

CHAPTER ONE

A Revolution for Shari‘ah

Corruption

O Lord of the worlds help our nation
To get rid of the scourge of debilitating corruption
By day and night from top to bottom
People are aware of this rotten disease
That the rich and poor suffer without
Cure and solution like AIDS epidemic
Looking at the police man as of now
Standing as wretched as a hungry cow
With uniforms so dirty and tattered like crow
From top to bottom unwieldy lined in a row
Never smart never alert or battle ready with a bow . . .
A man in the street in Nigeria
Is like a man on death roll
As a common man everything is like hell fire
For there is nowhere for him to get cool
Everywhere is suffering he has to suffer
Its corruption left and right in every pool
Its corruption up and down and everywhere . . .
This is our home we have nowhere to go
And our poverty is never alleviated not even near
And yet we are kept in a hell of suffering
Now we resort to looking for the MESSIAH to come . . .

M.M. Abdulkarim, “The Poems for the New Generation”
(found in a bookshop in Kaduna, Nigeria, 2010)

On any day, *tasbar motaci* (transport stations) across northern Nigeria are bustling with commerce: hawkers sell pirated Hausa videos, sliced papaya and watermelon, the day's newspaper, or hard-boiled eggs as travelers wait with impressive patience—often in extreme heat—for bush taxis to fill to maximum capacity before setting out on potholed roads that the drivers have a special knack for maneuvering. But in November 1999, northern Nigeria's *tasbar motaci* saw something remarkable: tens of thousands of Nigerians crowding in to make their way, mostly westward, to Zamfara State to witness Governor Ahmed Sani Yerima's special "launching" of shari'ah.¹ Some sold their belongings to afford the journey, and in a widely remarked-upon development, taxi drivers reduced their fares in celebration. Governor Yerima—known for his sharp political instincts, if not for his special Islamic piety—had struck a geyser of popular support with his announcement that Zamfara State was to restore full shari'ah penal law for the first time since British High Commissioner for the Protectorate of Northern Nigeria Lord Frederick Lugard issued a native courts ordinance in 1900 declaring some aspects of Islamic penal law—including stoning and hand amputations—antithetical to "natural justice, equality, and good conscience."² Lugard's announcement came just a few years before Kano's clay city walls crumbled under British cannons in 1903, signaling the death-knell of the Sokoto Caliphate and marking the beginning of direct colonial rule.

In the same year that Yerima launched shari'ah in Zamfara, 1999, the Transparency International Corruption Perceptions Index ranked Nigeria the second-most-corrupt country in the world.³ Ordinary Nigerians had suffered under the weight of corrupt military rule and then, starting in 1999, corrupt civilian rule. Conditions had never been worse since Nigeria won its independence in 1960, and in recent decades Nigerians had seen their standard of living fall to heretofore unseen depths, particularly after the adoption of an International Monetary Fund (IMF) structural adjustment program that significantly withdrew the government from the public sector, affecting, among

other things, food and education subsidies.⁴ Many therefore remarked with some irony that the trouble began when the military-backed government yielded to democracy, which had done nothing to quell the government's ritual dipping into the public coffers. Against this backdrop, Nigerians greeted Yerima's news of the restoration of God's law with exuberance, calling him a *mujadid* and declaring Zamfara State "holy."⁵ By 2002, twelve reluctant governors of northern states, chastened and pressured by massive grassroots support for shari'ah, introduced Islamic penal codes under their jurisdiction. Among these was Katsina State, whose then governor, Umaru Musa Yar'adua, would later become president of Nigeria (2007–10) following controversial elections in 2007.

On January 15, 2002, Corporal Idris Adamu of Nigeria Police Bakori, on behalf of the Katsina State commissioner of police, arraigned a peasant woman, Amina Lawal, and her lover Yahayya Muhammad Kurami before the shari'ah court in Bakori for committing the crime of *zinā*, or illegal sexual activity.⁶ The day before, on January 14, one Police Corporal Rabiu Dauda and another officer of Nigeria Police Bakori had arrested Lawal and Kurami and charged them with the offense.⁷ Kurami was shortly thereafter released upon swearing his innocence before the court, while Lawal, who had given birth nine days earlier, was held, in accordance with Mālikī law, on the basis of her confession to the crime and because of her pregnancy. Almost two years later, on September 25, 2003, Lawal, whose case had since attracted unprecedented international attention, was acquitted before attentive eyes worldwide.

This chapter is an ethnography of what I call idealized versus political shari'ah, based on my own research in northern Nigeria in 2010. "Idealized shari'ah" is what was demanded on the streets of northern Nigeria in 1999; it is a constructed shari'ah imbued with what Nigerians most urgently want to see in their societies—an end to poverty and corruption. An end to poverty and corruption thus became synonymous with idealized shari'ah. "Political shari'ah" is a phrase developed by Nigerians on the ground to describe what happened when shari'ah

took hold in the same corrupt political process that had prompted the revolution to begin with. While the ideal persists, the political manifestation of the ideal brings with it great grief—and, in the age of Boko Haram, grave dangers for ordinary Nigerians. The following section describing idealized shari‘ah makes up the first and outermost layer of the sunnaic paradigm described in the Introduction.

IDEALIZED SHARI‘AH

In 2000, shari‘ah spread—and the impossible happened.

Dr. Haruna Wakili

“Islam”

On a very hot day in February 2010, I sat in the office of Aliyu Musa Yauri, in Nigeria’s capital Abuja, awaiting my appointment to discuss his work as the lead attorney in Amina Lawal’s trial.⁸ His staff were not only good enough to offer me an ice-cold malt soda—a precious commodity when electricity shortages often hamper refrigeration—but also provided me great amusement as I eavesdropped on a young Hausa boy’s valiant attempts to explain the virtues of conversion to Islam to his pretty, female Igbo colleague, no doubt so he could have a chance to marry her. The girl’s witty, unmoved retorts to the boy’s ever-more-tenacious flirting were interrupted by Mr. Yauri’s emergence from his office. A kind-looking man, stout and wearing brilliant royal blue and white traditional Hausa clothing, he breathlessly asked me if we could hold the interview in his car, as he had to mediate a 15 million naira land deal immediately. A few minutes later, I leaned with relief into the air conditioning of his car and the soft murmur of BBC Hausa.

