SHARIA LAW IN AFRICA:

THE NIGERIAN EXPERIENCE

(Draft Paper by Bishop Matthew Hassan KUKAH presented at a Conference on Islam & Mission in Africa organised by the Fondazione Ambrosiana Paulo VI in collaboration with the Archdiocese of Milan, on, September 2-5th, 2015)

Introduction:

Across Africa, the modern states today derive their origins from the legacy of the conquest and overthrow of extant traditional empires and kingdoms that preceded the colonial state. After bringing these kingdoms and peoples to subjugation, the colonial administrations went ahead to impose their domination on the conquered peoples through the transmission of their cultures, religions, values and ethos. The colonial administrations referred to their enterprise as a *civilizing mission*.

Colonial rule ended with independence but after independence, a good number of the states that emerged remained largely inchoate, weak and combustible, often sliding to violence at the slightest provocation or trigger by internal competing forces often based on unresolved competing claims and narratives. In almost all these states, renewed hostilities, wars and battles for control of territory and resources have been fought in almost the same manner and intensity as with the colonial state. These hostilities have often been wrapped, perceived and presented in religious terms.

Today, in most of those parts of Africa where Islam is predominant, the issues of the role and place of non-Muslims in the Constitution have often never been subjected to any serious debate. At best, non-Muslims are often grudgingly assigned miniscule, peripheral roles in the Constitution while their religious and cultural expressions are either suppressed or merely tolerated. Despite claims to constitutional Democracies, these predominantly Muslim states are often hostile to ideas and cultures of Democracy such as, rights of minorities, freedom of religion, freedom of worship, freedom of expression, inter-marriages, access to powerful roles in public life for non Muslims and so on.

Loosely, these are the stories and experiences of Christian communities in most of North African countries such as Chad, Gambia, Niger, Mali, and Senegal among others where often Christians are merely tolerated and accommodated. In places like the Gambia or Senegal where for example, post independence politics saw the emergence of non Muslims as Presidents, things have taken a dramatic turn in the twenty or so years[[1]](#footnote-1). This story is not different in most of the 13 states that are predominantly Muslim in northern Nigeria today. The culmination of this tragedy in the failure of predominantly Muslim societies to manage pluralism is what led to the bitter struggle and the final emergence of new state of South Sudan[[2]](#footnote-2).

This paper is aimed at addressing the issues of managing these challenges, using the Nigerian experience as an example. In doing this, I will try not to speculate or turn the issues into an academic exercise. A lot has been written on this topic and what I think should concern us are the pastoral implications for our evagelising mission as Christians in Africa. Drawing from the initiatives of the universal Church, I will argue that in season or out of season, our missionary light must be kept burning.

Nigeria’s experience as a multi ethnic and multi religious society, with almost equal percentages of Christians and Muslims has been marked and characterized by sad stories of endless conflicts and tensions. But beyond the radar of this orgy of violence, are deep human stories of gallantry, tolerance, accommodation and peaceful co-existence which mark daily life. This paper will address the issues of Islamic Law not in isolation, but as it affects the larger theme of this conference, namely, the challenge of our mission of evangelisation in Africa in general but with Nigeria in particular.

First, I will provide a brief historical overview of the developments following the establishment of the Sokoto caliphate (1804-1903). Secondly, I will briefly look at the processes of the establishment of Sharia Law in Northern Nigeria. Thirdly, I will look at the issues of Sharia Law in in the management of Nigeria’s plural Democracy. Fourthly and finally, I will look at the issues of Sharia Law and how it affects our evangelizing mission as Christians.

