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Ethno-religious Identity and Conflict in Northern Nigeria: Understanding the Dynamics of Sharia in Kaduna and Kebbi States¹

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Abstract

This study examines the relationship between the Sharia law, identity and conflict in Nigeria. This development is studied within the context of Kaduna and Kebbi states. The study investigates in historical and empirical manner the implication of the Sharia policy for the formation/transformation of the identities of the different ethno-religious groups within the two states; the ways in which the ethno-religious groups have shaped their own identity in response to the Sharia policy; the role of state institutions in shaping the cultural order of the multicultural settings; and the construction of group identities and boundaries. In doing this, the study asks the following questions: what forms of discord or alliance have emerged over the Sharia policy and what are the implications of these transformations on the dynamics of these states? What is the nature of the citizenship and identity contestations and conflicts that have ensued over the Sharia policy and how have they been managed or mismanaged? To open up the question of the relationship of Sharia to identity, and identity to conflict is to open up some of the most difficult and controversial issues, which are both deeply embedded within, and fundamentally elided by, contemporary understandings of peace and conflict studies in Nigeria.

The fundamental issue about the Sharia is that it lies at the heart of identity politics in Nigeria.² Supposing people want Sharia and other Nigerians don't. What is negotiable between those two options? At the moment, between either Sharia or no Sharia, nothing is negotiable, whereas there may be substantial area of negotiability between these two positions. Such as: in which areas will it be applied? How will non-Muslims be affected? How can they appeal against Sharia decisions outside the Sharia system?³

¹ This research is made possible by the funding from the Institut Français de Recherche en Afrique (IFRA), Nigeria

² Comments by Abubakar Momoh, at the Symposium on *Beyond Sharia : Interpreting Recent Religious and Ethnic Clashes in Nigeria* organized by Centre for Democracy and Development (CDD).

³ Interview by Ali Mazrui with *The Guardian* (Lagos), March 26, 2000.

In the light of globalization, how do we determine the limits within which we will implement Sharia so that the rights of non-Muslims are respected? How do we evaluate changes in Sharia without losing our distinct identity as Muslims? What practical steps can we take? Sharia should not only apply to the weak and poor, while we turn a blind eye to the rich and the powerful. How can we create a spiritual policeman or a spiritual judge?⁴

INTRODUCTION

Nigeria is usually characterized as a deeply divided state in which major political issues are vigorously and or violently contested along the lines of the complex ethnic, religious, and regional divisions in the country (cf. Smyth and Robinson 2001). By virtue of its complex web of politically salient identities and history of chronic and seemingly intractable conflicts and instability, Nigeria can be rightly described as one of the most deeply divided states in Africa (Osaghae and Suberu, 2005). From its inception as a colonial state, Nigeria has faced a perennial crisis of territorial or state legitimacy, which has often challenged its efforts at national cohesion, democratization, stability and economic transformation (Maier, 2000). The high point of the crisis seems to have been the civil war in the late 1960s, which ensued shortly after independence in 1960. Since Nigeria's transition to civilian rule in 1999 there has been a rapid increase of conflicts in the country.

The revitalized implementation of Sharia law and its expansion from the personal to criminal aspects in 12 northern states represents one of the most turbulent cases of public policies in the contemporary history of Nigeria (Suberu, 2001; 2005). The Sharia controversy pitted Muslim populations, who believe that it is the pure law revealed by God, against southern, Middle Belt, and northern Christians who fear that the Sharia movement will violate their rights and reduce them to second-class citizens.

This study examines deeply the relationship between the Sharia policy, identity and conflict in the country. This development is studied within the context of Kaduna and Kebbi states. The study asks the following questions: what forms of discord or alliance have emerged over the Sharia policy and what are the implications of these transformations on the dynamics of these states? What is the nature of the citizenship and identity contestations and conflicts that have ensued over the Sharia policy in these states and how have they been managed or mismanaged?

⁴. An address by Governor Adamu Muazu, of Bauchi State at the Conference on *The Implementation of Shariah in a Democracy: The Nigerian Experience* organized by the Center for the Study of Islam and Democracy (CSID), Washington DC at the Sheraton Conference Center in Abuja, Nigeria from July 7 -9, 2004.

THEORETICAL FRAMEWORK: IDENTITY AND IDENTITY POLITICS

In recent years, “the subject of identity has gained prominence ... as dominant theoretical frameworks prove inadequate in explaining the crisis of development and the complexities of present day conflicts” (Bangura, 1994, cf. Jega, 1999).

As a socio-political concept, “identity” has both an individualist and a collective meaning: it is a “process located in the core of the individual and yet in the core of his community culture, a process which established, in fact, the identity of these two identities” (Erickson, 1962). In other words, it can simply be defined as “a person’s sense of belonging to a group if (it) influences his political behaviour” (Erickson, 1968). It is said to be “always anchored both in physiological ‘givens’ and in social roles...” (ibid). Its attributes comprise “commitment to a cause”, “love and trust for a group”, “emotional tie to a group”, as well as “obligations and responsibilities” relating to membership of a group with which a person identifies.

Most general studies of identity emphasize that identity implies sameness and difference at the same time (Jenkins, 1996). Identity refers to the progress of construction of meaning on the basis of a cultural attribute, or a related set of cultural attributes, which is given priority over other sources of meaning. For an individual, or for a group, there may be a plurality of identities. Yet, such a plurality is a source of stress and contradiction in both self-representation and social action. This is because identity must be distinguished from role-sets. Roles are defined by norms structured by the institutions and organization of society. Their relative weight in influencing people’s behavior depends upon negotiations and arrangement between individuals and these institutions and organizations. Identities are sources of meaning for themselves, and by themselves, constructed through a process of individuation (Giddens, 1991).

Identities come into existence only when and if social actors internalize them, and construct their meaning around internalization (Castells, 2004). Although some self-definition can also coincide with social roles, identities are stronger sources of meaning than roles because identities organize the meaning, while roles organize the function (ibid.). For most social actors, meaning is organized around a primary identity (that is an identity that frames the other), which is self-sustaining across time and space (Lasch, 1980).

Yet identity is neither uniform nor stable among groups or individual. The importance and strength of identity varies among groups, and may fluctuate considerably over time. In other words, while identities are more or less fixed, identity consciousness is also dynamic and shifting reflecting the changing role of identities and the heightening or increasing magnitude and consequences of politics in terms of who gets what, when and how. Hence, mobilization, provocation and agitation are central to the formation of a requisite identity consciousness which, in turn, is critical to identity-based politics. Also, at any given time, a person may have multiple identities, each of which may always have some bearing on his or her political conduct and social roles in society.

The formation or construction of identity space, according to Larsh and Friedman, is the dynamic operator linking economic and cultural processes” in modern societies (Larsh and Friedman, 1992). In competition or struggles over societal resources, especially in situations of scarcity, collective demands tend to be predicated and organized on shared interests, which in turn tend to be hinged on either physiological ‘givens’ or, as is more often the case, on shared sociocultural identities. Thus, what can be termed as identity politics is nothing more than, to use Joseph’s phraseology, “the mutually reinforcing interplay between identities and the pursuit of material benefits within the arena of competitive politics” (Joseph, 1987).

In other words, while identity necessarily reflects deeply affective and emotional character of human beings contingent on real cultural experience, identity politics, is also basically “politics either starting from or aiming at claimed identities of their protagonists” (Calhoun, 1994) in political struggles over access to the state and to avenues of accumulation. It involves the mobilization of identity consciousness in order to create a mass base of support for the ruling classes, and the elite generally, in their factional struggles in the accumulation process. Also, identity politics is the protean outcome of the continuous and generally conflict-ridden interaction of political, economic and cultural forces both external and internal to individuals and their communities. The cultural elements include common history, language, and cultural symbols.

Since the social construction of identity always takes place in a context marked by power relationships, Castells proposes a distinction between three forms and origins of identity building (Castells, 2004):

- *Legitimizing identity* that is introduced by the dominant societal institution to extend and rationalize their domination over social actors (Sennett, 1980; Anderson, 1983).
- *Resistance identity* which is generated by those actors who are in position to extend devalued and/or stigmatized by the logic of domination, thus building trenches of resistance and surgical on the basis of principles different from, or opposed to , those permeating the institutions of society (Calhoun, 1994).
- *Project identity* that comes into existence when social actor, on the basis of whatever cultural materials are available to them, build a new identity that redefines their position in society and, by so doing, seek the transformation of overall social structure.

Naturally, identities that start as resistance may induce project, as well as become dominant in the institutions of society, thus becoming legitimizing identities to rationalize their domination. A very important matter is the benefits of each identity for the people who belong.

The transformation of identity connotes a “continuous process, which suggests the changing role of identities and the heightening and increasing magnitude and consequences of identity politics” (Jega, 2000), as opposed to creating an entirely new identity. The import of this is that there are forces that shape identity

construction and its transformation. A key force is globalization. Cultural globalization has brought to the fore questions of identity and the reassertion of cultural differences and distinction (UNDP, 2004). As Kuper and Kuper (2004) noted:

Globalization is linked to revalidation of particularistic cultures and identities. Across the world, there are those who respond to global upheaval by returning to 'their roots', by reclaiming what they see as their ethnic and religious traditions and fundamentals. Globalization pulls cultures in different, contradictory, and often conflictual ways. It is about the deterritorialization of culture, but it also involves cultural reterritorialization. It is about the increasing mobility of culture, but also about new cultural fixities.

Identity or its transformations can either be positive or dysfunctional. With regards to the resurgence of negative forms of identity politics, Kofi Annan Secretary General of the United Nations Organisation had stated in his 1997 Annual Report that:

This particularistic and exclusionary form of identity politics has intensified in recent years within and among nations... It is responsible for some of the most egregious violations of international humanitarian law and, in several instances, of elementary standards of humanity... Negative forms of identity politics are a potent and potentially explosive force. Great care must be taken to recognize, confront and restrain them lest they destroy the potential for peace and progress that the new era holds in store (cf. Jega, 2000).

Yet, identity mobilization can also be positive. Osaghae (1995) has drawn our attention to the positive mobilization of identity to complement the activities of the state, reflected, for instance, in its use as a means of producing surplus which are never sufficient to meet the demands of many citizens especially the neglected rural majority. Recent literature on religious identity has also emphasized the positive role of religion in peace building at the same time that its mobilization has focused many groups towards conflict and religious teachings are being used to legitimize wars and all forms of brutality and violence (Alger, 2002). Commenting on this trend, Kofi Annan in his 2002 report on the prevention of armed conflict affirmed: "Religious organizations can play a role in preventing armed conflict because of the moral authority that they carry in many communities." He went on to note that certain religious groups and leaders "possess a culturally-based comparative advantage in conflict prevention" and can help to "emphasize the common humanity of all parties . . . [and] mobilize non-violent alternative ways of expressing dissent prior to the outbreak of conflict" (cf. Tanenbaum Center for Interreligious Understanding Program on Religion and Conflict Resolution, 2007).

IDENTITY POLITICS AND CONFLICT IN NIGERIA

Identities have historically been significant in the Nigerian political process, under colonial rule as well as in the post-colonial dispensation. Under colonialism, administrative exigencies warranted the nurturing and exacerbation of an “us” *versus* “them” syndrome: Muslim *versus* Christian; Northerner *versus* Southerner; Hausa-Fulani *versus* Yoruba *versus* Igbo, and so on. Religious, regional and ethnic differences were given prominence in conceiving and implementing social, educational and economic development policies and projects under the indirect system of colonial administration favoured by the British. Thus, the differential impact of colonialism set the context of the regional educational, economic and political imbalances which later became significant in the mobilization or manipulation of identity consciousness in order to effectively divide and rule, as well as in the politics of decolonization and in the arena of competitive politics in the post-colonial era (Jega, 2000).

Ethnicity and religion are some of the many forms of identity politics to which large academic literatures attach in Nigeria. They are also the most critical identities in the country (Osaghae and Suberu, 2005).

According to Onigu Otite, there are 374 ethnic groups in Nigeria (Otite 1990). The population of these ethnic groups varies considerably; the three largest groups constitute more than half of Nigeria’s entire population while the eight largest groups are almost a two third (Nnoli 1995). This population disparity coupled with the differences in the political influence of the ethnic groups broadly divides the groups into two – the majority and minority ethnic groups. The majority ethnic groups are the Hausa-Fulani in the north (29%), the Yoruba in the southwest (21%) and Igbo in the southeast (18%) (Paden, 2008). All the other ethnic groups fit into the minority category, with varying degrees of political status, depending on their numerical size and political influence.

The Hausa-Fulani and other communities residing in Northern Nigeria are mainly Muslims while the south-south minority areas and Igbo speaking areas in the southeast are predominantly Christians. The Middle Belt (or north-central zone) is a mixture of Christian and Muslim populations, while the Yoruba-speaking communities in the southwest are about half Muslim and half Christian. This differentiation underlies the North-South cleavage (in terms of the North being predominantly Muslim and the South predominantly Christian) and sharpens ethnic cleavages in the country, especially in the north where as Paden (2007) noted, “the all-consuming nature of Islamic identity does eclipse other identities and religious differences play a major part in ethnic differentiation.” This reflects the historical salience of Islam in the formation of the northern emirates in the early 19th century, and the continuing importance of emirs and religious authorities in framing identities in the northern states (Lewis, 2007).