“I would even say that we are willing to see our sons die before we are willing to see the name of Islam touched,” he said while maneuvering Abuja’s sophisticated highways in the midst of our easy conversation. “When our sons die, we know God has a plan—but Islam ... you can do

what you like to do in the north, but if you touch Islam, you are in trouble.”⁹ Yauri would know. Some who repeatedly threatened him, accusing him of being a non-Muslim, viewed his representation of Lawal with extreme suspicion. They were convinced that his representation of her and her subsequent release were the direct result of Western intervention in the form of money and unwelcome, imposed values. Yauri defended against these accusations by arguing that his defense of Lawal was in fact an expression of his love of Islam. As an attorney and a proud Muslim, he considers it his duty to expand the outward limits of what legal precedents for harsh punishments such as stoning and flogging should be. His words recalled a point that Hauwa Ibrahim, another of Lawal’s prominent attorneys, had made to me in Cambridge, Massachusetts, some months before: “The trouble is, once stoning starts, it doesn’t stop.”¹⁰

Yauri’s predicament indicates how important it is for political actors in contemporary northern Nigeria to foreground “Islam” and Islamic identity in their activism. Any agitation for change that does not cloak itself in the rhetoric of “Islam” stands almost no chance of gaining any popular support—and now, given the northern governors’ widespread adoption of shari’ah in their states, no chance of elite support either. It was not always this way in northern Nigeria, where the Northern Elements Progressive Union, formed in 1950, championed socialist ideas against a backdrop of general Islamic ethical values. But today, a specific conception of Islam that includes an uncompromising fierceness of Islamic penal law (called colloquially “shari’ah”) is the currency of social change. In classical Islamic accounts, shari’ah is the ideal of God’s law, the perfect law. In classical Arabic, the word encompasses meanings including “the way to the watering hole [for camels]” and the ultimate mercy and redemption. This notion stands in contrast to *fiqh*, which are man-made manifestations of the shari’ah ideal, incorporated into jurisprudential schools of law that are subject to debate and refinement over time.

While the substance of some of Nigeria’s shari’ah laws may have been hard to defend constitutionally, the populist power that brought

them to the north is unquestionable. In the face of dwindling hope in the federal state structure, Hausaland dug deep into its history and collective memory to find an identity that would ground its passion for change. This identity was “Islam.” The power of *Islam* as a proper noun is powerfully buttressed in Hausaland by the memory, now legendary for many, of the Sokoto Caliphate (r. 1809–1903 C.E.), which marked one of the most important periods of rule in African modernity. “Islam” in this construction carries the symbolic value of strength and perseverance, and a sense that all—rich or poor—are equal before God.

An eminent historian of the Sokoto Caliphate, Ibraheem Sulaiman, writes in one of his essays that “In Islam, you are born today and tomorrow you start fighting.”¹¹ But is it all Muslims who fight against the fundamental injustices of our human predicament? Or is it Muslims who find themselves under direct attack, who are therefore commanded to defend their theological and physical borders? I believe that, for Sulaiman’s part, “Islam” is a proper noun that connotes self-determination for northerners who want independence on their “own terms.”¹² His essay makes it clear that the enemies to be fought are corruption, poverty, and helplessness.

But “Islam” is not simply the fight against the social problems that plague the region; Islam, here, is fundamentally oppositional. “Islam” resists powers that interfere with the subjective sense of self-determination and confidence a people need to confront their problems. According to Sulaiman, “Islam will always have to fight to survive. . . . Americans will always look for an excuse to fight Islam.”¹³ Adamu Adamu, a weekly columnist for the *Daily Star* in Nigeria, added, “There is not [a] time in Islamic history that Islam has been practiced 100%. It is always a struggle.”¹⁴

This notion that “Islam” is always a struggle stands in for the qualities of self-determination and dignity expressed in a distinctly masculinist flavor. Dr. Usmanu Bugage, a well-known Nigerian public intellectual, said this to me of the Sokoto Caliphate: “The Hausa kingdoms were all about strong men before—but Islam says, they [the powerful]

are men—and we are men.”¹⁵ “Islam” levels the playing field among “men.” This contemporary iteration of Sokoto Caliphate “Islam” is understood to confer dignity to men because their allegiance is to God rather than any worldly, political force; and God—the unseeable, that which is so powerful that it cannot be apprehended by the sensory limitation of human beings—is always a greater force to direct one’s allegiance to than one’s mortal enemies. This God is bigger and more powerful than any Hausa ruler, modern federal republic, or geopolitical force. This masculinist account of dignity levels the playing field of power to one that is *mano a mano*—the common man at last on a par with his rulers.

Law as Natural Order

Dr. Aliyu Tilde’s well-kept farm, one of the most pleasant places I visited in northern Nigeria, was a relatively unusual sight: bushes replete with violet flowers dotted the perimeter of sprawling green grasses where Dr. Tilde can often be found sitting with his laptop, writing his weekly column about Nigerian political, religious, and social affairs.¹⁶ He interrupts his thoughts to move the table against the direction of the sun to sit in constant shade. Dr. Tilde, who has a PhD in botany from the University of Sokoto, described the Sokoto of his student days as quiet and peaceful; he used to read the Qur’an outdoors until sunset, after which he would begin reading *fiqb*¹⁷ until late into the night. His favorite author is Abū at-Ṭayyib ‘Aḥmad ibn al-Ḥusayn al-Mutanabbī (d. 353 A.H./965 C.E.), who is known as one of the greatest Arab poets, and who was called a heretic in his time for his religious skepticism.¹⁸ But Tilde, who has flirted with such unorthodox ideas himself, emerges unconvinced of their wisdom. The reason can be found in his studied observation of the dozens of cows he keeps on his property, whose delicious, sweetened milk we enjoyed while chatting as the afternoon sun slowly turned to dusk. “Unless you have law,” Tilde reflected,

Man is an animal. The law is supplied by religion, which raised man from the animal level to the human level. We must continue to refine God's law to keep man in check. Law keeps man at a high level with its potential energy. Once that energy is law, [the status of man] will drop down. As society changes, that law is modified. Our primary lawgiver comes in the form of a prophet, like Muhammad. Shari'ah is an obligation on Muslims. Shari'ah is there to regulate virtually everyone. The government [of Nigeria] is not founded on shari'ah but on the secular governance of the West. People look back to the pre-British period and they wish they could go back to the times in which they were deprived. Having said that, a Muslim society that is living in the twenty-first century has to give an interpretation of shari'ah that is better. Shari'ah is unchangeable, while *fiqh* is a changeable concept. If there is an argument that can be used to save someone's life, the jurist should use that argument.¹⁹

That religious law is necessary to regulate man's passions is a trope I heard often in northern Nigeria, and I believe it is one of the chief instincts motivating the clamor for shari'ah. The power of shari'ah to order and cleanse society lies in its "authenticity," as both Sulaiman and Tilde indicated—an authenticity expressed as opposition to Western forms of government, economic policies, and colonial histories that are considered to be at the root of many of Nigeria's contemporary problems.

