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**THE POLITICS OF THE SHARIA IN NIGERIA:
A FOREWORD IN COMPARATIVE PERSPECTIVE**

by

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Written as a Foreword to the volume *Islamic Law and Politics in Northern Nigeria, 1803-2007* by Ricardo René Larémont, under consideration for publication 2011.

Perhaps never before has the study of Islamic law in one African country been placed in as wide a context of comparative law as has the Sharia movement in Nigeria in this volume. Ricardo René Larémont is knowledgeable not only about Islamic law but also about the history of Western canon law, Roman jurisprudence, Germanic legal systems, European customary law and the impact of all these on Anglo-American juridical principles of both common law and statutes.

Professor Larémont also comes to his subject-matter fluent in English, French and Spanish languages, and competent in reading Arabic, some Hausa and some Latin.

His primary geographical focus in this book is Nigeria. This country constitutes the largest concentration of Muslims on the African continent. It is not often realized that the part of Nigeria which is Muslim is larger than the number of Muslims in any single Arab country, including Egypt. If thirteen states out of Nigeria's federation of thirty six states are now governed mainly in conformity with the Sharia, Nigeria has become one of the largest constituencies of Islamic Law in the world. Over seventy million Nigerians were partly governed according to the Sharia, as the 21st century unfolded.

This volume identifies some of the trends which resulted in this *Shariacracy* movement in Nigeria. British colonial policy of Indirect Rule had allowed considerable autonomy to Islamic institutions in the northern Emirates of Nigeria. Islamic Law continued to be administered in those Emirates, with such colonial limitations as the British deemed appropriate. For example, the British abolished such *hududs* as amputation of the hand for theft and outlawed the death penalty for adultery.

After the end of British rule in 1960 the Sharia in Northern Nigeria began to decline in importance, in spite of the Muslim pre-eminence in the composition of the Federal Government of Nigeria for much of the first decades of Nigeria's independence.

The first big setback to Nigerian Muslims was the military coup of January 1966, which killed Nigeria's first postcolonial Prime Minister, Sir Abubakar Tafawa Balewa, and killed also the even more powerful Northern Nigerian Muslim, the Sardauna of Sokoto, Ahmadu Bello.

Northerners later took their revenge against the overwhelmingly Christian Igbo in deadly riots. The stage was set not only for the escalating politicization of sectarianism, but also for the outbreak of the Nigerian civil war of 1967 to 1970. The war was between the secessionist eastern Nigeria led by the Igbo on one side, and on the other, the rest of Nigeria led by the new Federal Head of State, General Yakubu Gowon. Although the Federal side was led by a devout Christian, General Gowon, the war was widely and wrongly interpreted as a confrontation between Christians and Muslims in Nigeria.

The nine years of Yakubu Gowon's rule (1966-1975) constituted a sharing of power between Christians and Muslims, although the Head of State was a Christian. But the overthrow of General Gowon in a bloodless military coup in 1975 resulted in the rise of Brigadier (later General) Murtala Muhammad, who is still widely regarded as the most heroic and charismatic of all Muslim Heads of State of postcolonial Nigeria.

Murtala was an ambitious reformer who wanted to establish greater discipline and minimize corruption in Nigeria. He did get rid of a large number of corrupt or idle officials, and created many enemies in the process. He was subsequently assassinated. Today he has Nigeria's most important airport (the Lagos airport) named after him. Of

all Muslim leaders of postcolonial Nigeria, Murtala continues to be remembered in heroic terms by millions of Nigerian Christians, as well as Muslims.

While politically Muslims during those years seemed to be on the rise, the influence of Islam was declining as a cultural and legal force. This was partly because of the expansion of the Federal Government's role at the expense of the Emirs.

The assassination of Murtala in 1976 led to the brief initial presidency of General Olusegun Obasanjo, who reorganized Nigeria in preparation for the country's first general election since the civil war. General Obasanjo was of course Christian, but the 1979 general election which he organized resulted in the first elected Muslim President of Nigeria, Al-Haji Shehu Shagari. Shagari completed his first term as President, and was re-elected for a second term. Muslims at the federal level continued to be politically triumphant, but Islam at the state level continued to decline as a jurisprudential force. Federal governmental and judicial institutions continued to overshadow the old Emirates' systems of authority and the Kadhis' courts. Muslims were indeed on the rise, but Islam was getting marginalized.

Shehu Shagari was overthrown early in his second term, and was succeeded by a series of Muslim military rulers of Nigeria – generals Muhammad Buhari and Ibrahim Babangida, and the deputy of general Buhari, Tunde Idiagbon. These military rulers were good news for Nigerian Muslims, but not necessarily for Islam in the Emirates. Even the notorious General Sani Abacha, though himself a depraved Muslim, maintained the federal pre-eminence of Muslims in the central government.