According to Lewis (2007), a set of common assumptions has governed the analysis of ethnicity in Nigerian politics and society. First, ethnic identification is presumed to be the most salient and consistent source of social identity in Nigeria.

Second, ethnicity is regarded as a central avenue for collective action. Third, ethnicity is assumed to be a generally destabilizing influence, with particularly corrosive influences on democracy.

A number of implications follow from these premises. Since political competition is organized along ethnic lines, both democratic and authoritarian regimes presumably have an ethnic character. Civilian governments supposedly encourage ethnic political parties, while military regimes are said to reflect a clear sectional ruling group. Structures of political control are also constituted ethnically, through clientelist networks and patronage systems. Ethnic identity, in a context of rivalry over scarce resources, is viewed as fostering polarization and conflict (Lewis, 2007).

While it is generally believed that ethnic identification is presumed to be the most salient and consistent source of social identity in Nigeria (Lewis, 2007), this common assumption is challenged by a research by the Pew Religious Forum which revealed that religion, rather than ethnicity is the most salient identity in the country.

Of the three religious identities in Nigeria – Christian, Muslim and Traditional, the latter is the least politically active; numbering several hundreds of ethnic groups and subgroups, villages, clans and kin groups; and, involving the worship of different gods and goddesses (Osaghae and Suberu, 2005). According to a 2003 Nigerian Demographic and Health Survey which interviewed a nationally representative sample of 7,620 women (between ages 15 and 59) and 2,346 men (ages 15 and 49), 50.5% of the population is Muslim and 48.2% is Christian. Only 1.4% is associated with other religions (cf. PEW Forum on Religious and Public Affairs, 2006). It is this unique religious divide that prompted Archbishop Onaiyekan to describe the country as “the greatest Islamo-Christian nation in the world”⁵ by which he meant that Nigeria is the largest country in the world with an evenly split population of Muslims and Christians, and “really the test case of the ‘clash of civilizations,’” (Paden, 2007).

Religion has always been important in Nigeria and in Nigerian politics (Enwerem, 1995). “The intensity of religious identity in Nigeria is regarded as one of the highest in the world” (Paden, 2008). This claim is supported by the fact that Nigerians are more likely to define themselves in terms of religion than any other identity. Indeed, according to the authoritative May-June 2006 survey on Religion and Public Life conducted by the Pew Forum on “Religion and Public Life”, 76% of Christians say that religion is more important to them than their identity as Africans, Nigerians or members of an ethnic group. Among Muslims, the number naming religion as the most important factor is even higher (91%). In effect, Christian and Muslim identities have been the mainstay of religious differentiation

⁵. Onaiyekan, J. 2008. Panel Discussion on the Role of Bishops in Peace building: A contribution from the Nigerian Perspective. Catholic Peacebuilding Network Conference Notre Dame University, South Bend, USA. April 13. http://www.nd.edu/~cpn/papers_2008CPN/Homily%204-14%20-%20Onaiyekan.pdf

and conflict, with Nigerian Muslims much more likely to evince or articulate a religious identity than Christians (Lewis and Bratton 2000; Lewis, 2007). Underlying this deep religious identity is the deep distrust each group feels toward the other. According to a Pew Survey, most of the country's Christians (62%) say they trust people from other religions only a little or not at all. A similar percentage of Nigeria's Muslims (61%) say they trust people of other religions little or not at all (Ruby and Shah, 2007).

While the debate about the identity most salient in Nigeria continues, what is clear however is that most times, ethnicity and religion rarely exists or operate in isolation. Rather they interact with one another as well as with other variables such as region in a complex sometimes conflicting way. It is in realization of this fact that the term ethno-religious identity has been coined to capture the tendency for the boundary between ethnicity and religion to coalesce during moments of conflict and violence (Egwu, 2001).

Central to the understanding of religion identity formation and its transformation from conflict to violence is the upsurge of religious extremism throughout the country. Extremist groups demonstrate considerable intolerance both towards their co-religionists and other religions. Extremists of all religions react to social, economic and political crises of the Nigerian polity in religious terms (Mohammed, 2005).

Even though Christianity and Islam have contributed positively to the growth of the country; they have also created a history of conflict and or violence (Falola, 1998). This includes a war of words motivated by conflicting beliefs: A good Muslim is one who is able to withstand Christian conversion tactics and campaigns. A good Christian is also one who is able to confront Islam and challenge the Quran's authority (Falola, 2001). These beliefs sanction symbolic violence, and Muslims and Christians use each other's sacred writings to perpetuate stereotypes that "express fear and anxiety about the domination of others ... reflect a narrow extremist subculture of either their community or their religious group" (Falola, *ibid.*). Violence begins with the differentiation, dehumanization, stigmatization, and demonization of others. It takes place in cleavages, which Falola describes as marginalized and defensive groups - Christian minorities, the Islamic majority, Southern Christian Intelligentsia, Northern Moslem Intelligentsia, Intra-Religious groups, Reformist groups, and State establishments. These cleavages are "fairly permanent," and their violence could be a quest for freedom from domination, or perceived threat to their socio-political position (Falola, *ibid.*).

In the case of Islam, "the rise of this dimension of fanaticism and intolerance has manifested itself in a very dramatic manner over the past few years through the activities of the Maitatsine, Izala and MSS movements" (Ibrahim, 1989).

Take Izala for instance. According to Ibrahim (1991), the Izala movement is a powerful and orthodox 'return to source' group that emerged under the leadership of Sheik Abubakar Mahmood Gumi, a former Grand Khadi of Northern Nigeria in the 1950s and 1960s, who became the inspirer of a major modern organisation of

Islamic reform in Northern Nigeria. The Movement, which has buses and public address systems, organizes regular campaigns in many towns and villages in the north and their recorded cassettes are sold throughout northern Nigeria. Gumi also has the support of a number of well-placed intellectuals and administrators. The Izala Movement has a significant female membership as it holds regular classes for married women (Loimeier, 2003). Yet as the movement grew, so also its leaders became more and more intolerant. For instance in an interview in *Thisweek Magazine* (6 April 1987) Abubakar Gumi came out heavily against Christians:

You see the Christians are only fighting on the basis that they have seen that they are losing, because Christianity is not based on anything. I ask, "What is Christianity?" And even the Christian prophet doesn't know. All that he will say is that Christians are the followers of one who was crucified. You argue, you followed him while he was crucified and you allowed it? This means that if I become a Christian I would have nothing to do. Nothing, except on Sundays I go and sing either in Hausa or Yoruba in the church and look at good women (cf. Ibrahim, 1991).

Similarly, there has been a corresponding upsurge in Christian extremism expressed in the rise of revival and Pentecostal movements in the 1970s (Marshal-Fratani, 1998). Christian fundamentalists regard themselves as engaged in a three-pronged conflict: with Muslims, with mainstream Christians whom they accuse of abandoning the basics of their faith, and followers of traditional religion (Ibrahim, 1991). Just like the Muslim fundamentalists, they also seek to expand their support base, hence conversion and poaching of followers of other religions through stereotypes, hate preaching, distortion, misrepresentation and misinterpretation of the various religious texts in such manners that promoted prejudice and intolerance in both camps. Such intolerance could be deciphered from the following exhortations attributed to the Pentecostal community:

When a non-believer in Christ strikes a Christian, the latter (Christian) should stand up erect and look at the former direct in the face. A look can many times transform the non-believer, can pierce and melt the heart.... But there are moments when the Christian like the master should take up his whip and flog sense into people. Moments of open and direct confrontation may sometimes be called for. On no account should a Christian take himself as the one who always has to bear the stroke of the other. There are moments when he has to stand up on his two feet and say like the fly, 'No' to the huge cow! We Christians in Nigeria want peace and unity of the nation. But on no account shall we compromise our religion for any or both of them (Bongo, 1989, cf. Marshal-Fratani, 1998).

To be sure, Muslim-Christian conflict could be part of the dynamics of identity politics, and may not be dysfunctional as long as the rights of other Nigerians are respected. However this question of rights and the limitation of religious right is such a highly contentious issue that it could hardly be determined by the authoritarian power and a very weak state such as Nigeria that has been for long undemocratic and could not be regarded as unbiased and neutral to perceived conflicting interests.

In addition, the political elites have always sought to manipulate the multifaceted identities (ethnic, regional, minority-majority, and religious divisions) especially during political competition and this has given rise to conflicts and instability in Nigeria (Nnoli 1978, Dudley 1973). This politicization of religious identities for the contest for political power in Nigeria is often devoid of any sustaining unifying theme or ideology (Natufe, 2001). Rather, as Amadi (2003) noted, Nigerian politics is built on the *appeasement* of religion. Religion then becomes a deity that proves difficult to be overpowered and equally incapable of decisively breaking out of the constraints of liberal legality. In the elite's intense struggle for access to power and state resources, "patterns of political domination are constantly being transformed. It is this constantly changing pattern of domination that has produced the fears and anxieties that underlie increasing conflict and intolerance" (Ibrahim and Kazah-Toure, 2003).

Since the return to democratic rule in 1999 after almost three decades of military rule, ethno-religious conflicts have been a recurring decimal in Nigeria. While some of these conflicts were low intensity contestations and bitter war of words, others erupted into violent sectarian clashes. Religious strife between Christians and Muslims in northern Nigeria and its ripples in other parts of the country has left thousands dead, wounded, and rendered many homeless over the years. For instance, as claimed by the US Commission on International Religious Freedom, at least 12, 000 people have been killed in sectarian and communal attacks and reprisal between Muslims and Christians (US Commission on International Religious Freedom, 2009).

SHARIA AS AN IDENTITY MARKER

While the identity mobilization themes in Nigeria have not changed much during the post military era of 1999, the major transformation in the country regarding ethno-religious identities has been that with regard to the re-introduction of the Sharia (Islamic) legal code or its expansion from personal to criminal matters. The development was set in motion by the formal launching of Sharia by Ahmed Sani, the governor of Zamfara on 27 October 1999, and thereafter by 11 other northern states - Sokoto, Kebbi, Niger, Katsina, Kaduna, Kano, Jigawa, Bauchi, Yobe, Gombe, and Borno. In reintroducing Sharia into the domains of criminal justice, these states "evoked on the somewhat ambiguous clause in the 1999 Nigerian constitution that empowered a state assembly (or the National Assembly in the case of Sharia Court of Appeal in the Federal Capital city of Abuja) to confer additional jurisdiction on the Sharia Court of Appeal (Suberu, 2009). A key consequence of this development was the increase in the mobilization of identities and in the resurgence of the politics of identities both in relation to the re-introduction of Sharia and the reactions to it.

Charles Taylor argues that the modern identity is characterized by an emphasis on its inner voice and capacity for *authenticity* — that is, the ability to find a way of being that is somehow true to oneself (Taylor, 1989 cf. Gutmann, ed. 1994). While doctrines of equality press the notion that each human being is capable of deploying his or her practical reason or moral sense to live an authentic live *qua* individual, the politics of difference has appropriated the language of authenticity to describe ways of living that are true to the identities of marginalized social groups. As Sonia Kruks puts it:

What makes identity politics a significant departure from earlier, pre-identarian forms of the politics of recognition is its demand for recognition on the basis of the very grounds on which recognition has previously been denied..... The demand is not for inclusion within the fold of "universal humankind" on the basis of shared human attributes; nor is it for respect "in spite of" one's differences. Rather, what is demanded is respect for oneself as different (2001, 85).

For many proponents of identity politics this demand for authenticity includes appeals to time before oppression, or a culture or way of life damaged by colonialism, imperialism, or even genocide. It is in this regard, for example, that many Nigerian Muslims believe that the implementation of "full Sharia" with the return to democratic rule in 1999 is the restitution of their rights which they had lost during the colonial period (Ludwig, 2008). For example, the Governor of Kano State, Ibrahim Shekarau expressed this sentiments when he expressed regrets that the introduction of Sharia legal system was aborted since the assassination of Sultan Attahiru (in 1903) by the colonial forces, and that the Muslim Ummah now have the opportunity and responsibility to strengthen the legal code not only because it represents a unique contribution to the history of ideas, but because it is the only lasting solution to the spiritual, political, economic, and social problems that beset the people⁶.

Sharia as an Identity maker is not a new phenomenon in Nigeria. But its recent manifestations and trends are much more profound and consequential on the Nigerian political economy than has ever been the case previously. But what exactly is Sharia?

Sharia is a system of Islamic law based on four main sources: the *Qur'an* (God's revelation to the Prophet Muhammed); the *Sunnah*, or the sayings and actions of the Prophet Muhammad together with the actions of his companion approved by him as described in the *Hadith*; the *Qiyas* or process of analogical reasoning based on understanding of the principles of the Qur'an or the Hadith; and the *Ijma*, or consensus of opinion of the Ulama - Islamic scholars (Sambo, 2003).

⁶. See Mohammed Abubakar, "Shekarau Vows To Strengthen Sharia Legal Code", *Daily Independent* (Lagos), 16 May 2007; available at <http://www.dailyindependent-ngonline.com/?c=56&a=26487> (accessed 12 Feb. 2009).