Dr. Abdulkareem Sadiq, who directs an Islamic institute in Zaria, explicated idealized shari'ah in more detail. On the surface, the ideal is simple, and part of what makes it ideal is its simplicity—the model for northern Nigerian society is the Prophet and the four rightly guided caliphs, what is known in the Islamic tradition as the *sunnah*, or following the example of the Prophet Muhammad. The following stories relayed to me about the Prophet particularly illustrate the ideal. During the Prophet's time, a lady from a wealthy background was caught stealing and was brought to the Prophet. "This woman was from a noble background . . . and no one had never seen the Prophet so angry when the people wanted her set free because she was of noble birth. The

Prophet swore by Allah that if his own daughter Fatima was to be caught stealing he would cut off her hand.”²⁰ Here is an example of a great leader of Muslims, who presumably enjoyed privileges over laymen, subjecting his close family to the same rules and laws as anyone else. This moral stance is extremely attractive to northern Nigerians. A similar situation happened under the reign of the second caliph, ‘Umar ibn al-Khaṭṭāb (d. 23 A.H./644 C.E.), who reportedly said to his flock: “If I do anything wrong, please set me right: we’ll set it right, even if it means *this*” (and he shook his sword). Another story is of Alī ibn Abī Ṭālib (d. 40 A.H./661 C.E.), the third caliph, from whom something was stolen. When Alī took the case to court, he was found guilty. The acquitted Jew accused of stealing embraced Islam, declaring it a just system.²¹ Dr. Sadiq’s next statement, which jolts us into the particularities of Nigeria’s present, was a bit startling: “Hence if we follow the shari’ah, there will be no more immunity in the Senate.²² In the Prophet’s time, when you followed the Imam and he did something wrong, he would have immediately been told he was wrong. You only follow someone when he does something right.”²³ Dr. Sadiq continued:

In Islam, the leader has to comply with the rights of Muslims because he can be immediately removed. That’s what makes shari’ah so ahead. Historically the people have heard about shari’ah and how it is all about justice. The world over, the leader is worshipped. In Islam, the leader has to comply with the rights of Muslims. People saw ‘Umar crying when he was recalling that the Islamic empire has expanded and some of the unkept roads might cause a camel to stumble and fall—but look at our roads, they are stumbling blocks, and no one cares. But ‘Umar was afraid of the Day of Judgment.²⁴

People in northern Nigeria are afraid of the shari’ah in a manner more trenchant than their fear of other legal systems. This fear of God and the Day of Judgment is seen as fundamental to shari’ah’s efficacy as a legal system. The stoning punishment is the most gruesome and powerful expression of this desire for radical order in a chaotic situation, and provides a “legitimizing horror” for the shari’ah system as a whole.

“Idealized shari‘ah” interpolates an unruly order into a narrative of an *always already* perfect society. This society is made manifest through instantiations of a conception of shari‘ah that is constructed as the only solution to Nigerian problems. In the face of economic decline, social disintegration, and a loss of political power in the north—and in keeping with trends in the wider Islamic world—the reimplementing of shari‘ah has been a way to set boundaries around an unruly situation; for “Islam” as a symbolic category is the most powerful legitimizer of political change, moral discipline, conformity, and spiritual reflection. Dr. Muzzammil Sani Hanga, chairman of the Kano shari‘ah commission, makes this point of “shari‘ah as structure” by arguing that “The increased level of tolerance and the value of man and the purpose of religion is upheld by the shari‘ah. It doesn’t matter what he believes.”²⁵ Dr. Hanga’s statement reflects the fact that Islamic law has, by this point in history, developed as public law, one that regulates public morality and is less concerned with individual belief or hidden behavior.

Whether the above stories of the Prophet are historically “true” is beside the point. Northern Nigerian society had reached a stage by 1999 that the people desired shari‘ah to mean justice. Hence, stories, *ahādīth* (plural of *ḥadīth*), Qur’anic verses, and modes of interpreting the shari‘ah that would bring swift punishments to an unruly social and political environment were sought out and promoted as shari‘ah’s “true” meaning. The human hand in this and many other cases is thus indelibly linked to *which* shari‘ah comes to the surface in a given society, whereupon that version is accorded the status of ahistorical divinity by clergy and laypeople who accept that vision. This process of emphasizing one aspect of the shari‘ah and calling it the whole was then socially canonized in northern Nigeria through naturalizing rhetoric that conflates shari‘ah, Islam, and Hausaland. Dr. Aliyu Ibrahim, a professor of Islamic law at the Ahmadu Bello University, Zaria, described this conflation by saying that “Islam as a legal/political system was doing well under the Sokoto Caliphate—shari‘ah is a reintroduction. Shari‘ah has been here for a long time—since the British came,”²⁶ whereas

Dr. Asmau of the Kaduna Polytechnic University moves the argument toward further naturalization by describing shari'ah as ahistorical: "You can't 'reintroduce' shari'ah. It is simply the way you practice Islam."²⁷ This conflation illustrates the sunnaic paradigm.