It was from the mid-1990s that Northern Nigerian Muslims began to recognize not only the declining influence of Islam in their lives, but their own declining influence

in the national politics of Nigeria. When the first non-Northern Nigerian Muslim was elected President in June 1993, the Nigerian military as a whole vetoed his ascent to the Headship of State. The successful candidate, Bashorun M.K.O. Abiola, ended up in prison, and died not long afterwards.

As so often happens, the decline of Muslims in the national politics of Nigeria helped to reactivate their sense of cultural identity, including their pride in their religion. The Shariacracy movement was partly a response to this new situation. The relative marginalization of Muslims at the Federal Level resulted in the greater empowerment of Islam at the State Level. The result was the adoption of the Sharia by one Nigerian state after another, beginning with Zanfara state.

But this historical interpretation of mine does not do justice to Ricardo Larémont's agenda in this volume. By placing Nigeria in a wider analytical context, Larémont has addressed not only comparative religion but also comparative jurisprudence. He argues that Anglo-American law has evolved into emphasizing the integrity of the process rather than the equity of the outcome. The Sharia, on the other hand, leans more towards the pursuit of a just outcome rather than the protection of the legal process.

However, on certain matters the Sharia has rules of evidence which are truly stringent. When one of the Nigerian Muslim states condemned an unmarried pregnant woman, Amina Lawal, to death for adultery without meting out a similar sentence to the offending man, the outpouring of protests came from the rest of the Muslim world, as well as from Western critics. Under the proper Sharia, the death sentence for adultery

required exceptionally demanding evidence. Indeed witnesses to the actual sexual act are necessary before the death penalty can be invoked.

Other Muslim critics outside Nigeria argued that the offending male in the case was more liable under the real Sharia than Amina – since it was the fact that the man was married which made the sexual act “adultery.” Amina Lawal had highlighted the problem of the hudud (ancestral Islamic punishments); although in the end she was not executed after all.

Comparatively, Ricardo Larémont refers us to Pakistan where 89% of those charged with *Zina* (adultery) are women, and overwhelmingly from rural and underprivileged classes. Fortunately, Larémont draws our attention to the fact the Federal Sharia Court of Pakistan reverses more than half of *Zina* convictions from lower courts. Less than twenty-percent of the severe punishments of the lower courts are in fact upheld on appeal in Pakistan.

Ricardo Larémont addresses the conservatism of Wahabi Islam (linked to the Sunni Hanbali denomination) and stemming from the influence of Saudi Arabia. This version of Islam goes to the extent of forbidding women even to drive a car. Larémont salutes Sufism as a gentler form of Islam.

But Nigerian Muslims might also study even those contradictions of Pakistan. The same country which still practices the severe hudud, and culturally triggers the un-Islamic honor killings of sexually unfaithful wives, or sexually offending daughters, was the country which produced Islam’s first female Head of Government, the late Benazir Bhutto. She served twice as Prime Minister of Pakistan long before the United States has had a female President, or Italy a female Prime Minister, or France a female President, or

even Germany a female Chancellor before 2005. Benazir Bhutto was assassinated when she was pursuing a third term as prime minister.

In reality Asian Islam has sometimes empowered women to a higher level not only than have Christian countries in the West but also than has almost the whole of Africa. Bangladesh has alternated between two women Heads of Government (both of them Muslim) for about two decades. Indonesia has had a Muslim female Head of State – President Megawati Sukarnoputri. Although Turkey is governmentally secular, it is over eighty percent Muslim. Turkey has also produced a Muslim Head of Government – Tansu Çiller.

Ricardo Larémont does not address all these contradictions in the Muslim World as a whole, but he does remind all those who study Islam in one geographical area to bear in mind the vast diversity in the rest of the ummah.

Even Iran reveals its surprises in encouraging the election of Jewish, Christian and even Zoroastrian members of the Majlis (the Parliament).

On the other hand, Ricardo Larémont does remind us of Iran's intolerance towards the Bahai – treating them as apostates from Islam, rather than as members of a distinct religion. Apostasy in Islam can be a capital offense.

On the gender question, Iran permits women not only to drive a car, but also to rise high in administrative and professional jobs. Moreover, the government reportedly finances more women than men in Iranian universities.

Africa has at last elected a female Head of State – President Ellen Johnson-Sirleaf of Liberia. She became President in 2005, elected by both Christians and Muslims of Liberia. It may take a while before Nigeria elects a woman president. And if such a

Nigerian female president turns out to be a Muslim, it is more likely to be a Yoruba Muslim than a Hausa-Fulani. Who can be sure?

Ricardo Larémont has given us insights into the wider Nigerian society, and not merely the North. He has also introduced us to the wider ummah, and not merely to African Islam. But above all Larémont has opened windows into comparative jurisprudence, comparative legal doctrine, as well as comparative religion. Let us now allow this volume to reveal those riches more directly. So be it.

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