian society.