"Democracy"

What idealized shari'ah is *not*, significantly, is a democracy. While it is tempting to explain this oft-repeated sentiment in contemporary northern Nigeria by reference to shari'ah's "naturally" undemocratic character, I believe there is no doubt that shari'ah is deemed precisely "not a democracy" in northern Nigeria because of Nigeria's failed transition to democracy after thirty years of military rule came to an end in 1999. Commenting on democracy, Dr. Guando of the University of Sokoto says, "What is this [democracy]? Islam says, whoever you are, no matter what your position, the law must take its course. Democracy gives immunity."²⁸ What is this?"²⁹ "Democracy," far from being seen as the contemporary world's most just system of government, is instead blamed for Nigeria's corruption. This corruption is today practiced under the banner of "democracy."

Aliyu Ibrahim puts the matter more starkly, claiming that the problem with democracy is that it is a Western concept that fundamentally contradicts the "Islamic": "Democracy is the sovereignty of the people and [implies] secularism—both of these are a rejection of Islam. Democracy [functions on] the basis of this popular sovereignty myth. Even if the world is paradise, we feel we are going back to God [in the end]."³⁰ Many northerners connect democracy, which is considered a failure in Nigeria, with secularism, and hence this religious and antireligious rhetoric is superimposed onto the political problems of Nigeria. The rhetoric of Islamic law further extends this analogy—a return to Islam is a return to general law and order. I believe that the instincts and desires described above do not contradict, but rather illuminate, Adamu Adamu's blunt summation that "The primary reason Nigerians wanted shari'ah was because of the will of God."³¹

POLITICAL SHARI'AH

If shari'ah was from God, it will survive. But if it was politically motivated, it will fizzle out.

Olusegun Obasanjo, President of Nigeria (1999–2007)

The visitor to Hausaland cannot fail to notice the near unanimity of the embodied practice of Islam.³² Small, colorful plastic pots filled with water to make the ablutions for prayer line the dusty streets where merchants hawk their wares, and when the *izān*³³ sounds, all stop their business to pray, often right outside their shops on plastic or handwoven mats, or at the many corner mosques, which are often simple storefronts. Nigerians are practical about religion, starting with traditional worship, where Gods could be borrowed. I relayed my amazement to many of my new friends in Nigeria at the seemingly total rate of prayer among the population—one that I had never seen, for instance, in extensive travels through the Arab world. They replied that this order could be ascribed to the leaders of the Sokoto Caliphate, who brought textual uniformity to the region. I could not help but be impressed by these quiet scenes of people from all walks of life stopping what they were doing to wash themselves and pray, side by side, without attention to social status.

Dr. Mustapha Muhammadu Guadebe,³⁴ however, had a different, less romantic take: “The high rates of prayer reflect the challenge and deprivation in Nigerian society.” Dr. Awalu Yadudu³⁵ added, when I told him my observations: “Yes. Outwardly, Allah willed them as model Muslims. But in other ways, they’re the worst. They may pray, but cut corners in all other acts of worship. For example, business transactions are not fair and kept truthful.”³⁶

By 2010, many had declared the shari'ah experiment a failure. It made sense in cultural terms, therefore, for northern Nigerian analysts to decouple the embodied expression of Islam (e.g., prayer) from the body of evidence that would indicate moral uprightness. This cleavage is an unintended consequence of shari'ah—one that has increased public pressure to “look” Muslim, and that is also a psychosocial

insistence on preserving a conception of “idealized shari’ah.” There must still be something perfect and ahistorical to look to as a defense against a growingly worrisome state of affairs in the external world.

Even northern Nigeria’s most enthusiastic proponents of shari’ah had to add the caveat that its process of implementation had been tragically politicized: Dr. Hanga, himself the chief of the Kano shari’ah commission, said frankly: “Those who brought about the reintroduction of shari’ah were not sincere. Shari’ah is just a legal system, not a political machine.”³⁷ Dr. Hanga’s statement reflects the fact that it was not long before the shari’ah ideals and hopes for social change, which had driven thousands to Zaria in 1999, became bitterly disappointing as shari’ah became subject to the same mechanics and personnel that were deemed corrupt to begin with. But because Hausa Islamic society cannot allow critiques of shari’ah qua shari’ah, the term “political shari’ah” was developed in northern Nigerian society to describe—and distance—the crushing disparity between the ideal of shari’ah and the far less-than-ideal reality of its implementation that was unfolding in a corrupt and inherently corrupting political space.

“ZEAL”—SHARI’AH’S EARLY DAYS

Many spoke of the “zeal” that accompanied the reintroduction of shari’ah in 1999. This first took shape in the prosecution of Buba Bello Jangebe, known in Hausa as “Kare Garke” (the ranch raider), a poor man from Zamfara State who had his hand amputated at the wrist in 2000 for stealing a cow. The zeal was so prominent that Jangebe himself hailed the decision and said to the BBC, “When I was a thief, there were lots of problems, there was no money, I had no peace. At the time, my relatives deserted me ... I now visit my relatives and they visit me ... I thank God for the amputation.”³⁸ Today regarded somewhat like a celebrity in northern Nigeria, Jangebe was given a job after his amputation as a messenger at a secondary school in his hometown.³⁹

It was only later, when it became clear that corruption had not been alleviated by shari'ah, that people began to admit that Jangebe looked malnourished when his arm was amputated. Dr. Hanga offered the following example to explain the zeal that fueled Jangebe's—and indeed Amina Lawal's—sentencing. They were in the wrong place at the wrong time and were unfortunately caught up in the zeal:

During the Nuremberg trials in Germany, if the Nazis had been tried five years later, there would likely have been a different punishment. People were in the throes of shari'ah. In the Amina Lawal case, you can see the effects of time. At first there was intense heat: then the heat subsided and arguments were purely legal.⁴⁰

Human nature's curtailed capacity to respect and fear the shari'ah if it is deemed too harsh or unjust was also considered by *'uṣūl al-fiqh*⁴¹ scholars and by the contemporary thinkers who reconceptualize shari'ah for today. Shaykh Malam Sanusi Khalil, of the *Izālat al-Bid'ah wa Iqāmat al-Sunnah (Izālā)* movement, emphasized that the poverty level of people must be taken into account before accusing them of crimes. “In the Prophet's time, there was only one wrist cut off in twenty-three years. This is because peoples' needs were being taken care of.”⁴²

Idealized shari'ah entails meeting people's basic material necessities to an extent not close to being reached by contemporary Nigerian authorities. This slippage between a reality that is not conducive to shari'ah and ideal shari'ah is a well-worn theme in modernist political Islamic thought, typified by thinkers such as Syed Abul al'la Maudidi in the Indian subcontinent and Yusuf al-Qaradawi of Egypt and Qatar, both of whom were frequently cited in Nigeria as political inspirations.⁴³ Personnel are supposed to be properly trained to administer a new shari'ah society. There is supposed to be a reorientation of society itself, I was frequently told, a kind of renaissance—people are to be enlightened and well educated before shari'ah can be implemented. In modernist thought such as Qaradawi's, it is frequently

repeated that this ideal is so far from being reached that discussions of shari'ah's actual applicability should be suspended for the foreseeable future.