**1: A brief overview of Colonialism & Sharia Law in Northern Nigeria:**

What we know as Nigeria today is the result of the decision of the British colonial state to create a nation out of the many different ethnic groups, kingdoms and empires that dotted the landscape before their arrival. Before then, Islam had existed in the area since the 14th century, having been introduced by the Wangara Arabs and the Fulani migrants[[3]](#footnote-3). The most significant development that shaped the presence of Islam was the war of conquest that led to the establishment of the Sokoto caliphate between 1804-1810[[4]](#footnote-4). At its height, it covered an area of roughly 180 sq. miles, stretching right up to Burkina Faso to the North and deep into Cameroon, with a population of about 10 million people[[5]](#footnote-5). With the conquest of Hausaland and the overthrow of its existing system of administration (known as Habe rule), came the establishment of an Islamic state and the imposition of Sharia law. This singular act subordinated all the peoples, Muslims and non-Muslims under the administration and governance of the caliphate and Islamic culture. Under this administration, the justice system depended on the Koran as the only book used by litigants while the judges also hid under it to claim that their judgments were directly from God[[6]](#footnote-6).

The conquest of the caliphate by the British in 1903 destroyed the foundation of the Islamic state and imposed the authority of the British colonial state. From then, the British governed over what would later become northern Nigeria. British colonial administration came into direct conflict with Sharia law and in the process has laid the foundation for the endless conflict of laws that persists in Nigeria to day. A scholar of the causes of instability in Nigeria has come to the conclusion that: *The root of the infamous north-south dichotomy impeding the cohesion, unity and stability of the Nigerian polity can be traced to the jihad*[[7]](#footnote-7).

Time does not allow us to go into the dynamics of these root causes. However, it is important to note that most of what constitutes the tensions in Christian-Muslim relations on the one hand and the tensions between religion and

the state in Nigeria today are tied to these unresolved legal issues surrounding the perceptions of the legacies of both British colonialism, the rump of the caliphate on the one hand and the modern Nigerian State on the other.

When observers speak about the religious problem in Nigeria, they often point at other states in Africa and wonder why Nigeria is peculiar. It is important to point out that the legacies of colonialisms differed from one empire builder’s philosophy to the other. For example, French colonies have managed religious diversities better because of their philosophy of incorporation which enabled citizens of the colony to share common citizenship and values with their coloniser. This contrasts sharply with the British system which bordered on clear racial separation even in social life. However, for the purpose of this paper, let me mention only three key policies of the colonial state that account for these tensions and argue that their resolution remains fundamental to resolving the problems of Islamic law and its place in the Nigerian state.

**1: 1: The colonial policy of appeasement to Islam:**

After the defeat of the caliphate, the British proceeded to lay the foundation for the achievement of the main thrust of the colonial adventure, namely, the economic development of the British Empire. To pursue this, the British established a system of administration known as Indirect Rule[[8]](#footnote-8). In reality, this was the best definition of power sharing between the colonial state and the rump of the caliphate. In pursuing this policy, the colonial government established what I have referred to elsewhere as Anglo-Fulani hegemony whose consolidation would further lay the foundation for the emergence of Hausa-Fulani hegemony in northern Nigeria [[9]](#footnote-9). Pursuing this system of administration led to the co-option of the Fulani feudal classes whose economy had depended on slavery, taxation and the subordination of the non-Muslim peoples of the Middle Belt and other parts of the caliphate.

Although the colonial administration had taken over the powers to appoint Emirs and establish its system of administration, they still adopted and sought to merely reform the feudal emirate system that had underpinned the administration of the caliphate. To this end, huge swaths of lands spanning across the north were parceled out as Emirates with the Muslim emirs given full authority to administer the **pagan peoples** on behalf of the caliphate and now, colonial state[[10]](#footnote-10). The effect of this on the so-called pagan peoples would later become manifest when the missionaries arrived, introduced western education and conversions to Christianity as new options. What all this meant was the fact that the missionary zeal of the caliphate was merely subsumed in the policies of new state which did not wish to ensure calm in the pursuit of its project.