According to Human Rights Watch (ibid.), in terms of criminal law, there are three main categories of offenses and punishments under Sharia. The first are the *hudud* (or *hadd*, in the singular) punishments laid out in the Qur'an and the Hadith; because they are specified by God, they are regarded as fixed and cannot be changed. They include theft (punishable by amputation), armed robbery (punishable by death or amputation), extra-marital sex (punishable by death or flogging), false accusation of extra-marital sex (punishable by flogging), consumption of alcohol (punishable by flogging), and apostasy or renunciation of Islam (punishable by death)⁷. The second categories are *qisas* and *diya* punishments. *Qisas*, applicable for murder or injury, is based on the notion of retaliation: it involves inflicting the same punishment on the defendant as she or he inflicted on the victim, in some cases using the same methods (for example, a murderer should be killed with the same type of weapon as she or he used to commit the murder). *Diya*, or the payment of blood money, requires financial or material compensation for the crime in cases where the family of the victim does not demand *qisas*. The third categories are *ta'zir* punishments, where judges can exercise discretion and choose from a range of punishments, as the state is not bound by the wishes of the victim's relatives.

It has been argued that Sharia is old as the Islamic religion in Nigeria (Kenny, 1996). At the behest of the pre- Dan Fodio Jihadists, the Islamic religion entered Nigeria around the 11th century, in Kanem- Bornu, and by the 14th century it had spread into Hausa land. Islam was, from the outset, a state religion, because the rulers of the time had agreed to lead their peoples according to its tenets. However, even more significant was the fact that the Islamic way of life was made particularly manifest in the reformation that was led by Sheikh Usman dan Fodio, who successfully launched the Jihad between 1804 and 1890 and who had, by the late 1810s, finally succeeded in establishing a Muslim administrative system, or caliphate. The caliphate was a centralized politico-religious system based essentially on the *Sharia*, *Hadith* and *Sunna*. The centralized stretch of the caliphate, its unquestionable religious authority and the apparent willingness of the people to obey it, made the Hausa-Fulani area a success story in the context of the indirect rule system of the British.

The social foundation of the Sokoto jihad Usman dan Fodiyo's jihad aimed at the formation of an Islamic state based on Sharia. In so doing, he was restoring an institution that had disappeared in West Africa (if we consider Borno Central Africa) with the fall of the Songhay empire in 1592 (Kukah, 1993: Kenny, 1996). In this sense, the Sharia project was, from its beginning, aimed ultimately at building a state in which politics and governance would be determined by the strict rules of the Islamic religion. Therefore, it is not surprising that, at the core of

⁷. As Human Rights Watch (2004) noted, in Nigeria, apostasy is not included as an offense in the Sharia penal codes, presumably in recognition of the diversity of faiths in the country, even in the north, and the right to freedom of religion.

Sharia revivalism, lay the determination to make it impossible for the faithful to live under un-Islamic powers.

Before 1960 Islamic law, including Islamic criminal law – although affected in various ways by sixty years of colonial rule – was still “more widely, and in some respects more rigidly, applied in Northern Nigeria than anywhere else outside Arabia”(Anderson, 1955 cf. Ostein, 2007). During this period also, the Northern courts in which Islamic law was administered still approximated to the *qadis* courts of classical Islam – in the ways the judges were trained, in the procedures they followed, in the books they turned to find the law, even in their subservience to the local emirs, who also had judicial functions (Ostein, *ibid.*). “Nevertheless, the fact that the British officially recognized this law only under the title of ‘native law and custom’ permitted some flexibility in the application of the law, according to the views of the emir or alkali (*al-qadiz*) concerned. In fact, while the British curbed Sharia mainly in the area of criminal law, local custom modified it in most other matters, such as land, testimony, marriage and divorce. This reality led to some confusion in the status of the Sharia law. This in turn led to the British to review the entire situation (Kenny, 1996).

In addition, the main issue in northern Nigeria during this period concerned the conditions under which non-Muslims lived. Tied to this was the issue of the minority ethnic groups in the region. These disparate ethnic groups began agitating for better conditions in the regions where they lived. The British responded by setting up what has come to be known as the Willink Commission. It was officially called the *Commission to Enquire into the Fears of Minorities and the Means of Allaying Them*. This Commission sat in different parts of Nigeria. In the north the minorities expressed their bitterness at the discrimination they were allegedly subjected to by the Muslim ruling class. After traversing the country, the Commission essentially recommended that the issue of the security of non-Muslims in the north should be decided by a policy drawn up by the regional government (Kukah, 2003).

In response to these developments – the confusion in the status of Sharia law and non-Muslims and minorities concern under the Sharia regime, the Premier of Northern Nigeria, Alhaji Ahmadu Bello, and the colonial government sent an official delegation in 1958 to Sudan and India to study how English and Islamic law were accommodated in India and Sudan and to find out the best way of allaying the fears and anxieties of non-Muslims in Northern Nigeria, a predominantly Muslim region. The panel report led to the setting up of a Sharia Court of Appeal in Kaduna and the promulgation of a combination of laws known as the Penal Code in the region. This was the first attempt at dealing with the issue of pluralism. Significantly, their recommendations resulted in the Penal Code and Criminal Procedure Code which replaced the Maliki law which had been entrenched for generations in the emirates.

Thus in 1960 Islamic criminal law was abrogated and from then the application of Islamic civil law in the North, as in most of the rest of the Muslim world at the time, was increasingly limited to the law of personal status and family relations

(Ostein, 2007). Thereafter, the courts and their judges became ever less traditionally Muslim and more “Western”, and the judicial powers of the emirs were first curtailed and then eliminated completely. Therefore, since Nigeria regained its independence the rules of the Sharia have predominantly been applied only in cases of the civil law. This was what came to be known as the “settlement of 1960” (Ostein, *ibid*). However, many Muslims were not pleased with this development and they repeatedly said that Sharia *in toto* was their real goal, and anything else could only be a temporary compromise. They argued that a Muslim is subject to no other law than Sharia, while any other law (imported English law, based on pagan Roman law) is alien and has no binding force for a Muslim (Kenny, 1996).

Since the 1970s, Nigeria has witnessed increasing pressure for the revival of the Islamic legal system. In terms of the issues, the fears and contentions, the Sharia debate of the 1975–78 Constituent Assembly was the same as those of 1987–88 and 1994 Constituent Assemblies. The crux of the problem at the 1975–1978 Constituent Assembly focused on Muslims’ proposal for a Federal Sharia Court of Appeal (FSCA) as a replacement for the Sharia court of Appeal of the Northern Region. The FSCA would serve as an intermediate Court of Appeal between the States’ Sharia Courts of Appeal and the Supreme Court of Nigeria (*cf.* Kukah, 2003).

But the proposal for the FSCA polarized a 49-member Constitution Drafting Committee (CDC), a 232-member Constituent Assembly (CA) and, indeed, the entire federation along religious lines (Suberu, 2009). In “the Sharia Debate and the Origins of Nigeria’s Second Republic”, David Laitin argues that Shariah controversy in 1978 had the elements of a potentially incendiary conflict. Laitin comments that “this issue, not surprisingly, had all the ingredients associated with a symbolic crusade about which no party can compromise. The politics of religion, where there is no room for flexibility, can rock a political system to its very foundations” (Laitin, 1982). Laitin emphasizes that the Sharia controversy had the potential of exacerbating tensions between the north and south of Nigeria, where prejudices surrounded perceptions of greater socio-economic leverage (south) and bureaucratic political power (north). The language around the Sharia debates elevated religious dialogue to new heights. Laitin cites a prominent Christian scholar from the north, Rev. Wambutda, as reflecting the feelings of many non-Muslims when he criticizes “the religious fanatics in the Constituent Assembly who were engaged in a neo-jihad in disguise” (Laitin, *ibid.*). Likewise, for Rev. Wilson S. Sabiya: to entrench the Sharia Court in the Constitution is to legalise the inferiority of non-Muslims and the superiority of Muslims... The claim, therefore, that courts cannot be used as instruments of evangelism is totally false. The Sharia is Islam and Islam is Sharia. Sharia is a total way of life, it is evangelism (Laitin, *ibid.*). On the other hand, for the Muslims delegates such as Adamu Ciroma and Dr. A. B. Yusuf, the common law is essentially Christian law and even the spirit of the Constitution is Christian in orientation. The Muslims were insistent that Sharia is a way of life, it is part of what defines their being as Muslims; to remove

Sharia from the draft constitution is tantamount to spoiling the mental horizon of the Muslim basic institution (cf. Muazzam, 2001). Laitin asserts that “this language—‘neo-jihad’ versus ‘Christianization’—is the stuff for symbolic crusades which have led to blood-baths elsewhere in the world” (Laitin, 1982). Nigerian observers made frequent comparisons to the religious violence in Lebanon and Northern Ireland. The Sharia debate offered political entrepreneurs an ideal opportunity to mobilize individuals along religious lines. Given the stalemate, the proposal for FSCA was eventually dropped by the CA for a ‘compromise’ provision that would permit the Federal Court of Appeal to ask three of its justices who are learned in Islamic law (but who are not necessarily Muslims) to decide appeals emanating from state Sharia Courts of Appeal (Suberu, 2009). This solution was however unacceptable to northern Muslims in the. They consequently staged a walkout and boycotted proceedings of the CA, returning to the body only after a passionate plea for national reconciliation by the military head of state, General Olusegun Obasanjo (Suberu, *ibid.*).

The same theme and polarization reverberated again at the 1988 and 1994 Constituent Assemblies. In all instances, Muslim delegates at the CA asked for the inclusion of the FSCA, which their Christian colleagues, especially those from the northern states vehemently rejected. This usually led to series of demonstrations, for or against the Sharia, across the country. On all occasions, the military government stopped the debate (Laitin, 1982 & Paden, 1986 cf. Mohammed, 2005). The Sharia controversy that occurred during the CA deliberations changed the nature of religious conflicts in Nigeria. In his view, “Unlike in the civil war, where religion was hiding under politics, under the Sharia debates, politics was now hiding under religion” (Udoidem, 1997). The debates on Sharia, from those that argue for it and those against it, seemed to have provided an umbrella to shelter or define their identity.

The CA of 1988 took the bold step of taking the government altogether out of the business of Sharia courts, leaving them as private Muslim religious courts. Because of extreme Muslim reaction, the military government of President Babangida removed the Assembly's jurisdiction to handle the issue of Sharia, and decreed the maintenance of the status quo. After that the Sharia debate quieted down, only to give way to the debate about Nigeria's membership in 1986 of the Organisation of Islamic Conference O.I.C., an organisation in which Nigeria had been an observer for about fifteen years (Kenny, 1996).⁸

The programme of “implementation of Sharia” begun in 1999 in twelve Northern states is in large part a reaction against the “Settlement of 1960” which some Muslims believed Ahmadu Bello, the Premier of the northern region, ignorantly or unwisely entered into with the British, and an attempt to restore, as far as possible, the *status quo ante* which is in essence a reclamation of the long

⁸. For more on this controversy, see Hunwick (1996) and Kenny (1996).

aborted but desired Muslim identity (Ostein, 2007). As stated by Gen. Muhammed Buhari (Rtd.):

For Muslims in Nigeria, at least twice, we were overrun by the colonialists and our way of life was drastically changed. One of the things we lost is the freedom to practice our religion as it is. But God in his infinite mercy brought this independence back to us through a democratic system of government. What remains for Muslims in Nigeria is for them to redouble their efforts, educate Muslims on the need to promote the full implementation of Sharia law and there should be nothing to be afraid of⁹.

This argument is supported by Barrister Yahya Mahmud, a Subcommittee Chairman of the Kaduna State Government Committee for the Harmonisation of Kaduna State Draft Sharia Penal Code Law 2001 and Kaduna state Sharia Criminal Procedure Code Law, 2001:

The fundamental rights of the Muslims begin with Divine rights, which can only be accomplished with the provisions of Sharia to govern their lives. It must be remembered that just before Nigeria became independent in 1960 the former Northern Nigeria Government was under duress blackmailed into passing Penal Code Law and Criminal Procedure Code Law for the administration of criminal justice in Northern Nigeria for both Muslims and non-Muslims. Though these Penal Code Law and Criminal Procedure Code Law contained some aspects of Sharia punishments for Muslims only, they were not found to be satisfactory to the Muslim as both the Northern Nigerian Government and the Panel of Jurists which it appointed to reorganise the laws of criminal justice did betray a very important recommendation of the panel which says: Since the majority of the people living within the Region were Muslims, it was desirable to ensure that the new criminal system or Penal Code to be adopted did not in any way conflict with the provisions and injunctions of the Holy Qur'an and Sunnah (Sharia) (cf. Ostein, 2007).

However, the great hope and joy aroused among Muslims by the Gusau launching, and by extension those of the other 11 states, was matched by the fear and loathing aroused among Christians. Ostein (2007), quoting various newspapers sources, has summarized Christians' reaction to the re-introduction of Sharia. In the views of Christians:

Muslims could not possibly be motivated by sincerely held religious beliefs. Under that hypocritical cover they were actually aiming to "destabilize the country", to "create chaos", to "topple the newly elected president" (Olusegun Obasanjo, a southern Christian), to "derail Nigeria's new democratic system", to "bring back the rule of a military dominated by northern Muslims". The Muslims would never rest with implementing their programme in States where they predominated; their ultimate aim was to turn the country into "the Islamic Republic of Nigeria"; this indeed was "the Second Jihad" (the first being that led by Usman dan Fodio in the early 19th century). If their programme went ahead in any State it must "result in religious war in this

⁹. See, *Tell* (Lagos), September 24, 2001, p. 27.

country". The Sharia was "a monster from the pit of hell". Governor Sani was "Ayatollah Sani"; his minions were "the Nigerian Taliban". Divine intervention must be (and was) invoked by days of fasting and prayer. A Sovereign National Conference must urgently be called to consider whether and on what terms Nigeria should even continue as one country.