KEY PLAYERS AND MOVEMENTS IN POST-1999 SHARI'AH

Shari'ah's failure to meet northern Nigerians' ideals is personified by its current political actors and movements. The following are short accounts of the main players on this scene.⁴⁴

Ahmed Sani Yerima, Governor of Zamfara State (1999–2007)

Ahmed Sani Yerima is the former governor of Zamfara State and a member of the All Nigeria People's Party. He was the first to reintroduce shari'ah penal codes to the north, in Zamfara State in 1999. Though shari'ah rendered his reputation sterling, by the late summer of 2010 Yerima was embroiled in scandal. Khadija Asaiko described him pithily as "at the top of the list of governors who steal money. Southerners make a mockery of the north for this reason. Shari'ah was merely a cover for him. If anyone critiques him, he can now respond, 'they attack me because I am the shari'ah man.'" ⁴⁵ Dr. Sadiq, who was very supportive of the shari'ah initiative and continues to be, though perhaps to a slightly lesser degree, also expressed dissatisfaction with Yerima's leadership, saying that the government has squandered a golden opportunity: they had the resources to impose a just shari'ah order of which the people were in full support. But the problem of offering immunity to corrupt government officials has persisted under the new order, and this is certainly contrary to the shari'ah. The *'ulema* (Islamic scholarly authorities), according to Dr. Sadiq, cannot prosecute the government because of immunity. Or perhaps the reason they can't prosecute the government is that the *'ulema* are being paid off.

Malam Sanusi Khalil of the *Izālā* sees things a bit differently, arguing that shari'ah is not new for Muslims and, therefore, that the 1999 movement back to shari'ah is not extraordinary. "Unfortunately, Muslims have criticized Yerima, but I believe Yerima, because a Muslim is only to judge actions, not one's heart."⁴⁶ In the summer of 2010, Yerima became embroiled in another scandal that severely challenged his credibility when news that he had married a child bride—a thirteen- or fourteen-year-old Egyptian girl who was reportedly the daughter of his driver in Egypt—became the talk of Nigeria. Yerima had to bring her back to Nigeria, as it is illegal in Egypt to marry a girl under eighteen.⁴⁷

The Hisba Police

The *bisba* are a largely ad hoc police force charged with upholding the moral order as set out by the 1999 shari'ah experiment. The *bisba* are employed under an initiative called *daidatu sabu* (literally "ordering steps"), a program charged with maintaining a social order that comports with the shari'ah that was set up in the Kano, Sokoto, and Zaria shari'ah commissions. The *bisba* do not enjoy a good reputation among northern Nigerians; many citizens, including those who supported the shari'ah revolution, consider them a vigilante group composed of zealous young men.

Today the influence of the *bisba* has waned, and the civil police have regained popularity as the only constitutional body allowed to parse legal codes (it is said that only the mistakes of the *bisba* could have rehabilitated the civil police force so dramatically). Saudatu Mahdi⁴⁸ describes the hisba as "an exuberant group of young men on the verge of fanaticism. They want a moral platform to say, 'They are wrong, and we are right.'" Dr. Sadiq, on the other hand, says that while he "wouldn't be surprised if [the *bisba*] were corrupt, the police, however, are far more corrupt, for they have to show they are working."⁴⁹ Accordingly, the police's reputation for targeting the poor and the innocent was worsened by the rise of the *bisba*.

Izālat al-Bid'ah wa Iqāmat al-Sunnah

Izālat al-Bid'ah wa Iqāmat al-Sunnah⁵⁰ (Izālā) was established in Jos in 1978 by Shaykh Ismaila Idris. However, Shaykh Abubakr Gumi (1922–92), one of the most influential Islamic scholars of the 1960s, who served as the grand *qādī* of the Northern Region (1962–67), is more closely associated with the movement.⁵¹ The Izālā are understood by many in northern Nigeria to attack traditions in Hausaland that they consider innovations in Islamic practice, such as naming ceremonies or the practice of saying “*amīn*”⁵² during the five daily prayers. Traditional Sufi orders in Nigeria, especially the Tījāniyya, are particular targets, often accused of *bid'ah* for their practices of *dbikr*,⁵³ which offend the Izālā's belief in only the Qur'an and *ḥadīth*. The Jos faction of the Izālā is considered the most militant, known for proselytizing with loudspeakers in Christian areas. Unlike the Tījāniyya, who have been historically resistant to the British colonial masters since the nineteenth century, going so far as preventing their children from attending colonial schools, the Izālā encourage people to get a Western education in a move often understood as characteristic of an “alternative modernity.” Their political focus and practical attitude toward education make them more amenable to politicians, who often sympathize with them.

Gumi, considered the spiritual founder of the Izālā, wrote his own *tafsīr*⁵⁴ of the Qur'an in Hausa and translated the Qur'an to Hausa. Gumi was critical of the cultural practices of the Hausa rulers, recalling the trope of criticizing perceived problems in society by “tightening” Islamic arguments that reach back to the *jihad* era. Uthmān Dan Fodio was a Qādarī⁵⁵, but not a Sufi, says Gumi, splitting Sufi orders in the region. This is an odd statement considering that Fodio, Hausaland's most revered figure, was an avid *murid* (follower) of the Qādariyya. In Sokoto, a man I met said, “If Gumi were alive, he would not have gone for the method used in Zamfara, i.e., translating books into English and make them into the legal code.” We can see here that, by 2010, there was an attempt to distance the Izālā movement from post-1999 shari'ah.