**2: The Policy of Non- Interference:**

Following closely with this was what the British colonial state referred to as the policy of non- interference[[11]](#footnote-11). Under this policy, Christian missionaries were considered intruders and their message of conversion and western education presented as intruders to the fragile peace of the caliphate. Perhaps, to douse and free themselves from the guilt of the overthrow of the caliphate, the colonial state considered this ploy of appeasement as a strategy that worked both for the rump of the caliphate and the colonial state.

Given that the British had themselves assured the rump of the caliphate that they would not interfere in the affairs of their religion, this made sense. In his maiden speech after the conquest, Lord Lugard had established the full implications of the conquest. He had said: *All things which I have said the Fulani by conquest took the right to do, now pass to the British. Every Sultan and Emir and the Principal officers of the state will be appointed by the High Commissioner throughout all the country….The government will, in turn, hold the rights in land which the Fulani took by conquest from the people. The government holds the right of taxation, and will tell the Emirs and Chiefs what taxes that they may levy….the government will have the right to all minerals. All men are pleased to worship God as they please. Mosques and places of worship will be treated by respect by us*[[12]](#footnote-12).

However, a more persuasive argument lay in the fact that western education introduced by the Christian missionaries had begun to create a new consciousness and a sense of self worth in the minds of the so called, pagan peoples in the north. Already in the south where western education had preceded the colonial state, agitations for independence was already beginning to make the colonialists very uncomfortable. This policy meant that Christian missionaries and their new converts were merely tolerated and not allowed to mix with the Muslims. The racist policy of the British colonial state was bad enough because it alienated citizens from the state, but to add a second layer of religious discrimination which further separated citizens on the basis of religion meant that the future of common citizenship, shared values and a sense of common national identity were already in jeopardy well before the exit of the colonial state. This led to the third policy I want to now mention.

**1:3: The emergence of the Sabon garis (new towns):**

Already, the British seemed determined to keep any form of physical and social contact between other citizens and Muslims to the barest minimum. However, with the building of railways and the development of other social and commercial infrastructure, the colonial state had to rely on educated people from the southern parts of Nigeria. The opportunities for trade led to huge migrations towards the north and thus, the first generations of merchants, traders, artisans and civil servants who were mainly Christians began to penetrate the new northern cities. Along with them came new social habits in the areas of hotels, entertainment, music, dance and so on. But most importantly were the opportunities for Education.

The British decided to erect a wall of separation which they called, **Sabon garis**, (new towns) in the cities of the north to accommodate these migrants. The social life style in these towns was different from what the Muslims were used to. With urbanization, the sabon garis became havens to other non-Muslim ethnic groups from the middle belt and the south. Non Hausa-Fulani Muslims such as the Nupe and the Yoruba also joined the train to the north. As these settlements became a centre of gravity for different persons, social differentiation more than religion became the basis for habitation in these areas in the long run. In my view, it is here that the seeds of the future combustion of religious violence in northern Nigeria were sown.

2: **Sharia Law in Nigeria:**

One of the first steps that the British government took to address the issues of a judicial system for the colony was the proclamation of the Native Courts Act which it inaugurated in 1906. These courts more or less operated among the diverse peoples within the different emirates. While the Muslims applied Sharia law, other parts of the region were subjected to customary courts.

It was not until 1957 at the Constitutional Conference to address the issues leading to the independence of Nigeria that the issues of the status of Islamic law came to the fore. To resolve these issues, the colonial government set up two panels of jurists to examine the situation. Both Panels made some wide-ranging recommendations among which was for the setting up of a Sharia court of Appeal for the northern region in Kaduna, the regional headquarters. To accommodate the plural nature of the society, a Penal code was adopted rather than the outright Sharia code. This continued right until the civil war when new states were created in 1967. Things more or less continued with no serious incidents until the military began to plan for a return to civilian rule.

In 1976, the military which had been in power since the coup of January 15th 1966, decided that the nation required a new Constitution as part of its efforts in handing over power to a civilian administration. It set up a Constitution Drafting Committee which wrote a draft Constitution. The federal government then presented the draft for public debate by setting up a Constituent Assembly which drew representatives from across the country.