Were all Muslims enthusiastic about the re-introduction of Sharia? Were all Christians apprehensive of it? How did Sharia actually shape ethno-religious identity in the country? How can we categorize the identity formation and transformation on Sharia? How did Sharia refocus political participation, political struggles and political conflicts, making them increasingly predicated on the politics of identity? The remaining session examines these issues through the cases of Kaduna and Kebbi states. The section will focus on the modes and forms of reappropriation of the public space by the Sharia and the ways and manners through which this reappropriation constitutes, for the ethno-religious groups, a medium for political subjectivity and objectivity especially with respect to the question of citizenship.

CONTEXTUAL COMPARISON OF KADUNA AND KEBBI STATES

There are good reasons for the choice of Kaduna and Kebbi states as our case studies. Both states fall within the North-Western geo-political zone which is the core of the former Sokoto Caliphate, an Islamic state and government that exists before colonial period. Islam is the dominant religion in the two states followed by Christianity and traditional religion. Just like in most north-western states, Hausa is the dominant ethnic group and Hausa language the common language in both states. However, the two states more than others in the zone have the greater number of other major indigenous ethnic groups, which are majority in some local government areas (Otite, 1990). The two states also contain indigenous non-Muslim groups, which have always fought and resisted Fulani overlordship and Islamization. They are located in provinces more open to Christian and westernizing influences- Southern Kaduna in Kaduna state and Zuru in Kebbi state.

In these communities, Christianity has invariably served as a counter-ideology for opposing the use of Islam by the Hausa-Fulani northern elite to sustain a pan-northern unity (Osaghae, 1998). These communities are keen to identify themselves with the Middle Belt. The Middle Belt consists of a large number of ethnic and linguistic groups that have historically resisted political and religious domination of the Muslim Hausa-Fulani (International IDEA 2000).

Central to the politics of the Middle Belt, therefore, is their relationship with the Hausa-Fulani. According to Tyoden (1993), it is a relationship of subordination, oppression and exploitation, in short a relationship characterized by internal colonialism. The advent of colonialism in the Middle Belt introduced what

has been called “Fulani sub-imperialism” (Kastfelt 1994). After the British gained control of the Sokoto Caliphate, they used the Caliphate foot soldiers to conquer communities in the Middle Belt. Thereafter, a large amount of political power was transferred to the Fulani, whom the colonial authorities intended to rule through - under the “indirect rule” system (Kastfelt 1994). Many of the non-Islamic ethnic groups which were independent of the Fulani in the eighteenth century now found themselves subjected under the administrative control of the Fulani through the military and political intervention of the British. Seen from this perspective, the concept of Middle-Beltism is an ideology of the non-Muslim minority groups to disassociate themselves from what they perceive as the grip of the Hausa/Fulani culture and politics. According to Solomon Lar:

By way of clarification, the geographic Middle Belt is distinct from, and smaller than the political Middle Belt. The political Middle Belt encompasses all the marginalized minority groups in Northern Nigeria. These are the nationalities that have historically resisted feudalism, political oppression, injustice, religious discrimination and economic emasculation of the unfavoured masses. It (Middle Belt) extends from Ilorin to Kabba, to Adamawa, Taraba, Southern Bornu, Gombe, Tafawa Balewa, to Zuru, the Federal Capital Territory and every part of Northern Nigeria where the tyranny of a predatory oligarchy has frustrated the legitimate aspirations of many people¹⁰.

The simultaneous domination of the Middle Belt by the British colonialists and Fulani sub-imperialists split the people between Islam and Christianity (Kastfelt 1994). Christianity became an alternative religion to “a people looking desperately for something to counter the dominance of Islam”, which they associated with Fulani political domination (International IDEA 2000). Also, the advent of Christianity in the Middle Belt gave the people access to western education, which was crucial in elite formation and political mobilization. This was more so as the Christian missionaries who were restricted from operating in the Islamic emirates by the colonial administration were welcomed into the “pagan” areas. Political mobilization in the Middle Belt centers on resistance to Fulani and Islamic domination. Under the leadership of Christian politicians, various ethnic associations in the Middle Belt allied in 1955 to form the United Middle Belt Congress (UMBC) with the aim of pushing for the creation of a separate Middle Belt State (Harnischfeger, 2004). These northern minorities were also in the forefront of opposition to the introduction of the Sharia Court of Appeal at the federal level in the constitution-making bodies of the 1970s, 1980s and 1990s, and have used the Christian Association of Nigeria (CAN) as a major channel for articulating their interests (Osaghae, 1996).

Thus, Kaduna and Kebbi contain populations that not only resisted the Sokoto Caliphate and British colonizers but also continued to struggle against emirate expansionism. For instance, with regards to the southern Kaduna, Kazah-Toure (1991) observed that “with the imposition of British colonialism, there was a

¹⁰. *The Guardian* (Lagos), October 29, 2003.

transformation in ethnic relations. Alien and undemocratic governance, feudal institutions and practices were superimposed on ethnic groups to which these were anathema. Colonial policies –and indeed British pragmatism- with a racist ideology, absorbed the dominant old ruling circles of the Hausa-Fulani emirates into the system, while excluding the other ethnic groups in the zone”. There were similar experiences in Kebbi state. In Zuru, southern Kebbi for example, “through colonial and post-colonial processes of state formation, the people of Zuru have long been oppressed by the Caliphate Hausa/Fulani. Their histories, cultures, identities, social and political organizations and religious beliefs have been subjugated under those of Hausa Fulani... They have been politically displaced; have experienced social and religious discriminations at the maximum level, based on their ethnic and religious distinction” (Nathaniel, 2005. see also Augi and Lawal eds.,1990).

Yet, in spite of these similarities, there are compelling differences in demography, the political history, and economic development of the two states. First, there is a huge difference in the population of the states and percentage of Muslims and non-Muslims. Using the 1952 census and figures from the 2002 World Christian database (WCD) and the current 2006 population, Ostein (2007) has estimated the percentage of Moslems in Kebbi state to be 84% or 2,704,254 out of the state’s 3,238,628 in the 2006 census. This means that non-Muslims in Kebbi constitute 16% or 535,374 of the population. On the other hand, the estimated percentage of Moslems in Kaduna state is 56% or 3,397,275 out of the state’s 6,066,562 people in the 2006 census. This means that non-Muslims in Kaduna state constitute 46% or 2669287 of the population (Ostein, 2007).

Secondly, while Kebbi state is a new state established in 1999, Kaduna is an old state established in 1976 and has been the headquarters of the former northern region. Given this character, the two states differ with respect to the nature of ethno-religious diversity, with Kaduna being the more heterogenous state where the state’s Hausa-Fulani and southern Kaduna communities, as well as migrants from all over Nigeria, are heavily represented, especially in Kaduna the state capital.

Thirdly, there are also differences with respect to the cleavage emanating from this diversity, especially with regard to the differences with respect to the minority status of the various groups in the states. For instance, as Osaghae has noted, notwithstanding the similarities, non-Muslim minorities differ in terms of proximity to centers of Hausa/Fulani/Muslim domination and the pattern of politics which flows from this (Osaghae, 1998).

Fourthly, unlike Kebbi that has been relatively peaceful, Kaduna has had a history of violent ethno-religious conflict and a radicalized civil society. Kaduna has long been polarized violently along converging ethnoreligious, regional, socioeconomic, and political fault lines. Such violent polarization consistently has pitted the state’s Muslim Hausa-Fulani politico-economic power group, which is based mainly in the northern portions of the state, against a constellation of non-Muslim southern Kaduna minority tribes.

These differences will help us to come to terms with the pattern of diversity and the varieties of context that characterize or condition the manifestation of conflict and the management strategies employed.

SHARIA IN KADUNA STATE

History of Kaduna State

Kaduna State occupies part of the central position of the Northern part of Nigeria and shares common borders with Zamfara, Katsina, Niger, Kano, Bauchi and Plateau States. To the South-West, the state shares a border with the Federal Capital Territory, Abuja.

What is presently known as Kaduna State encompasses the area of the old Zaria (Zazzau) emirate-cum-province. According to M. G Smith, there are two broad cultural segments in this emirate province. The first of these segments is what Smith referred to as the Muhammadan Hausa-Fulani group. The group constitutes about 60 per cent of the emirate population, occupies mainly the northern part of the province and dominates the structure of traditional governance as expressed in the emirate system (Smith, 1960). The second ethnocultural bloc of the Zazzau kingdom comprises a 'pagan population' of some thirty tribes. These are located in the southern and western half of the territory. However, throughout this pagan-dominated half of the territory are to be found the Hausa 'in enclaves, walled towns or open villages which are the foci of economic, political and administrative life in their respective areas' (Smith, 1960).

More importantly, however, complex forms of clientage and vassalage have developed between the dominant Hausa-Fulani bloc and the pagan population of Zazzau. The pagan tribes were traditionally the target for slave-raiding, the exaction of tribute and other forms of domination by the Hausa-Fulani. The political and military vulnerability of the pagan groups to Hausa-Fulani hegemony arose from their relatively inferior technology, smaller settlements and decentralized modes of political organization, all of which rendered them relatively defenseless in the face of Hausa-Fulani expansionism and imperialism (Kazah-Toure, 1991). A major consequence was that the diverse peoples of this region were driven into the mountains of this region and this reinforced both their spirit of independence and their military organisation (Blench, et.al., 2006).

While the three southern Zaria districts of Kagoro, Jaba and Moroa have enjoyed some degree of independence from the emirate system as a result of their successful resistance of conquest and incorporation by the Fulani power-group, the other incorporated pagan populations have been more vulnerable to cultural, economic and political domination by the Hausa-Fulani power group. While the independent pagan populations are ruled by their own chiefs, the incorporated pagan communities are administered by emirate-appointed district heads. This unequal historical political relationship between the Hausa-Fulani group and the

pagan community has been compounded by religious differences. Islam is the religion of an overwhelming majority of the Hausa-Fulani. The religion also provides the doctrinal or ideological foundation for the emirate system. On the other hand, different forms of animistic worship have traditionally predominated amongst the pagan populations. Moreover, looked down upon as infidels by the emirate population, and often arbitrarily and oppressively subjected to the Muslim judicial and legal system, these pagan populations have become particularly receptive to Christian conversion and education (Smith, 1960).

Given the foregoing, there have been long historical animosities, a high degree of unease and mutual suspicion between Christian ethnic groups of southern origin and Hausa-Fulani Muslims. This pattern of relationship has been reinforced by the political and economic imbalances between the two communities dating back to the colonial period.

According to Ibrahim's *Studies in the History, Politics and Cultures of Southern Kaduna Peoples Group* (1997) the colonial administration initially simply subordinated these southern Kaduna peoples groups under emirate rule. From the point of view of the colonial authorities it was administratively simple to treat the Southern Kaduna peoples as falling under the Zaria Native Authority (NA), despite their resistance and the striking cultural differences between them and Islamic Emirate. The sustained resistance of the southern Kaduna peoples to Emirate rule in the 1910s and 1920s continued and in the 1930s Governor Cameron questioned the legitimacy of Fulani rule and embarked upon administrative reforms. However, the British Resident argued against the reform proposals on the grounds that they would undermine the authority of the Emir of Zaria. The Emir rejected the proposals, arguing that southern Kaduna peoples groups were so 'primitive' they would fight against each other over rotational presidency of a council of chiefs. As a compromise, the Secretary, Northern Province ordered that local elements be appointed district heads.

Ibrahim (1997) also narrates how these chiefdoms were revived, created, downgraded, upgraded throughout this period. In the colonial period, it was not uncommon for a traditional chiefdom to be abolished on economic reasons of the inability of the institution to fend for itself. Tax assessment and collection were the criteria for establishment or recognition of chiefdoms. Equally important was the supply of forced labour to carry out development activities. This situation was far from satisfactory and has been responsible for friction in the region, partly played out *in situ* and partly in Kaduna, where opposing forces confront one another on a daily basis.

These socio-cultural and political differences sometimes escalated into violent crises since the colonial period. As Kazar Toure documents, "right from 1907, when the first set of Muslim Hausa-Fulani rulers were posted into the zone as District Heads and other NA officials, there were continuous outbreaks of peasant revolts in such places as Kachia and these took ethnic forms" (Kazah-Toure, 1995). In 1942, the Kaje ethnic group of Zangon Kataf district protested over perceived domination and discrimination by the Native Authority administration.

Between 1946 - 1966, there were violent demonstrations by the “Katafs and other related groups in Southern Zaria province over certain oppressive features of the emirate system, particularly the headship of the Fulani ruling families over predominantly non-Fulani districts” (Suberu, 1996). Throughout these periods the crises always had a mix of ethnic and political dimensions but lacked any discernible religious under- or overtones.