Tijāniyya and Qādariyya (Sufi Orders)

In an implicit response to their Izālā critics, perhaps, the Qādariyya tend to emphasize that Sufis know the shari‘ah by citing Imam Mālik, the eponymous founder of the Mālikī school (which dominates northern Nigeria), who wrote: “*man tasawwafa wa lam yatafaqa fa-qad tazandaqa*” (one who becomes a Sufi and doesn’t become learned in Islamic law becomes a heretic).⁵⁶ The emirs of the Sokoto Caliphate, who continue to enjoy ceremonial and moral authority in Hausaland, are still part of the Qādariyya legacy, unified under one Sultan. Today, however, these movements have their fierce critics. According to Aliyu Ibrahim, “Imam Ghazālī combined beauty and law. Ibn al-Kayyām wrote about how to cure the illnesses of the heart: *Islām, Imān* and *Ibsān*.⁵⁷ Too much *Ibsān* [beauty] without shari‘ah is the *Zindiqa* [heresy]. They [the Sufis] are heretics.”⁵⁸

Northern Elements Progressive Union

Mustapha Guadebe credits Nigeria’s independence with the political clarity offered by the Northern Elements Progressive Union, which was started by Tanko Yakasai (b. 1926), a simple tailor who became a government minister. Maalam Aminu Kano is one of the movement’s most celebrated luminaries. In the 1950s, his heyday, Maalam Kano was a presidential candidate of the People’s Redemption Party. Maalam Kano is still revered in Nigeria today for the perception that he was a just leader, and for his multifaceted approach to social change: known to combine Qur’an, *ḥadīth*, communist principles, and *fiqh* in his speeches and writings, his polyglot approach was condemned by the ‘ulema of his time; this historical construction places the ‘ulema on the opposing side of progress. Ironically, in today’s climate, it is unlikely that Maalam Kano would garner such wide support—despite his persistent popularity as an inspirational historical figure, even among supporters of the 1999 shari‘ah revolution.

Kano and Sokoto Shari‘ah Commissions

Dr. A. N. Umar is the permanent secretary of the Ministry of Religious Affairs in Sokoto; his job is to coordinate among the different departments of Sokoto’s shari‘ah commission: shari‘ah education, *zakāt*⁵⁹ collection, community service, *du‘ab*,⁶⁰ and finance. Dr. Umar describes the shari‘ah before 2000, when it was reintroduced in Sokoto, as “dormant and not in practice”—even though, significantly, it was always somehow there in the hearts and practices of Sokoto’s residents, albeit in passive form. Sokoto replaced its magistrate courts with shari‘ah courts after shari‘ah was revived in 2000.

The shari‘ah commissions operate on two assumptions: that shari‘ah is the vehicle through which Islam becomes animated, and that morality is grounded in Islam. Many of the problems in Nigeria are diagnosed as moral problems, and shari‘ah institutions are thus vested with a mandate to sanitize sin and corruption from the hearts and minds of the people. But how does an institution set upon a task as lofty as “sanitizing” hearts and minds? On the more trenchant side of this spectrum, shari‘ah commissions like Sokoto’s set upon improving Islamic education. They have appointed three preachers in each local government and sponsor workshops on the ethics of preaching. Politics is never far from the commission’s activities: to keep the peace, and to form committees, they draw from the Tijāniyya Sufi order Jamat Nasr al-Islami, an umbrella organization bringing together the north’s Islamic organization (founded by Izālā leader Abubakr Gumi) and the Izālā itself. Whereas before shari‘ah there was much political rivalry between these groups, today the differences are slight; a relative political peace credited to post-1999 shari‘ah has rendered the groups’ differences relatively unimportant. In addition to these activities aimed at restoring morality, they have provided sixty-nine motorcycles (as of 2010) to out-of-work young men so that they can transport people around town. “Shari‘ah is a way of life,” Dr. Umar said. “Muslims are expected to apply shari‘ah in all aspects of their life. *Ma’lims* [Hausa: Islamic scholars] could not

afford Islamic books—so the government has now purchased them and distributed them according to districts in the local government.”⁶¹

Sokoto’s shari’ah commission, whose well-appointed building can be found on one of Kano’s leafy side streets, was established one year after Kano’s, in 2000. Kano is northern Nigeria’s largest and most active shari’ah commission, serving one of West Africa’s most important cities of commerce and culture. The commission is divided into four departments with specific mandates: the shari’ah commission, the *bisba* commission (which trains and appoints the *bisba* police), the *hubsu* commission (oversees issues of trade and commerce), and the *zakāt* commission (almsgiving). The primary means of contact between the shari’ah commission and everyday people is through the *daidatu sabu* initiative. Like many of the Islamic scholars I had spoken to who reflected on the deeper purpose of shari’ah, Dr. Hanga described the commission’s aim as chiefly to prevent people from feeling drawn to immorality to begin with. Dr. Hanga took pains to emphasize that “the shari’ah does not go after people who hide,”⁶² echoing a leitmotif of Islamic jurisprudence, whereby Islamic law is the arbiter of public morality. As such, the point is not to invade privacy or attempt to uncover sins that are hidden.⁶³

It is ironic, then, that a chief concern of the commission is *zinā* (adultery, including premarital sex), one of the most private of activities. Dr. Hanga asserted that in Kano, for example, there is no longer any prostitution, and he described an incident in which the shari’ah commission brought a prostitute back to her family, saying, “Take your daughter back.” But this only raises the more important questions of whether her parents could afford to resume caring for her financially; whether her sex work was unrelated to her family’s poverty; and whether her parents would want her back after her moral transgressions.