The debate started off very well until the issue of the nature of the judicial system came up. Muslims representatives in the National Assembly clamoured for the application of Sharia law in its entirety. The debate raged on for many months with the climax being the staged walk out by majority of the northern Muslim members[[13]](#footnote-13). The matter was finally resolved, but the political elite had seen in the emotions around the debate, an opportunity for manipulation of these sentiments as part of its strategies for political mobilization. It worked, but increasingly, the nation came closer to the brink of disaster. In each case, the political elite had resolved the issues by appealing for accommodation and consensus. But, all the time, the snake was never really killed.

Thus, in 1988 and 1994 when similar Constitutional debates took place, the country witnessed the same anxiety. In 1999, the military once again revisited the issue of the Constitution and this time, it organised public hearings across the states so that Nigerians could address the issues of the kind of Constitution they wanted. In the end, there was unanimity on the existing 1999 draft which was duly adopted as the Constitution of the federal republic of Nigeria[[14]](#footnote-14). Not unexpectedly, the snake would still rear its head sooner than later as we shall now demonstrate.

No sooner had the new government been sworn in than all hell broke loose. Nigerians were still celebrating the return to Democracy when from nowhere, the nation woke up to the news that the Government of Zamfara State had adopted Sharia law in its fullness. Like a wild fire, no sooner had the Governor of Zamfara State, Alhaji Sani Yerima announced that the State had adopted full Sharia law than almost all the thirteen northern states announced the same decisions amidst an outbreak of protestations from Muslims in those states. This is not the place for us to go into any details of the impact of this decision.

However, this single decision dominated the news and drew the attention of the international community, civil society organisations across the world. Sadly, the decision had been taken by the new Governor as a strategy to gain advantage over more powerful and well resourced political enemies within the state over the control of the Governorship seat[[15]](#footnote-15). He was successful in his bid and, as things would turn out, beyond achieving his political victory in the manipulation of these sentiments, very little changed.

The highest point in the crisis was the trials of two women, Safiya Hussaini and Amina Lawal on accusations of adultery. In the trial, the courts of first instance had found them guilty and sentenced them to death by stoning. Then there was international outrage. The matters went on appeal, though separately. None of the two women had been caught in the act of adultery. Rather, Safiya for example, had become pregnant while divorced and it was therefore alleged that such pregnancy implied adultery! The trials took place in Katsina but they turned Gusau, the state capital of Zamfara State into a mecca for foreign journalists. Human rights groups within the national and international community went into red alert.

In the end, none of the sentences were carried out as the appeal courts quashed the judgments on technical grounds. The defense lawyers had employed the principle of the *sleeping embryo* to free the women. It was argued that first; there was provision in the law that a pregnancy can *sleep* for a period of up to five years. The children born from this pregnancy could therefore be adjudged to be those of the men to whom the women had been married since the divorce period was less than the five years. There were also technical arguments to the effect that the confessions had been uttered only once rather than four times and that the lower court had been wrong not to allow the women to retract their earlier confessions[[16]](#footnote-16). All in all, the theatrical display had come to a painful end.

Today, the status of Sharia law in all the 12 northern states which claimed to have adopted the law is now a mute topic as it sits on the pile of the debris of hypocrisy that produced it. Recently, I was on the same plane with the former Governor, Alhaji Yerima Sani, who enacted the law and who is now a Senator of the federal republic of Nigeria. For the second time, we had a conversation about how he felt with the application of Sharia law. He told me that when they promulgated the laws, these punishments were never meant to be carried out. They were merely meant to serve as a deterrent. When I asked him about the two men who had their hands sawn off on grounds of theft in Gusau, he told me that in both cases, both he himself and the state had had no intention of undertaking the amputations since the law allowed appeals all the way to the Supreme Court for those convicted. However, he said, in case of the first man, one Jangabe, the victim had actually said that he was anxious about his amputation because it had a spiritual cleansing effect and he could not wait for it. Secondly, he said, the man told him that if the Governor did not carry out the penalty, to have his hand cut off, then, he, himself would tell the world that he, the Governor had never really been serious about the application of Sharia law in the first place. He said that the man had been so indoctrinated that he claimed that the cutting off of his hand would lead to the forgiveness of his sins and his spiritual purification and hence, his enthusiastic wish to have his hand chopped off!