In the 1980s, these tensions in Kaduna state begin to mobilize distinct religious overtones and the additional dimension of a Muslim versus Christian dichotomy (Kazah-Toure, 1999). The escalation of political violence was witnessed in Kasuwar Magani (1980), Zangon Kataf (1984), Kafanchan (1987) and Zangon Kataf again (1992). While these conflicts mobilized religious sentiment in Kaduna State, besides the spillover of the Zangon Kataf conflict in 1992, the city of Kaduna remained relatively insulated from violent ethno-religious crises.

Kaduna city, the capital of Kaduna state, had been an administrative capital since the pre-independent colonial era as the administrative capital of the old Northern Protectorate in 1931 and later the Northern Region even after independence. It later became the administrative capital of North Central State, and the Old Kaduna State before the present dispensation. The city is located on the Kaduna River. Apart from being the administrative nerve centre of Northern Nigeria, it is an important trade area and a major transportation hub for the surrounding agricultural areas with its rail and road junctions¹¹ (Millennium Cities Initiative, 2009). Kaduna town is also one of northern Nigeria’s industrial centers. Many of the industries especially the textile and garment industries have been in existence in the city since the colonial and early independence era. Among other industries in the city are paint and other chemical plants, refinery and petrochemical plants, vehicle assembly, fertilizer processing, breweries, and defense industries and units among others.

To date Kaduna city has had the attribute of a land almost totally made up of immigrants. The original inhabitants known as the Gwaris (Gbagyi) who are essentially agrarian have been forced to move out of the main city into the outskirts of the town by the influx of visitors since the colonial era. At present the city’s inhabitants consist mostly of the offspring of Civil Servants from the old northern region who worked and settled in the city since the colonial era when it was the administrative headquarters of the old Northern Region. Nigerians from all over the country have made the city their place of residence having moved there as a result of government or commercial work including military attachment or training. Many retired civil and military officers currently live there. The population figures for the city according to the 2006 national census, ranked it fourth among the cities of Nigeria after Lagos Ibadan and Kano with a population of 1,563,300 persons made up of 766,409 females and 796,891 males¹².

¹¹. Millennium Cities Initiative. 2009. <http://www.earth.columbia.edu/mci/?page-locations>.

¹². tageo.com.2009. “Nigeria Profile.” <http://www.tageo.com/index-e-ni-cities.NG.htm>

While Kaduna is known to be a volatile state, Kaduna metropolis did not have or deserve a reputation for frequent susceptibility to violent ethno-religious crises until February and May 2000 (Abdu and Umar, 2002). Unlike most cities of Northern Nigeria, Kaduna is quite complex. Its ethnic, religious and cultural diversity with Christian and Islamic values sometimes inter-mixing with traditional values, provides a veritable ground for differences that, if not properly mediated, could easily lead to violence. However, Kaduna town differs from most old cities of Northern Nigeria, such as Zaria, Sokoto, and Kano where “indigenous” communities are separated from “settlers”, in that although some areas are dominated by particular ethnic groups, these different groups have also lived side by side in the same areas for many years (Ibid.). This is partly driven by the fact that Kaduna’s colonial legacy left settlement patterns relatively open to migration shifts. Kaduna received a large number of immigrants relative to the indigenous population after the federal reorganization in 1976. Kaduna’s unique status is also spurred by its urbanization in the late 1970’s. A significant number of immigrants from other northern and middle-belt states moved to Kaduna as part of labor migration. This process of urbanization included young laborers temporarily moving from rural villages and towns during the dry season and eventually permanently settling in Kaduna after finding work in the heavy manufacturing industry. Over time, this large migration led to nearly indistinguishable lines between ‘settlers’ and ‘the smaller indigenous’ communities. Also, considerable inter-marriage between the two communities fostered new kinship ties across ethnic and religious lines.

Background to Sharia in Kaduna

The Kaduna Sharia journey was tortuous and it started on December 14, 1999, when the Kaduna state of Assembly constituted an 11- person all-Muslim member committee to collate views of the people on the need to introduce the Sharia legal system in the state¹³. This singular action polarized the House of Assembly across religious lines. The Christian members of the House of Assembly argued that the motion was not properly passed, and accused the Muslim members of having a hidden agenda. The Muslims, in turn, argued that Sharia is purely a Muslim affair that had nothing to do with Christians. They also maintained that there was nothing wrong with the way the motion was passed, pointing out that two Christian members nominated to participate in the committee declined their nominations (Abdu and Umar, 2002).

As Abdu and Umar (ibid.) documents, the Committee began work shortly after it was constituted. It demanded memoranda from the public and began its public hearing in January 2000. The Christian community refused to appear before the committee. They argued that it was biased and the process of its constitution was

¹³. See, Madugba, Agaju “When Kaduna Hoists Sharia Flag” <http://www.thisday-online.com/archive/2001/11/04/20011104ins01.html>.

illegal. Muslims from various local governments in Kaduna State trooped to the House of Assembly to present their memoranda and express solidarity with the House of Assembly. Both Muslims and Christians organized rallies and lectures to educate adherents of the religious groups on their differing points of view. On 29 January 2000, The Christian Association of Nigerian (CAN) held a Seminar at HEKAN Church, Katsina Road, Kaduna to “enlighten Christians on the implications of adopting Shariah on Christians and Christianity.”¹⁴ Different eminent personalities were invited to present papers including the former leader of the secessionist Biafra, Chief Chukwuemeka Ojukwu, who condemned *Sharia* as an infringement of Christians’ rights and advised Igbo migrants to stand by the indigenous Christians in the north¹⁵. The National body of *Jama’atul Nasir Islam* (JNI) also organized a programme on Sharia at Arewa House around this period to which some Christians were invited as speakers. Both Muslims and Christians used their worship centres to pass commentaries on Sharia. While this was going on, the Kaduna State government constituted two inter-religious committees consisting of equal numbers of Muslim and Christian leaders, all in an attempt to calm the political temperature (Abdu and Umar, 2002).

The Sharia Violence in Kaduna

After the public hearing of the Committee of the State House of Assembly, and the series of seminars by the various religious groups, CAN Kaduna Branch, organized a public protest on February 21 2000 against what they called the “planned introduction of Sharia in the state.” During the protest, Christians expressed their fears concerning what they perceived as an attempt to “Islamize Kaduna State” and the possibility of such action generating crisis in Kaduna (ibid.). The peaceful protest later turned violent: Muslim youths clashed with the Christian protesters, and fighting between Christians and Muslims spiraled out of control, with massive violence and destruction on both sides¹⁶.

The Sharia violence in Kaduna took place in two main waves—sometimes referred to as “Sharia 1” and “Sharia 2” (Paden, 2005). The first wave took place in Kaduna city, as stated above, from February 21 to 25, with further killings in March, followed by a second wave from May 22 to 23. On Wednesday 23 March 2000, the crisis spilled over to outlying LGAs, particularly Kachia and Birnin Gwari. In Kachia LGA, Muslims were attacked. Their residential houses, shops, clinics, courts, filling stations and the market were destroyed. It later spread to

¹⁴. See, the "Memorandum submitted by CAN Kaduna branch to the Judicial Commission of Inquiry in to the Crisis", 2000 p. 3.

¹⁵. See, *Africa Confidential*, 31 August 2001, Vol. 42 No. 17.

¹⁶. See, Madugba, Agaju “When Kaduna Hoists Sharia Flag” <http://www.thisday-online.com/archive/2001/11/04/20011104ins01.html>.

neighbouring villages like Sakainu, Katul, Adadgai, Slowai, and Gumel (Abdu and Umar, 2002).

The May “Sharia 2” violence occurred while the Judicial Commission of Inquiry, set up to probe February's clashes, was yet to complete its work. The clash started at Narayi and Banarwa areas and later spread to other parts of the city¹⁷. While the immediate cause of the crisis could not be fully ascertained, Police say the clashes broke out after residents of a mainly Christian neighborhood blamed Muslims for the killing of a local man¹⁸. Others however saw it as the continuation of the February Sharia violence¹⁹. It took a combined team of fully armed soldiers and policemen to restore peace to the city.

An accurate, total death toll has never been ascertained. The Judicial Commission of Inquiry set up by the Kaduna state government reported that at least 1,295 people had been killed, while an unspecified additional number were buried unidentified, and others were declared missing as result of the February riots alone. In all, it is believed that the two Kaduna riots left at least 3000 persons dead²⁰ and led to the displacement of over 63,000 people within Kaduna and its surroundings (International Displacement Monitoring Centre, 2007). The scale of the killing and human displacement and destruction was so huge that President Obasanjo, described it the worst he had seen since the 1967-70 Nigerian civil war.

SHARIA IN KEBBI STATE

Historical Background of Kebbi State

Kebbi State is a state in north-western Nigeria with its capital at Birnin Kebbi. The state was formed from part of Sokoto state in 1991. Kebbi State is bordered to the east by Sokoto state, to the south by Niger state, and to the west by Benin and Niger republics. The population of the state is ethnically diverse and it includes Hausa, Fulani, Dakarkari (or Lelna), Kabawa, Kambari, Zabarmawa, Dandawa and Gungawa. Islam is the dominant religion of the people. However there is a substantial population of non-Muslims in the southern Local Governments, especially Zuru and Yauri. The practice of traditional religions also persists in these areas. Kebbi State is divided into twenty one local government areas, and four emirate councils -Gwandu, Argungu, Yauri and Zuru. The history of Kebbi is

¹⁷. See Human Rights Without Frontiers News, 07.06.2000, <http://www.hrwf.net>

¹⁸. BBC News (London) “Kaduna settles down” Thursday, 25 May, 2000, 12:40 GMT, <http://news.bbc.co.uk/2/hi/africa/763440.stm>.

¹⁹. Interviews in Kaduna on 1st February, 2009.

²⁰. See Nderibe, O. “Nation on the Edge” *The Post Express* (Lagos). March 11, 2000

intimately linked to the history of the Kebbi Kingdom of old, from where it derives its name. The historic Kebbi was one of the seven Hausa 'upstart states' (Hausa Bakwai) and a province of the Songhai Empire. At its height, Songhai Empire, the last major Empire of the medieval Western Sudan is said to have included the eastern areas of Mali Empire, the area adjacent to the banks of the Niger from Jenne down to Kebbi, the areas of Timbuktu to the central Sahara and some areas of Hausaland including Kano, and Katsina (Hunwick, 1966).

Kebbi was led to fame by the famous warrior and administrator Kotal Kanta. Between 1514 & 1515, Kanta assisted his suzerain, Askia Mohammed of Songhai, to attack Air. He later quarreled with Askia over the spoils and obtained its independence from Songhai. At the height of his reign, Kanta was reputed to be the strongest force in Hausaland and the greatest Habe King. He alone of all the Hausa Kings attempted to build an empire equal to those of Borno and Songhai. Under Kotal Kanta, Kebbi strove energetically for about 40 years to extend its territory and influence in Hausaland and beyond. He overcame Katsina, Kano, Gobir, Daura, Zaria Zamfara, and Nupe, Agades and Air and reduced them to the position of subject states (Hogben, 1967; Hunwick, 1976). Moreover, when Songhai collapsed under the attack of the Moroccans during the last decade of the 16th century, it was Kebbi which prevented the Moors from advancing into Hausaland. Kebbi was the leading Hausa state up till the early years of the 18th century when an alliance of Air, Gobir and Zamfara, her former vassals, finally broke her powers and destroyed some of the cities built by Kanta (Omolewa, 1986).

In a further development, the 19th century jihad led by Usman dan Fodio swept the region, placing a considerable portion of the Kebbi kingdom under Fulani occupation. It was subsequently renamed Gwandu. Gwandu later became one of the two permanent headquarters of the Fulani Empire from where Abdullahi Ibn Fodio, Usman Dan Fodio's brother controlled the western emirates including Yauri, Nupe, Katangora, and Ilorin.

However, the Jihad was fiercely opposed by several ethnic communities in Kebbi. In Zuru for instance, the jihadists were fiercely resisted and defeated in the battle of Penin Amana in 1898 (Nathaniel, 2005). There was also fierce resistance to the Jihad in Argungu Emirate, home of the Kabawas of the 16th century Kebbi Kingdom from where the present Kebbi state got its name. According to history, having won its independence from the Songhai Empire under the leadership of the famous Kabawa warrior and administrator, the Kabawa later fought and resisted Fulani overlordship following the Jihad. Having being forced to leave their capital of Birnin Kebbi (the present Kebbi state capital), they migrated to Argungu their present location where they were reputed to have fought guerilla warfare against the Fulani forces for twenty five years before Argungu eventually became their official headquarters. It was not until 1834 when Kebbi (read the Kabawa) made peace with the Fulani following the historic visit of the Sultan of Sokoto, Malam Hassan dan Muazu to Argungu, that hostilities between the Sokoto Caliphate and

Argungu Emirate ceased²¹. However, although the original ruling dynasty of Argungu remains in power till date, Islamic culture has penetrated deeply into society unlike Zuru Emirate, especially Zuru town the Emirate's headquarters, where Islamic culture is juxtaposed against Christianity as a result of deep penetration of Christian missionaries in the area because they were open to Christian and other Westernizing influences at a time the Muslim areas were quarantined.

The history of state formation in Kebbi through the pre-colonial to the colonial and present eras entrenched a particular form of politics that has provoked sub nationalism and cultural context of hostility and hatred against the Hausa/Fulani especially in Zuru. As we will be seen shortly, this pattern of relationship was to play a major role in the resistance to Sharia in the area.