Boko Haram

The terrorist group Boko Haram arose as a direct result of the the failure(s) of the post-1999 shari’ah revolution. Started in 2002 by

Muhammad Yusuf in Maiduguri, Boko Haram is today composed mainly of poor, uneducated boys who originate from Borno State. They believe that any book that is not the Qur'an is *harām* (a sin), and they do not subscribe to a particular *matbab* (school of law). Boko Haram are responsible for several instances of terrible violence in Nigeria, including a deadly clash with Nigerian security forces in 2009 that killed over seven hundred⁶⁴ and a fresh spate of killings in January 2012 that targeted schools. Aminu Gamawa, a northern Nigerian political commentator and graduate of Harvard Law School, assesses Boko Haram this way: "A failed revolution always gives way to terrorism and radicalism. The politicians promised them that when they implemented shari'ah everything would change, now they [Boko Haram] are out for total political and social revolution."⁶⁵

SHARI'AH IS "WORKING"—A CONCENTRATION ON WOMEN'S DRESS

Over the course of my fieldwork, it has become clear to me that it is difficult to remain at the lofty level of "changing hearts," slow as the pace of this kind of change inevitably is—because, for social and political reasons, the shari'ah commission feels pressure to demonstrate that shari'ah is "working." Dress code becomes an easy means to publicly demonstrate shari'ah's efficacy, and women's dress is almost always singled out for special attention, both because of the greater emphasis on women's dress in Islamic law and because women themselves are generally less politically and socially equipped to challenge the *bisba* shari'ah police.

Other aspects of social life are also disciplined by *daidatu sabu*. Many told me that Kano was highly social before shari'ah, characterized by the Hausa word *escanche* ("loose living"). One regular man I spoke to one evening in Kano, "Umaru," recalled the promiscuity, drinking, smoking, sex, clubs, and joints that were readily on offer in Kano before shari'ah with an unmistakable whiff of nostalgia. I asked Umaru if he

himself considered these activities a problem, and if he was glad shari'ah had drastically reduced them. After a long pause, he answered, "They are a problem in terms of religion," suggesting that his problem with these activities did not extend beyond abstract moral considerations—I sense that he considered his subjective opinion on this matter irrelevant. Umaru went on to add that it is a common misconception that shari'ah was deemed necessary because of a high crime rate; the reality, he added, is that the problem is actually corruption and insecurity. Before shari'ah, he reflected, there was not a lot of criminal activity.

Disrupting everyday life and infringing on personal boundaries is not what people had bargained for, yet it seems that, de facto, this is what shari'ah amounted to. Indeed, it was when the shari'ah authorities tried to crack down on social life that problems started. Policing morality began to wear on the regular citizens of Kano. More and more people began to take advantage of the fact that *daidatu sabu* regulations were almost comically easy to circumvent, as one only had to take a fifteen-minute trip from most places in Kano to the *sabon gari* (literally, the "strangers' quarters"), where the Christians in the region had traditionally lived and done business, to break the rules. In the *sabon gari* one can pass languid evenings at one of dozens of outdoor restaurants and bars and have beer, hard liquor, and wide varieties of food; the dress code is more relaxed, and at the end of the evening one could easily return home to more conservative neighborhoods.

It is important to note that this state of affairs reflects the fact that *daidatu sabu* regulations do not apply, at least directly, to non-Muslims. The free-for-all space of the Government Reserve Area in Kano, known as an exclusive area for the ultra-elite, is even more provocative to everyday Kano residents. Regular citizens often hear that unimaginable excesses take place there that go totally unpunished, including what one man I spoke to called "man-on-man acts that were overlooked because they were of a higher class."

POVERTY

A lot of Islam is the regulation between two people.

Dr. Guando, Sokoto, May 2010

The plight of the poor epitomizes what many call the fundamental root of northern Nigeria's problems: a moral decadence for which shari'ah is seen as the only real solution. Northern Nigerians are convinced that Islam is supposed to provide a check against economic imbalance; it is supposed to be "welfarist" at its core. The terrible gap between the rich and poor exists, therefore, because these very core Islamic principles have not been kept.

Many spoke of the breakdown of Nigerian society as happening in stages that led to shari'ah implementation. The first was the 1999–2000 furor, when shari'ah was a campaign issue. During that period, shari'ah was described as the antidote to a serious breakdown of social services and an IMF-sponsored structural adjustment program that marked the beginning of the end of governmental involvement in people's lives. The children of the poor could not cope with this new regime, because money was suddenly withdrawn from the public realm. This trouble all began when the military-backed government yielded to a democratically elected government. Jamila Nasr added that she believes this imbalance became exacerbated when religious scholars exploited these circumstances by "making religion more visible" in order to gain politically.⁶⁶

According to Aliyu Ibrahim, currency devaluation and debt in Nigeria have made the current situation "ten times worse than slavery." To emphasize the point, Dr. Ibrahim recommended a book to me, *Confessions of an Economic Hit Man* by John Perkins. He told me that "Africa is dying because of debt, the plundering of riches, arms and armament—and the U.S. is the largest supporter of these arms."⁶⁷ Several other men in the room who were sipping tea with condensed milk and sugar—a drink that seems to be uniquely delicious in Nigeria—nodded and murmured approvingly.

For northerners, the shari'ah they advocated in their 1999 revolution was about advancing a welfare state, which is to say, a solution to poverty and an end to stultifying corruption. "No one should go to bed on an empty stomach. Men know their rights, and live their lives in accordance with the Prophet's last sermon. Shari'ah stands for justice and fair play."⁶⁸ According to Mustapha Guadebe, the Qur'an provides a template for the treatment of the poor and the regulation of the rich. The deprivation that Guadebe believes leads to the high rate of prayer among northerners also explains the common man's enthusiasm for shari'ah:

The common man wants anything that can improve his own life; he believes that the Qur'an tells us how the rich and poor should live. Islam disciplines the rich; the rich should pay *zakāt*. If the poor can get *zakāt* on their own, they wouldn't have to beg. *Zakāt* is not taxed, the rich just evade it. In the shari'ah people will be obedient to God, which means: they will respect the laws brought down through religion and they will assist their neighbors. For example, if one is rich, but your neighbor is poor, Islam says there is no way you should cook what your neighbor cannot cook for themselves. Islamic society is supposed to be fair. In Nigeria the rich exploit the poor. The rich have obligations to the poor, but instead they hoard food and commodities and oversell to the poor. The rich don't pay *zakāt* because it's corrupt money and cannot be used in Allah's way. The Kano governor, who is very rich, with houses in London, is surrounded by people who cannot find a meal. Rich people are from the military or civil service. The country is declining, it's not growing.

"How do people sleep at night?" I asked, deflated by Guadebe's sadness as he spoke.

"I don't know. Maybe drugs."⁶⁹

. . . .