As for the second man, the former Governor said that while the accused was in prison awaiting the amputation which he said the Governor also hoped would not be carried out, he was told that while in prison, the man had personally attempted to cut off his hand himself on the grounds that the state was wasting his time. He said that when it became clear that the amputation had to be carried out, he sought help from Saudi Arabia to know how these things are done. To his shock, he said the Saudis told him that they normally just chop off the hand with a sharp sword and that once it was done, they would dip the remaining hand in hot oil. The victim would faint and then he would recover and find his hand well dressed up. However, he said to me, in the case of Zamfara, he sought the help of the State House Medical officer who then proceeded to do the amputations under anesthesia[[17]](#footnote-17).

The challenge for us now is to ask is, since it is clear that the northern Muslim elites are not serious about Sharia law beyond its use as a tool for political survival, who will continue to pay the price for this? What are the implications of all this for our collective freedoms, common citizenship and what do they mean for freedom of religion and our evangelisation rights as Christians? To answer these questions, I intend to draw from my own personal experience in Nigeria and to argue that despite the difficulties, Democracy offers us some prospects.

**3: Islamic Law and Evangelisation: Challenges and Opportunities:**

The story of the relations between Christians and Muslims in Nigeria has been a very painful one. However, as I have indicated above, the difficulties have their origins in our colonial history and the fickleness of a political elite unable to come to terms with the urgency of national development and cohesion based on liberal Democracy and Constitutionalism.

Professor Abdul Raufu Mustapha, from the University of Oxford, has argued that: *Religion simultaneously constrains and enables action by its adherent, but does so in a way that heavy with social memory and the institutional residue of the past….religion is frequently the idiom through which warring communities in northern Nigeria are mobilized and is also an important lens through which wider social and political processes, not directly related to the divine, play themselves out in societies like Nigeria*[[18]](#footnote-18)*.*

A substantial part of these dynamics has been captured in the title of a forthcoming book, Creed & Grievance: Muslims, Christians & Society in Northern Nigeria[[19]](#footnote-19). For, the real challenge that we face is how to find the space to express both our creeds and grievances in a society that has become increasingly dysfunctional as a result of the corruption of a tiny political elite.

Against this backdrop, it is right to argue that religion has been the vehicle through which both Muslims and Christians have tended to play out their grievances primarily against the state. Over the years, policies of successive governments with regards to religion have accounted for the tensions that have been produced in the name of religion in Nigeria. It is important to note however that in most cases, what has often been referred to as religious violence has been either the reactions of Muslims or Christian groups to certain government policies. Examples of these include for example, the federal and state governments’ involvements with Christian and Muslim pilgrimages, government involvement in the building of places of worship, Nigeria’s decision for example to join the Organisation of Islamic Conference in 1986 and so on.

Even during the colonial period, the conquest of the caliphate and subsequent reactions within some sections of the Muslim community fed into this narrative of the state as an oppressor. Resistance movements such as what came to be known as Mahdism sprung up in the wake of the conquest drawing inspiration from the need to see the new state as a foreign assault to Islam[[20]](#footnote-20).