Introduction of Sharia in Kebbi²²

The Executive Governor of Kebbi, Alhaji Muhammad Adamu Aliero, had in October, 1999 constituted the Committee on the Implementation of Sharia Law (hereinafter referred to as the Sharia Committee). The Sharia Committee's terms of reference included:

- (a) to advise the Government on how best to entrench Sharia in the State legal system;
- (b) to identify and review relevant State laws, so as to bring them in conformity with the Sharia legal system;
- (c) to do any other thing necessary or incidental to the discharge of its responsibilities;
- (d) to call for oral and written memoranda from the members of the public on the ways and means of entrenching the Sharia in the State legal system.

Having received the report of the Committee, the Government thereafter appointed a White Paper Drafting Committee to, among other functions, prepare appropriate ground for the immediate take-off of the Sharia legal system in the State. After the works of this Committee, government issued out a White paper on June 2000 and formally launched Sharia on December 1st 2000. At the launch of the Sharia legal code at the Haliru Abdu stadium Birnin Kebbi, Governor Mohammed Adamu Aliero defended Sharia and eulogized it as the product of democracy:

Of all assertions against Sharia, none is more baffling than the much talked about allegation that Sharia was yet another way of undermining democracy in Nigeria. Unfortunately, those who hold this erroneous view failed to realize that we who are

²¹. Interview with the Alh. Samaila Muhammad Argungu, the Emir of Argungu, at the Emir's palace in Argungu on 27th July 2009.

²². Unless otherwise stated, this section is based partly on Ostein, P. 2007. "White Paper on the Report of the Committee on the Implementation of Sharia in Kebbi State, June, 2000" Sharia Implementation in Northern Nigeria 1999-2006: A Sourcebook: Vol. II

*championing the cause of Sharia are products and beneficiaries of the current democratic dispensation*²³

According to the Sharia Implementation Committee, after listening to oral advice and suggestions and having discussed the written memoranda received it came to the conclusion that:

the background to the call for the revival and full implementation of the Sharia in Kebbi State was the dissatisfaction of both the Government and the people with poor administration of justice as well as the collapse of the social and political institutions of our society which is manifested in the prevalence of social vices such as corruption, nepotism, tribalism, abuse of public office and position, drunkenness, cheating, fornication, armed robbery, gross violation of human rights among others, which are taking their toll on the national psyche on a daily basis under the very nose of the existing judicial system which is largely Western in its orientation and origin and which is so far removed from our cultural heritage that not surprisingly, it has failed to provide adequate remedy to all these evils.

Features of the Kebbi State Sharia Law

Under the re-established Sharia law, new courts- State Sharia and Upper Sharia Courts- have been established, to apply the full range of Islamic law, civil and criminal, to Muslims and on all those who, though non-Muslims, opt to subject themselves to the Sharia law. Appeals from the Sharia Courts in all matters have been directed to the State Sharia Courts of Appeal. A vital piece of legislation in this regard was the Executive Bill presented by the Kebbi state Government to the State House of Assembly to confer additional jurisdiction to the Sharia Court of Appeal of the State to cover civil and criminal matters on all aspects of the Sharia in accordance with the provisions of section 277 of the 1999 Constitution. Government also accepted the Sharia Committee's recommendation that a Sharia Court should be established in each district of the State and in such other places where it is necessary, while an Upper Sharia Court should be established in each Local Government headquarters. All capital offences shall be triable by the Upper Sharia Court (Kebbi state Government White paper June 2000 cf. Ostein, 2007).

Specifically with regard to the jurisdiction of and law of the Sharia courts, the government accepted the recommendation of the Sharia Committee that the Sharia Courts shall be competent to hear and determine all civil matters and causes where all the parties are Muslims including any proceeding involving: marriage under Islamic law (*al-nikah*); guardianship and maintenance (*al-kafala*) and (*al-nafaqa*) Succession (*al-mirath*), will (*al-wasiyya*), gift (*al-hiba*), endowment (*al-waqaf*), preemption (*al-shuf'a*) and trust (*al-amana*); land law (*kukm nizamil aid*); Contract (*al-aqd*); tort (*al-jinaya*); commercial law (*ahkamul buyu*); company law (*ahkamul sharikat*) and ??? (*al-musharakah*).

²³. Editorial Board, "President Clinton in Africa". *Miami Times*. 09-12-2000 V.78; N.1 p.4.

The Sharia Courts shall, in addition to the above, hear and decide all criminal cases in which suspects or accused person(s) is/are Muslims including: homicide (*qatlul-nafs*); robbery (*al-hiraba*); theft (*al-sariqa*); defamation (*al-qazaf*); drunkenness (*shurbul khamr*); causing grievous hurt (*al-qisas*); homosexuals (*al-luwat*); adultery (*al-zina*) lesbianism (*as-sihaq*); bestiality (*watul dabba*); perjury (*al-tazwir*); offering and receiving gratification (*al-rishwa*); criminal breach of trust (*al-khiyanah*); cheating (*al-gishsh*); mischief (*al-fasad*); receiving stolen property (*shira'u mata'il sariqah*); and giving false evidence (*shahadatul-zur*).

A wide range of other legislation has been directed at the prohibition of particular “social vices” and “unIslamic behaviour” such as *dambe* (traditional boxing), gambling, prostitution, unedifying media, and excessive mixing together of unrelated males and females. To realize this, government set up machinery to amend the about 152 operational laws (regulatory and administrative) in Kebbi State so as to bring them in conformity with the Sharia law. Also, the Penal Code was amended by the State House of Assembly to bring about such punishments for the offences therein as are recognized by the Sharia.

Sharia and Conflict in Kebbi State

The implementation of Sharia provoked apprehension and opposition from non-Muslims in Kebbi state. For instance, with the impending launch of Sharia in Kebbi in December 2000, Christians in Kebbi petitioned Nigeria's Senate over plans by Governor Adamu Aliero to introduce Islamic law in the state. This opposition was also taken to Abuja where the chairman of the Kebbi State chapter of the Christian Association of Nigeria (CAN), the Rev. James Audu Manga, warned the governor at a news conference to shelve the planned introduction of Sharia or risk mass protests from Christians²⁴.

In opposing Sharia, Christians had based their arguments not only on their conviction that Islamic values will be imposed more rigorously on Christian's everyday life, but also the fact that the extant marginalization that Christians suffer in the state will be intensified. Such cases of marginalization, according to them, include the non-appointment of Christians to political offices, especially the executive council; the payment of the West African Examination Council (WAEC) fees for only Muslim students; discriminatory school fees against non-indigenous Christian students; the conscripted space for Christian evangelism, a point underscored by inability of Christians to get land to build churches²⁵, and the

²⁴. Ibid.

²⁵. For more on this complains, see “See “Sharia, A Monster Let Loose: Implications of Sharia to Christians, the Church and Evangelism” in *The Warrior: An Independent Christian Magazine*, Vol. 1 No. 2 Nov/Dec 1999.

stoppage of a film on Jesus in November 2000, a month to the formal adoption of Sharia in Kebbi.²⁶

The objection of CAN Kebbi state to Sharia was contained in a memorandum it issued containing the following six points:

1. It was observed that there was neither Christian nor traditional representation in that committee;
2. That the 1999 constitution of the Federal Republic of Nigeria, section 279, only allowed for a Sharia court of Appeal, which would take care of Muslims;
3. That Christians and traditionalists make up 40% of Kebbi state and wondered why Islam should be imposed on them;
4. That Sharia cannot exclusively apply to Muslims in the state as claimed by its proponents;
5. That Sharia is more than a legal system, but encapsulates more the socio-economic and political affairs of society;
6. That Sharia is bound to create a lot of problems in the daily lives of the people²⁷.

To press home its opposition, CAN Kebbi state ordered Christians to come out enmasse and protests against the move of the Kebbi state to implement Sharia law in the state. This call issued by CAN was fully obeyed in Birnin Kebbi, Argungu and Zuru²⁸.

Nowhere was the opposition to Sharia better demonstrated and dramatized than in Zuru, an area embedded in the heart of the Muhammedan Emirates (Hogben, 1930) of Gummi in Zamfara state in the north, Yauri and Katangora in Niger state to the south, and Gwandu in the west but which has been aptly described as the centre of Christian militancy in Kebbi state.²⁹ Here, on November 25, 1999 over 20 thousand Christians from within and outside Zuru took part in this protest.³⁰ However, the Zuru rally did not go unchallenged by the Muslims. The Christians claimed that during the protest, “some hoodlums in front of the Emir’s palace who gathered there on the orders of the Emir threw stones at Christians” wounding about three people in the process.³¹ Peace was however ensured as these hoodlums were restrained by other Muslims. Moreso, the Christian protesters did not

²⁶. See International Christian Concern. “Africa: Nigeria Country Report”. Last Updated – October 2001; Interview with Christian religious leaders in Birnin Kebbi, June 22nd, 2008.

²⁷. See “Sharia, A Monster Let Loose” op.cit.

²⁸. Ibid.

²⁹. Interview with a Pastor of the UMCA in Zuru on 12th December, 2008

³⁰. See *The Warrior* “Sharia: A Monster Let Loose” op.cit.

³¹. Interview in Zuru. See also *The Warrior*, ibid.

retaliate, but rather, in their words, “gallantly accepted to be wounded without revenge” as a demonstration of “forgiveness and peace” that Christianity preaches³². Also when some Muslim groups organized counter protests days later, they were prevented from doing so by the Emir of Zuru.³³ With the peaceful conduct of the anti-Sharia protest by Christians and the restraint shown by Muslims, the Sharia conflict did not degenerate into violence in Zuru.

Besides the mass protest, Zuruland was also the main site for consequent opposition to Sharia implementation in Kebbi state. Given the stringent opposition, the governor tactically withdrew from implementing Sharia in Zuru. Hence one can find many of the activities that Sharia forbids such as brothels, sale of liquor, etc. in conspicuous display in Zuru. Since there were no strict controls, this settlement became an area which is referred to by many as the “Sharia-free Emirate” of Kebbi state.

FINDINGS AND DISCUSSIONS

The study revealed the following similarities in the Sharia debates in Kaduna and Kebbi states.

1. In both states, Sharia redefined perceptions of ethno-religious identity and interests, leading to the frantic reformulation of that identity and the repositioning of various groups in the political terrain to take advantage of particular shifts, or to shield themselves from potentially negative consequences. In this process, some similarities could be gleaned in the recourse to cultural registers of group’s history and collective memory (antecedent hostility for instance), symbols, myths, concrete experiences, and the realm of the imaginary. This is consistent with the literature on identity. As Crawford Young notes in his penetrating analysis of the politics of cultural pluralism, “historical parameters defined the bounds of subsequent crystallization of social identities. But the basic units of contemporary cultural conflict, themselves fluid and shifting, are often entirely novel entities, in other instances substantially altered and transformed, in most cases redefined versions of cultural groups” (Young, 1982).

2. Another common feature in the frantic reformulation of identity in the two states relates to the issue of securitization. A ‘securitizing move’ refers to a speech act which depicts the ‘other’ as an existential threat to a specific group, calling for urgent and extraordinary measures to combat this threat (Buzan, Waever, and De Wilde, 1998, cf. Marchetti and Tocci, 2009). Securitization discourses are reflected in the various statements and narratives of the conflict by the different

³². *The Warrior*, Ibd.

³³. Interview with Abdullahi Rikoto, a Muslim youth who was part of the organizers of the aborted protest on 12th December, 2008.

‘representative’ civil society groups in the states before, during and in the aftermath of the crisis. The logics of securitization in the Sharia conflicts illuminate how political frontiers discursively divide political space into opposing camps. This hegemonic contest for the public space and sympathy also involves an interpretation and re-interpretation of events and history. This contest is reflected in the attempt by the groups to project themselves as the victim and the ‘other’ as the agent provocateur. It is also reflected in the effort either to exclude or include, usually demonizing either religion as “belligerent”, “satanic” or ridiculing it as “pretentious”. The aim is to win public sympathy and to create specific forms of unity among different interests by relating them to a common project and by establishing a frontier to define the forces to be opposed, the ‘enemy.’ For instance, the editors of the Christian Magazine in Zuru titled *The Warrior* described Sharia, in its Nov/Dec 1999 edition, as “a Monster Let Loose” urging other Christians to be armed to fight the scourge!

3. The Sharia debate in the two states brought to the fore extant issues in the national question especially as it relates to majority-minority relations. Some of these issues include representation, fair distribution, and religious freedom. Fear of Sharia in both states for non-Muslims emanated, largely, from their perception that full citizenship rights will further be denied them as a result of Sharia. Sharia therefore provided the opportunity for these groups to mobilize and draw attention to their predicament as minority groups. As Georges Nzongola-Ntalaja stated with regard to this Africa-wide problem, much of the conflict:

[...] has been portrayed as religious hostility between Christians and Muslims. However, this is a surface manifestation of a much deeper cleavage between the minorities, who embraced Christianity under colonialism as a way of marking their cultural differences with the mostly Muslim Hausa-Fulani. These [...] confrontations revolve around the full exercise of citizenship and its implications for contemporary economic and political life. In such cases, marginalized peoples fight for a group's right to emancipate itself from social relations of bondage from the pre-colonial and colonial pasts (Nzongola-Ntalaja, 2004).