As Salisu Bala, the director of the Arabic Manuscript Program at Kaduna's Awera House, and I approached a vendor—of deliciously spiced baked fish wrapped in aluminum foil and stuffed with tomatoes and onions—off a side street in Kaduna, we were regaled by one of the most pathetic images I saw in northern Nigeria: dozens of young adolescent

boys rushing Bala's car to beg for money in the most entreating and relentless manner. These were the *magajari*, young boys who left their hometowns to come to the city to learn Qur'an, who were supposed to be supported by the state and through *zakāt*. The pilgrimage of the *magajari* to the cities is a very old Hausaland practice, and so regular citizens come to their aid by feeding and clothing them; yet these boys had been neglected by the state for a long time and their conditions have worsened in recent years. The Kano shari'ah commission set up a task force to look into their fate.

The plight of the *magajari* is perhaps the most visible example of the failure of adequate *zakāt* collection, and is thus a source of palpable sadness for many northerners I spoke with, as the *magajari* symbolize Hausaland's rich heritage of Arabic and Qur'anic studies. Traditionally these children have survived by *zakāt* and handouts from locals, but the rich's failure to pay their *zakāt* has reduced many of these boys—frequently seen huddled in doorways writing Qur'an on wooden sheaths with ink pots—into beggars.

CORRUPTION

The idea of full shari'ah implementation became a mirage.

A shopkeeper in Kaduna

Anticorruption panels were set up in Kano and Zamfara's shari'ah commissions, which are well funded by those state governments. Kano's includes a public complaint commission, and Zamfara's has a separate panel to address corruption issues, but many have lamented that these are not working—to date there has been no sustained research or investigations over whether these commissions have lessened corruption. A story involving Ibrahim Shekaru, Kano's former governor, is the one most frequently used to illustrate discontent with the panels' efficacy. In 2005, then governor Shekaru was embroiled in a corruption scandal involving fertilizer distribution. He was never arraigned or tried in a shari'ah court, and now it is unclear whether Kano will ever get its

money back. Dr. Sadiq had remarked that if Nigeria were to “really” implement shari‘ah, the governors would be dead set against it. It is because of their lack of support for “real” shari‘ah that the shari‘ah experiment has died out.

The perspectives that I gathered on Nigeria’s infamous problem with corruption spanned the spectrum from secular to moral and religious. Dr. Asmau is partial to a geopolitical explanation of the problem, emphasizing the United States–Nigeria relationship. The Nigerian federal government is supported by the United States, which is only interested, according to Dr. Asmau, in Nigeria’s oil. Dr. Asmau then said something I found surprising: rather than advocating the United States removing itself from Nigerian affairs, she said that “The U.S. should come assist us and make our leaders listen to us.” It would not be the only time I heard a plea for more U.S. involvement while at the same time hearing that the United States was responsible for aiding and abetting Nigeria’s problems in the first place. Dr. Asmau believes that Nigerian leaders will listen to the United States in a way that they will not listen to their own people. Her posture toward European powers is slightly different: “These European countries should stop taking the [Nigerian oil] money, but they do, because of their own economies.”⁷⁰ Nigeria’s oil, which is mainly in the south of the country, is redistributed at the federal level, but that revenue rarely benefits the everyday northerner.

Dr. Hamidu Bobboyi (a prominent, American-educated northern Nigerian independent scholar and leader of an NGO promoting good governance) offers a diagnosis of Nigeria’s problems focused more domestically, emphasizing that political reform is essential to weeding out corruption.⁷¹ Nigerian politicians are expected to fund their own political campaigns, which can run into the millions of Naira. In Kano, one would need up to 250 million naira to run for governor. Thus, Nigeria’s ultra-wealthy are transformed into venture capitalists who treat campaigns as a business. A rich man will take a gamble and invest in a campaign, and if the candidate happens to win, they can expect ample

payback to make the investment worthwhile. If the candidate loses, the rich man will write it off as a bad investment, inevitable sometimes in the life of the marketplace. As far as the voters are concerned, an acquaintance I met in Abuja put it this way: “Before the elections, people are human. Once they get elected, you’re not a human anymore.”

Salisu Bala’s reading of political corruption returns to the theme of “moral disease” that is quite popular with northern Nigerians. Echoing Justice Mohammed Bashir Sambo of Zamfara State, Bala believes that people are corrupt because they “do not fear God.” I believe that in this context, the statement that people “do not fear God” is structurally the same as saying they “do not fear the law.” As Justice Bashir Sambo says in his book *Shari'ah and Justice*: “The Prophet was asked what goodness is. The answer is: ‘*in ta’abudu Allah kinnaka tarābu fa-lam takun tarābu fā-innaka yarāk.*’”⁷² (to worship Allah as if you can see Him, and if you cannot see Him, as if He can see you). Allah as the lawgiver, the judge.

With respect to authoritative Islamic legal texts—the ones that many contemporary northern Nigerians assume contain perfect answers—actually investigating them can be disappointing for Nigerians looking for a moral and legal way out of endemic corruption. Saudatu Mahdi, the secretary general of the Women’s Rights Protection and Advancement Alternative, said with some disgust, “Corruption doesn’t carry the same weight in the shari’ah as *zinā* (illegal sexual activity); it’s merely a breach of trust.”⁷³ Perhaps it is a result of the paucity of expected “progressive” Islamic legal readings that many of my interviewees preferred to leave the duty of mining the tradition to “the scholars.” While it is de rigueur for a religious society to publicly state that everything found in the Islamic tradition must be ultimately just, I believe there is a prior instinct in northern Nigeria: a collective agreement over a set of desired values for their society—such as ending corruption and poverty—and then constructing a notion of “shari’ah” to address those concerns. When epistemological authority holders such as the *‘ulema* introduce Islamic concepts that do not appeal to the collective, those concepts are challenged and called “political”—not really Islamic.

Despite doubts about this particular instantiation of shari'ah, increasingly called "political," the Kano shari'ah commission presses on with plans to try civil servant cases in corruption trials. The first order of business would be to recover stolen money, and if the money in question is mixed with personal funds, the accused will keep his own money—and then be caned one hundred lashes. In addition, his wrist will be amputated, and he will serve a life sentence.

As for the question Nigerians most want answered, Dr. Hanga, anticipating that I would ask it, said solemnly: "We are praying to God to give us a governor to try."⁷⁴