From the colonial period till date, Islam has continued to convulse in the search for new identities, new idioms and metaphors for expressing both faith and the quest for power and moral purity. Over the years, these convulsions and search for power and purity within Islam have produced four strands of violence conflict mostly in northern Nigerian according to Professor Mustapha. These stretch from the colonial period to the present period. First, from the 1940s to the 70s were expressions of doctrinal differences within Islam focusing on differences within the Sufi brotherhoods such as the Kadiriya and the Tijaniya[[21]](#footnote-21). There were also the differences based on ethnicity within the Muslim communities pitching non Hausa-Fulani Muslims such as Yorubas against the wrath of Muslim youth in northern Nigeria. Together with this was also the rise of anti Sufism[[22]](#footnote-22). The third are the millenarian groups that drew together the marginalized and oppressed segments within the Muslim communities leading to such movements as the Maitatsine group. Fourthly, there are the Islamist insurgency groups such as what is today known as Boko Haram[[23]](#footnote-23).

Since its emergence, Boko Haram has changed the face of Islamic resistance movements in Nigeria with the intensity of its deployment of violence and its indiscriminate battle cry of, *all against one and one against all.* We are still compelled to ask, could we have seen Boko Haram coming and have its roots not been discernable from the historical turmoil within Islam in northern Nigeria since the conquest of the caliphate?[[24]](#footnote-24). This is not the place to answer this and other questions except to conclude by stating that the crisis of religion in Nigeria is largely the spill over of crisis and violence within the Islamic sects in northern Nigeria. Again, Mustapha makes this point when he states: *The zero sum nature of the competing doctrinal claims often created the basis for violent conflict within the sects…this violence is targeted at rival sects, in other cases, this violence is directed at the state or at segments of the sider society such as Christians or members of non northern ethnicities. The prevalence and nature of violence in northern Nigeria today cannot be properly understood outside of this history*[[25]](#footnote-25)*.*

It should be clear by now that the discussion of Islamic law in Africa cannot be conceived outside of the larger struggle for power, the economic and political control of the levers of the state. In other words, since Islam lays the claim that there is no difference between religion and politics, it is therefore superfluous to seek this delineation even in a plural society that lays claim to liberal tenets of Democracy. In Nigeria, this is the context in which the Muslim rallying point is often sounded by the saying, *Siyansamu, adininmu,* (our politics is our religion). The challenge for the Christian community is to examine how all this impacts on its obligation of mission and propagation, namely, fulfilling its programme of evangelization by taking the Gospel to all the ends of the world[[26]](#footnote-26).

This forces us to ask a few questions. For example, if as it is for Muslims, every space is literally to be seen as a space for politics, power and propagation, how does this impact on other groups in a plural society? If, as it is, the Muslims in northern Nigeria believe that politics is the continuation of the struggle to expand the frontiers of Islam, what does this mean for Christians and other non-Muslims? In other words, is the success of our evangelization constrained by our status as minorities in predominantly Muslim areas? What should our response be? Should we compromise, seek accommodation or explore the opportunities offered by gospel values through interfaith dialogue? It is to these options that I now want to turn.

When in 1968, in Kampala Uganda, His Holiness, Pope Paul V1 asked Africans to become missionaries to themselves, he was merely re-echoing what had been known historically given that the African Church was present at Pentecost[[27]](#footnote-27). This has been the voice of successive Popes but it received a massive and concrete boost in the papacy of St. John Paul 11. It was followed very closely by his successor, Pope Benedict XV1. Beginning with St. John Paul 11, the papacy turned great attention to the Church in Africa in many ways that impacted positively on the evangelisation mission of the Church. I will, for the purpose of making the point, pick just four examples to make this point.