4. In both states, mobilization against Sharia culminated in street protests in Kaduna (Kaduna city) and Kebbi (Zuru town).

5. With the protests, state administrators in both states became more conscious and responsive to the challenges of diversity and the need to avoid zero-sum exclusionary politics with regard to Sharia. Specifically, Responding to the above challenges, administrators in both states demonstrated some political dexterity by crafting out frameworks that assuaged the fears of the non-Muslim groups. This led to the carving out of “Sharia-free zones” in both states – Zuru town in Kebbi state, and southern Kaduna (including southern parts of Kaduna city) in Kaduna state. In essence, the areas dominated by or with a significant population of non-Muslims in these states were largely exempted from the implementation of Sharia.

6. Just like in the other 11 ‘Sharia-compliant states’, in both Kaduna and Kebbi states, there has been an increasing tendency to ‘shift focus away from the

criminal law aspects of Sharia law to its tenets of social justice and charity for the poor' (US Department of State, 2005; Joseph and Kew, 2007). Speaking generally on why the emphasis on the criminal law aspect of Sharia has dwindled, Suberu (2009) has alluded to the "features of Nigeria's evolving federalism" that has diffused the 'Sharia bomb' rather than allowing the 'bomb' to extinguish Nigeria or derail its Fourth Republic. Suberu further argues that this "holds promise for the continued mediation and sublimation of" the Sharia issue. They include the implementation of Sharia reforms within, rather than without, the framework of a liberal constitutional democratic system, the decentralization of Sharia implementation through the Nigerian federal framework, the principle of inter-segmental accommodation and national integration as encapsulated in the federal character doctrine, judicial review and surveillance of Sharia by Sharia appellate courts in overturning some of the more draconian sentences emanating from lower Islamic courts, the role of Muslim civil society which provides "a powerful and profound, yet theological sympathetic, critique of Islamic law implementation", and the fact that the Sharia controversy has been partially mediated by its assimilation into the wider ongoing debate about constitutional reform in Nigeria. Other factors include what Kukah (2003) has decribed as the "sufficient safety mechanisms" within the Sharia legal system, and the role of enlightened self interest which is the fact that "Northern Muslim politicians seeking federal office have been induced to tone down their advocacy of Sharia and emphasize its moderate rather than punitive elements" (Joseph and Kew, 2007). The fact that most of the governors that implemented Sharia in northern Nigeria, including the governors of Kadun and Kebbi, our case studies, became federal lawmakers (senators) is a testimony to this fact.

7. In both states, besides identity, governmentality i.e. state logics, techniques and the direct implication of state actors -their actions or inactions (including what they failed to do and what they did not do)- was a central factor in the outbreak of Sharia-related conflict and or violence, and conflict management.

8. Even if at a minimal degree, the study revealed that there were divergent intra-group views expressed in relation to the Sharia debate. This underscored the fact that identity even among a dominant group is constructed along variant layers or points of reference. In other words, there is always a plurality of competing interests within a group or subgroup (and this includes the elite ranks as well) and the articulation of particular interests at any point does not preclude opposition or competing interests. The implication of this is that even among northern Muslims, where the all encompassing nature of Islam- Islam as a total way of life complexly mixing culture, religion and politics- makes it difficult for dissident or opposing views (Human Rights Watch, 2004), identity is not always homogenous or monolithic. Underlying the often projected unified position is the different and sometimes conflicting viewpoints and multiple interpretations reflecting the variation in the character of local Muslim populations and civil society groups, and the perceptions of civil society leaders.

Some examples will suffice. In Kaduna State for example, civil society groups responded, sometimes in a conflicting way, to the signing into law of the modified Sharia legal system in Kaduna in November 2001. For instance, while some Christians elders under the banner of CAN, and the Northern Christian Elders argued that the governor should not have implemented any Sharia law at all, whether moderate or not, and accused the governor of “executing an Islamic Sharia agenda against Christians and Southern Kaduna people who in the first instance overwhelmingly voted him into power,”³⁴ some however, supported the governor’s efforts to resist pressure to turn Kaduna into a “full” Sharia state. One of them is Bishop Idowu-Fearson, the Anglican Archbishop of Kaduna state who praised the governor for introducing a benign form of Sharia in the state following the violence, arguing that “should Sharia succeed in Nigeria, it would be because other states had learnt from Kaduna’s model.”³⁵

This contradictory group identity construction and projection is more poignantly reflected in the perception of Muslims in the state. For instance, with the implementation of Kaduna’s modified version of Sharia, some Muslims especially prominent members of the Supreme Council for Sharia in Nigeria (SCSN), a group which tries to coordinate Sharia laws across the twelve Sharia-implementing states (Paden, 2008) and which has hitherto been at the vanguard of moves by Muslim civil society in Kaduna to implement Sharia “without the government”³⁶, accused governor Makarfi of betraying them by not implementing “proper Sharia” and of being more Christian than some Christians”. Accordingly, they nicknamed him “Pastor Makarfi” or “John Makarfi”. In addition, Makarfi was accused of pandering to the dictates of President Obasanjo, a Christian and labeled a stooge of the President (Human Rights Watch, 2003). Other Muslims however believe that even though the ‘half’ rather than ‘full’ implementation of Sharia was not what the Muslims were looking for, it was necessary given the multicultural nature of the state. As Umar Ibrahim, a Muslim mechanic noted, the “arrangement is only part of what is desired by Muslims, but given the nature of the state, there is need for compromise”.³⁷

Another prominent internal opposition to the implementation of Sharia came from Shehu Sani, an outspoken government critic and leader of the Civil Rights Congress, a human rights organization in Kaduna. Shehu Sani’s stance on Sharia did not only pit him against the state government but also against radical Islamic groups in the state. For instance, in 2000, Shehu Sani was reported to have

³⁴. See Press Release on the Recent Religious Violence/Riots in Kaduna State by the Southern Kaduna Elders’ Consultative Forum, 25th November 2002, cited in Human Rights Watch, 2003.

³⁵. See “Arrests follow Kaduna clashes” BBC News Monday, 5 November, 2001.

³⁶. Interview at the JNI national headquarters in Kaduna on 12th July, 2009.

³⁷ See “Arrests follow Kaduna clashes” BBC News Monday, 5 November, 2001.

criticized the introduction of Sharia through a radio interview he granted in Kaduna where he accused politicians of using Sharia to increase their popularity and to insulate themselves from the people they governed. He claimed that this interview pitted him with other radical Muslims who were urgently desirous of Sharia and were doing everything within their powers to see it implemented in the state even without the government. Sani claimed that following the interview he granted disparaging the motives behind the implementation of Sharia, anonymous pamphlets were circulated, calling for him to be killed because he was “anti-Sharia,” and clerics in several mosques in Kaduna condemned him for his comments (Human Rights Watch, 2004).

In 2001, the police prevented the Civil Rights Congress from holding a three day seminar on ‘Sharia and the 1999 Constitution’, in Zaria. The Kaduna state commissioner of police later stated that they had taken this action in order to avert a breakdown of law and order. According to the Civil Rights Congress, the intervention by the police was prompted by threats by some Islamic clerics who opposed the conference on the grounds that the Civil Rights Congress and its director were “anti-Sharia”. They had reportedly written to the Kaduna state governor and commissioner of police threatening to unleash chaos if the conference went ahead (Human Rights Watch, *ibid*).

In October 2007, Shehu Sani has also criticized the implementation of Sharia through his play *the Phantom Crescent*. In the manuscript, Sani offers a scathing satire of Sharia Law and its key actors- lawyers, judges, hisbah, ulamas, and politicians. He argues that Sharia has become a political tool, helpful in winning voters and suppressing opposition: “Under Sharia law everyone is a sinner with the exception of members of the ruling party, tokenistic clerics, businessmen and feudal lords co-opted to the government side”. Sharia is a matter of class as well, he says: “It is the poor who commit adultery in hotels, the poor who take motorbikes, the poor who entertain in bars... The rich have access and can move to do those things in other parts of the country, where there is no Sharia Law.”

However, the public performance of the play at the Kaduna park was stopped when the Upper Sharia Court in Kaduna State issued an injunction, preventing anyone from ‘selling or in any way circulating’ the manuscript. The Sharia court was acting on the petition by a group called Concerned Sharia Forum, a group supported by the Kaduna government who argued that the play could incite the kinds of religious violence the Kaduna has worked so hard to quell.³⁸

Just like in Kaduna state, the criticisms against Sharia by Muslims in Kebbi were not against the code *per se*, but against the absence of a conducive socio-economic environment for the implementation of Sharia. As a civil servant argued:

Governance itself is part of Sharia and poverty alleviation should be at its core. So if you have widespread poverty as we have in Kebbi state which is believed to be the

³⁸. See Dickinson, Elizabeth “Nigeria: Sharia Court Bans Satirical Play” October 29, 2007, available at www.allAfrica.com

second poorest state in the federation, then Sharia cannot work. Look this is fasting period and the price of orange is N30 each. If I a Director consider this exorbitant to purchase for my family as I would want to, how much more a poor rural dweller who does not earn up to 100 a day but has a family of 12 people to feed. Tell me, how can such a family fulfill the Islamic junctions enshrined in the Sharia effectively? This is partly why they cannot amputate hands of those who have violated the Sharia code.

Others were categorical in accusing politicians of using Sharia to hoodwink the people and pilfer the public resources. According to a Muslim cleric in Birnin Kebbi:

The Sharia in Kebbi is not being practiced correctly. Sure the governor Aliero tried his best to put in programs that will lead to the spiritual and moral upliftment of Muslims, but he left himself and his executive out in the process. Using Sharia as a cover, these politicians, led by the governor, have amassed stupendous wealth, coveting properties here and there and this includes a gigantic mansion owned by governor Aliero in Birnin Kebbi. This is contrary to the life of moderation and selflessness that Sharia advocates³⁹.

In fact, some of these internal critiques went as far as deriding governor Aliero for turning the state into a personal empire administered by him and his brother⁴⁰ while others instituted court cases against the governor for alleged diversion of state funds. This was the case of one Sani Dododo, Abubakar Kane and Alhaji Mungadi who filled a mandamus before a Federal High Court in Abuja to compel the EFCC to prosecute Adamu Aliero, the former governor of the state over alleged N10.2 billion fraud committed during his tenure as governor involving financial misappropriation, inflation of contract sum, contract scam and payment for nonexistent or non-executed contract.

The Kaduna and Kebbi examples points to the fact that beyond the seemingly unified identity projected of “Christians against Sharia” and Muslims in favour of Sharia” there are cacophony of voices that dispute what seems to be the dominant group position.⁴¹ As Ismail (2004) reminds us with regard to Islam:

Muslims do not reproduce a monolithic Muslim identity. [Furthermore] Muslims’ engagement in identity construction informs us of power struggles that are embedded in material local conditions and global processes that make use of multiplicity of registers and frame of reference.

³⁹. Interview with Malam Attahiru Jega in Birnin Kebbi on 2nd May, 2008.

⁴⁰. Interview at the state secretariat Gwadangaji, Birnin Kebbi on 28th October, 2009

⁴¹. The Federal High Court struck out the suit for lack of merit See “Alleged N10bn Fraud: Court strikes out suit against Aliero” *Daily Trust*, October 2, 2009. p. 8.

However, in spite of some similarities, there are divergent politico-legal responses to the re-introduction of Sharia in Kaduna and Kebbi states. The following observations are salient:

1. While mobilization against Sharia was reflected in public protests in Kaduna (Kaduna city) and Kebbi (Zuru town), the outcome of the protests differ, in that it was peaceful in Zuru, while it turned violent in Kaduna city. Violence here refers to “intentional inflictions of damage or injury” and it is often the “manifestation of extensive, consistent and intense level of conflict” (Albert, 2006)⁴². To be sure, the protest in Zuru also provoked a counter opposition from some Muslim youths who threw stones at the protesters and wounded three of them. However, these youths were prevented from further carrying out such acts by some other Muslims, and the Emir of Zuru. On the other hand, the Kaduna riots reduced Kaduna city and some other parts of the states such as Kachia to rubble, left at least 3000 persons dead and led to the displacement of over 63,000 people within Kaduna and its surroundings (International Displacement Monitoring Centre, 2007). The Kaduna violence also led to a major religious re-structuring of the town with people congregating in areas where their religious faith had a majority of inhabitants (Ibrahim, 2002). The violence nevertheless led to “a ghettoisation of religious groups, with different suburbs now increasingly monolithic” (Blench et.al., 2006) so much so that “by 2002, residents were describing particular areas of Kaduna town as ‘100 per cent Christian’ or ‘100 per cent Muslim [...] Christians and Muslims increasingly moved to areas which were dominated by people of their own faith in the hope of finding safety there. Many of them did not return to their original areas of residence” (Human Rights Watch, 2003). Muslim neighborhoods generally are referred to as ‘Mecca’ while Christian neighborhoods are referred to as ‘Jerusalem’. Finally, the violence provoked reprisal attacks in the southeastern parts of the country such as Aba, Owerri, and Umuahia. At the heart of the violence in Kaduna are issues related directly to the planned implementation of Sharia. But it also goes beyond this to include issues such as the historical context of violent conflict in the state; the role of security especially the police, and the judiciary; the contradictory roles of the state executive and legislature; the nature of civil society; and the peculiar nature of Kaduna city especially the absence of indigenous elite and traditional leaders with an overarching influence to act as forces of restraint and take a longer-term view of the need for security and stability” (Paden, 2005).