3: 1: *Papal visits to Africa as a vital tool for evangelisation:*

The first major events were Papal visits to literally all the countries of Africa. Pope John Paul for example visited Nigeria and many African countries more than once. These were major life changing experiences for many Catholics in particular but Christians and Muslims in general. It awakened and strengthened the faith of our people. Christians, Muslims, practitioners of African religions, politicians, diverse groups all trooped out to see the Holy Father wherever he visited. Today, the baptismal names of, John Paul/Joana, Paula, are spread across the continent of Africa. Today, tens of Diocesan structures such as Cathedrals, Churches, Chanceries and Pastoral Centres bear the name of the late Holy Father. I have had the honour of sleeping on two beds where the Holy Father slept both in Nigeria and Zambia and I know how privileged I felt. I also recall the reverence with which stools/chairs on which the Holy father sat are revered in many places. When the Holy Father visited Nigeria in 1998, the Minister of the Federal Capital Territory, General Jerry Useni who was in charge of the preparations said that after the Holy Father left, his stewards and drivers refused to wash their hands for a week because they had shaken the Pope’s hand! The rosary beads which I got from him in 1982 have been kept away as a special relic!

Priestly ordinations, dedications of sacred places such as Cathedrals left behind great emotions and memories across the continent. In Nigeria, for example, a good number of those 94 Deacons who were ordained to the priesthood in Kaduna during the papal visit still maintain contacts and friendships[[28]](#footnote-28). The Street leading to the Nunciature is called, Pope John Paul 11 St.

3: 2: *Beatifications as a vital tool of Evangelisation*:

Hitherto, sainthood had been a distant European echo for the Church in Africa. The decision by St. John Paul to include Africans in the beatification processes caught the African Church by surprise. His choice of candidates was even more inspiring. Bakhita, Bakanja, Isidore, all came in quick succession and they spoke deeply to the African condition of suffering and pain. For us in Nigeria, the beatification of Fr. Michael Iwene Tansi, a Cistercian monk was the icing on the cake of our spiritual life as a nation. The event took place during one of the most turbulent moments in our national life. The country was under the leadership of one of the most repressive military dictators in the nation’s history, General Sani Abacha. In the course of his visit, the Holy Father called for the release of political prisoners, greater dialogue between both Christians and Muslims. He spoke to the urgency of the issues of national reconciliation and development[[29]](#footnote-29).

3: 3: *Key appointments of African Cardinals and creation of Dioceses:*

During the papacy of St. John Paul, the Catholic Church in Africa witnessed spectacular development and expansion. We saw the appointment of a total of 18 Cardinals over the years and more later on, the elevation of African Cardinals to very influential Discasteries and the expansion of the pastoral maps of Dioceses and the rise in the episcopacies across the continent of Africa For example, for Nigeria, we saw a jump from 3 ecclesiastical provinces to 9, the appointment of Francis Cardinal Arinze and later on that of Anthony Okogie in the see of Lagos[[30]](#footnote-30). By the time he died, Africa had produced its first Apostolic Nuncio in the person of Archbishop Augustine Kasujja, the current Nuncio to Nigeria. After him, an African priest would become the Chief of Protocol for the Vatican, and as of now, Nigeria alone has produced three Nuncios. These stories were a validation of the coming of age of the African Church but also its growth in confidence leading to the Church playing very significant roles in the opening up of the political space across the continent and leading their nations to Democracy and freedom.

3: 4: *Synods of Bishops on Africa as tool for Evangelisation:*

On the feast of Epiphany in 1989, the Holy Father announced his intention to convoke a Special Assembly of the Synod of Bishops for Africa. This threw the continent into a climate of excitement and tremendous joy. This finally found fruition in 1993 with the theme; *The Church in Africa and her evangelising Mission towards the Year 2000: You will be my Witnesses*[[31]](#footnote-31). The excitement of the Synod was palpable across the African continent. Against the backdrop of war and tragedy across the continent, the Synod was a wake up call for the Church, a source of inspiration and a message of solidarity from the universal Church. Africa found in the universal Church, an ally and a moral voice.