⁴². This is not to discountenance the point made by Brubaker and Laitin (1998) that “we lack strong evidence showing that higher level of conflict (measured independently of violence) leads to higher levels of violence. Even where violence is clearly rooted in preexisting conflict, it should not be treated as a natural, self-explanatory outgrowth of such conflict, something that occurs automatically when the conflict reaches certain intensity, a certain ‘temperature’ ”. Accordingly, “violence is not a quantitative degree of conflict but a qualitative form of conflict with its own dynamics.”

2. In spite of the existence of ‘Sharia-free zones’ in the two states, Sharia was more vigorously implemented in Kebbi state than Kaduna state. To start with, reflecting the relatively higher level of ethno-religious heterogeneity in Kaduna state, the degree of freedom from the application of Sharia is higher (covering Christian dominated areas of Kaduna town, federal government and the various southern Kaduna local governments) than that of Kebbi where freedom from application of Sharia is merely restricted to Zuru town, the headquarters of Zuru Emirate. This divergence is also reflected in the legal system. Under the Kaduna model, the pre-existing Area (local or native) courts were abolished and replaced with Sharia and Customary courts designed to apply Islamic and customary laws to Muslims and non-Muslims, respectively. These two systems of courts co-exist with federation-wide common law courts system, including the magistrate and the High Court. In Kebbi state, on the other hand, the Area courts have been abolished and replaced only with Sharia courts as part of a comprehensive agenda of Sharia implementation, but their jurisdiction is now limited to persons professing Islamic faith as well as consenting non-Muslims. The common law Magistrate and High Courts would serve other non-Muslims in the state.

3. The divergence in the vigour with which Sharia is implemented in the two states is further reflected in the differential impact of Sharia on the Muslim population or the society in general. While in Kebbi state there is what could be described as an increasing Islamization or what (Turner 2008 cf. Yip, 2009) calls the ‘pietization’ of the public sphere as a result of Sharia, this was not really so in Kaduna state. With the launching of Sharia in Kebbi State in December 2000, Sharia laws were used to stringently establish the boundary for acceptable/moral and unacceptable/immoral sexual desire, behaviour, and identity. The outcome of these rigid regulations affected both Muslims and Christians in the state. Within this framework, all ‘unholy alliance’ between sexes in public places, all sexual activities (e.g. adultery, fornication, and homosexuality) are considered not only sexual deviation, but also revolt against Allah. To avoid this situation, co-educational public secondary schools were segregated along gender lines through the introduction of the shift system whereby girls attend schools during the morning session and the boys during the afternoon session, and the introduction of trousers for girls in schools to prevent indecent exposure. Also, there was the dismantling of brothels and disco houses. Alcohol or the sale of liquor was also prohibited.⁴³

In Kaduna on the other hand, the role of Sharia in sanitizing society of immoral behaviour in setting acceptable moral code has proved daunting as a result of the

⁴³. But this is not to suggest that the “sanitation of society” that came with Sharia led to total eradication of the prohibited behaviors. To be sure, just like in many Sharia implementing states, federal government establishment such as military and police barracks became ‘safe haven’ for those who want to practice behaviors banned by Sharia.

diversified moral system in place in the state. Under the modified Sharia system, implementing any form of religious laws was explicitly foreclosed in the mixed parts of Kaduna city and other principal towns. In Muslim majority areas the eventual application of Sharia laws, such as restriction of the sales of alcohol, was ceded to the local governments in these areas. However, while licentious behaviours are prohibited in Muslim-dominated areas, the potency of this prohibition is rendered tenuous by the easy availability of alternative moral code which many Muslims can easily draw from. Consequently, Muslims who do not want to practice the Islamic moral code practice what could be described as identity switching to benefit from the ‘freedom’ the other moral code holds. It is this flexibility that made a Human Right Watch interview to conclude thus: “generally, it is as if there is no Sharia in Kaduna. Kaduna is divided into “Sharia-compliant” and “non Sharia-compliant” areas; residents of the former, predominantly Muslim areas, are expected to comply with the requirements of Sharia, whereas those of the predominantly non-Muslim or mixed areas are not. However, residents of Sharia-compliant areas can simply cross over into a non-Sharia compliant area, where they can buy and consume alcohol and where prostitution is common, then return to the Sharia areas without any consequences” (Human Rights Watch, 2004). Given this background, the fact that “Sharia in Kaduna exists in one street but not in another,” (ibid.), Muslims will have to “ultimately rely on their consciences to chastise them rather than the society’s moral code.”⁴⁴ And in any case, there is no overarching moral police such as the Hisbah to carry out this function as government foreclosed the option of the Hisbah in the state. Indeed, former governor Makarfi has made it clear while instituting the modified version of Sharia in the state that “the state government would not condone or allow any individual or organisation to impose or implement any law in the state. This is the exclusive preserve of the police”.⁴⁵

4. The role of government in the implementation of Sharia is more pronounced in Kebbi than in Kaduna state, where Muslim civil society organizations play preponderant roles in organizing Islamic activities. Given the ethno-religious diversity of Kaduna state which is more pronounced than that of Kebbi state, the government was careful not to give the impression that it is favoring one group above the other. As a result, the role of government on Sharia was tentative and reduced. For instance, unlike Kebbi state where Sharia was formally launched with fanfare, the coming into effect of Sharia in Kaduna was done unceremoniously. While in Kebbi State where the government created and funded a State Department of Religious Affairs specifically for Islamic Matters (encompassing the Preaching Board, Zakat and Sadaqat Board and the Hisbah Committee) under the supervision of a Special Adviser for Religious Affairs or Sharia, the Kaduna

⁴⁴. Interview with an Islamic cleric in Tudun Wada Kaduna on 25th August, 2008.

⁴⁵. See Agency France Press / Human Rights Without Frontiers News, 13.10.2000, at <http://www.hrwf.net>.

state government established a Bureau for Religious Affairs with separate branches for Muslim Matters and Christian matters. Each arm of these Bureaus is headed by a Permanent Secretary that coordinates its group's activities while at the same time working with the other arm of the Bureau in matters of common interests or challenges such as Muslim-Christian conflict. Also, the Kaduna state government declined from creating or committing funds to some Sharia-related institutions or programmes which the Kebbi state government created or committed state funds to, such as : the intensification of religious programmes⁴⁶ like the *Sharia Rayuwar Muslimi* (Sharia the prosperity of Muslims); the enlightenment of the general public on issues relating to the Sharia; the establishment or re-establishment of the State Sharia Commission and Councils of Ulama with important advisory and executive functions; the building of mosques; and the expansion of Arabic and Islamic schools.

The reduced role of the state in organizing Sharia in Kaduna state, could be attributed to the almost balanced demography between Christians and Muslims in the state, its status as a borderline urban centre and also the fact that Kaduna had for about 100 years been the metropolitan headquarters of Northern Nigeria which opened it up to a wave of immigrants from different parts of the country, and which by implication made it a beehive of civil society organizing and activism. Also the history of the state as a tinderbox of ethno-religious conflicts has sharpened civil society activism in the state. While Islamic NGOs exist in Kebbi state, their diversity cannot be compared to those of Kaduna state. Also Kebbi, unlike Kaduna, is a new state with predominantly Muslim Hausa-Fulani population and do not have, since its creation, a history of violent inter-group conflict, even though it has an indigenous Christian and animist population in Zuru, for example, that has persistently complained of "marginalization in the throes of Hausa-Fulani domination politics" (Nathaniel, 2005). Given this reality, the Kebbi state government was not constrained from spearheading the implementation of Sharia in the state. The only challenge for the state government was how to give the non-Muslims population some concessions, and to mediate peace between them and the Muslim population while it plays at the same time a leading role in the Sharia project for the Muslims. In popular jargon, except in Zuru town where there is a significant non-Muslim population that can mobilize and insist that their voices be heard, the non-Muslim population in Kebbi generally can complain and shout of the state's intrusive role in Sharia but that is all they can do. On the other hand, non-Muslims in Kaduna state can complain and shout of the state's intrusive role in Sharia, but unlike in Kebbi, they can 'bring down the wall' in the whole state whenever the opportunity presents itself.

To reiterate, besides a leadership that was sensitive to the challenges of diversity, a critical factor that moderated the role of the Muslim-led executive of

⁴⁶. Some of these were part of the recommendation of the Sharia Implementation Committee which the government accepted.

Governor Ahmed Makarfi in Kaduna state on Sharia was the history of violent conflict which the state is known for. As Rotimi Suberu noted “Kaduna has long been polarized violently along converging ethnoreligious, regional, socioeconomic, and political fault lines. Such violent polarization consistently has pitted the state’s Muslim Hausa-Fulani politico-economic power group, which is based mainly in the northern portions of the state, against a constellation of non-Muslim southern Kaduna minority tribes (Suberu, 2004). Suberu (*ibid.*) further stated, citing Yakusak (1999), that such a history of violent ethnoreligious antagonism has led some to characterize Kaduna or southern Kaduna as the “Lebanon” or “East Timor” of Nigeria. This history has radicalized and politicized the civil society in the state, and made it vulnerable, necessarily or inadvertently so, to violence that the Kaduna state governor would have overlooked to his own political peril.

This reality is consistent with the literature on the civil society in conflict context. According to Marchetti and Tocci (2007) the political significance of civil society may be far more prominent in context marked by conflict:

Being characterized by a higher degree of politicization and a less institutional setting, conflict situations may generate a more intense mobilization of civil society. Here politicization is of a qualitatively different nature, as it occurs in view of the existential nature of politics and of the public’s awareness that official levels are not satisfactorily tackling the causes of their deprivation and frustration. Contrary to peaceful contexts, in conflict situations the existential nature of politics and the securitizations that follow generate different societal incentives to mobilize. The cross-sectional nature of existential politics and securitization thus yields a quantitatively higher degree of public action spanning across different groups in society. The different understandings of the causes of conflict and their adequate responses may in turn lead to the formation of civil society actors and ensuing actions that can either fuel conflict, sustain the status quo, or build peace.

On one hand, In Kaduna state, the ultimate task of peace building was deflected to civil society where it has proven, at the same time that it fuels conflict, to be relatively positive in generating local capital, trust and consensus building. A key part of this peace building effort was the collaborative civil society groups or institutions such as the Interfaith Mediation Centre and the Kaduna Peace Committee which not only mediated between the inter-religious groups but also collaborated with the state government to foster peace. In August 2002, Pastor Wuye and Imam Ashafa of the Interfaith Mediation Centre convinced a “who’s who” of 22 Islamic and Christian leaders to sign a “Peace Declaration,” condemning “all forms of violence” as well as “incitement and demonizations.” The Islamic and Christian leaders also pledged to “work with all sections of the community for a lasting and just peace”; sought to “create an atmosphere where present and future generations will co-exist with mutual respect and trust in one another”; and announced the establishment of a “permanent joint committee (now known as Kaduna Peace Committee) to implement the recommendations of this

declaration and encourage dialogue between the two faiths.”⁴⁷ Modeled on the Alexandria Declaration of January 2002, the Kaduna Peace Declaration (KPD) was also signed by Stephen Shekari, the deputy governor on behalf of Governor Mohammed Makarfi⁴⁸. To demonstrate publicly their agreement to renounce violence, these leaders together unveiled a centrally located plaque of their agreement for all community members to read and celebrate (The Tanenbaum Center for Interreligious Understanding Program on Religion and Conflict Resolution, 2007).

On the other hand, in Kebbi state, the government was the decisive factor in this task. The framework for peace therefore was not collaboratively designed by the civil society, but relied on the governor’s goodwill and patronage, and the adaptive and creative responses by Muslims and Christians, to the tensions of religious co-existence.

To reiterate, this difference can be attributed to the development of the civil society as relatively autonomous institutions in Kaduna state. In particular, the existence of large, diversified (pluralized) and autonomous civil society organizations has implications for the formulation of public policy as it seems to prevent exclusivist politics. As mentioned earlier, partly due to its history as a relatively advanced urban conglomeration accommodating various groups and institutions, when compared to other states in the north, and partly as a result of its recent history as a state known for violent ethno-religious antagonism, Kaduna has a flourishing civil society which has been the site not only for violent contestation but also the construction of normative consensus. Writing on the role of the link between the Muslim civil society and the urban space for instance, Janet Abu- Lughod has argued: “the Islamic city has been the primary site for defining power relations between ruler and subject, specifying the rights and identities of special communities, and regulating urban social relations between genders. Today’s Muslim city remains the epicenter of a burgeoning public sphere in which informed publics debate highly contested Islamic discourses regarding social justice, legitimate action and political action” (cf. Lubeck and Britts, 2002).

⁴⁷. See the Kaduna Peace Declaration of Religious Leaders, August 22, 2002. The 22 religious leaders that signed the peace declaration were automatically constituted as the members of the Kaduna Peace Committee.

⁴⁸. Interview with Pastor James Wuye of the Interfaith Mediation Centre, Kaduna on 15th July, 2009. According to Pastor Wuye, the Kaduna Peace Declaration was witnessed by over 20, 000 people at the Murtala Mohammed Square, Kaduna. Declaration was witnessed by prominent traditional rulers in the state including the Emir of Zazzau, Sa Gbagyi, Emir of Birnin Gwari etc.

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