In 2009, Pope Benedict followed up with a 2nd Synod of Bishops on Africa, with the theme: *The Church in Africa in the Service of Reconciliation, Justice and Peace: You are the Salt of the Earth and the Light of the world*[[32]](#footnote-32). Following closely on these two synods was the Synod on New Evangelisation (Oct 2012), giving greater urgency and impetus to the universal Church and encouraging us to face the challenge and urgency of mission. From the two Synods on Africa, came the publication of two post Synodal documents of great significance to the life of the Church in Africa. The first was Ecclesia in Africa (1995) and Africae Munus (2012). Both documents spoke to the African conditions in different contexts. But perhaps, the greatest sense of pastoral urgency was captured in the Message of the 2nd African Synod in which the Bishops spoke to both the universal Church, the rest of the world and to Africa as a continent. It presented a fresh impetus for the Church, offered lucid arguments for the challenges that the continent faced and called on the Christians to renew their faith in God.

In the Message, the African bishops called on the children of Africa to share the convictions of the Synod fathers that:… *Africa is not helpless. Our destiny is still in our hands. All she is asking for is the space to breathe and thrive. Africa is already moving and the Church is moving with her, offering her the light of the Gospel. The waters may be turbulent, but with our gaze is on Christ the Lord, we shall make it safely to the port of reconciliation, justice and peace*[[33]](#footnote-33)*.*

**Summary & Conclusion: Interfaith Dialogue as Key to the Future:**

In this paper, I have tried to show the challenges to stability and pluralism posed by the Sharia, that is, Islamic law in Nigeria. I have argued that the impact of the double legacies of both the Sokoto caliphate and the colonial state have posed serious difficulties for evangelisation in Nigeria. However, despite all this, there are prospects for peaceful collaboration, but this can only happen against the backdrop of a political leadership that understands the challenges of nation building and how to manage plural societies and communities. I want to end this paper by pointing as a few of the signposts of hope I think lie head.

First, it is clear to the observer of the situation in Nigeria that the clamour for Sharia law in Nigeria is merely a heuristic devise used by the northern Muslim political elite to gain mileage and retain power in the country. This same elite has rallied their people under the false belief that they can offer a state based on Sharia Law and guarantee the supremacy of Islam and Muslims. A conciliatory colonial state pandered to these claims and left us a shaky legacy. What has been most inexcusable has been the inefficiency and ineffectiveness of the political class who continue to pander to feudal ideals, using these strategies of subjugation to reinforce the notion that we are different and creating a society of citizens and subjects. The caliphate has been gone for over a hundred years but since the elites have not been able to deliver on the promises of development, there has grown a romantic notion that it possesses a larger than life resonance a notion that even the Sultan himself has continue to discountenance at any opportunity[[34]](#footnote-34).

Secondly, ordinary Muslims in northern Nigeria, ensconced in a universe governed by poverty and severe deprivations despite the monopoly of power by their elites, have very little contact with the rest of the country’s political and social developments. The region remains the most impoverished part of the country, severely falling behind in almost every conceivable human development index over the years. Most of these ordinary people want to genuinely live a life under Sharia law, but that is largely due to the fact that the modern Nigerian state has offered them so little with its arrival a dream deferred. Thus, as a renowned scholar of Islam in northern Nigeria, Professor Murray Last has concluded: *For the ordinary Muslim, pleasing Allah is a serious, practical strategy to have both for daily life and for the governance of the community in which one lives, prays and raises a family*….*Extreme piety remains both the language of discontent and the logic for political resistance as a moral act[[35]](#footnote-35)*.

Thirdly, I have tried to illustrate that what we know as crisis between Christians and Muslims is essentially a spill over of unresolved issues within the various Islamic sects in northern Nigeria. In the Nigerian situation, we have had no history of inter or intra denominational violence either between Christian groups themselves or the same groups initiating violence against Muslims. Over time, Christian groups have been sucked into violence largely in reaction to the violence of extremist Muslim groups or in the cause of self-defense. Over the years, reprisal attacks have become more frequent amidst the notion that governments and security agencies will do nothing to protect them.

And, until the late 90s, Christians and even non Hausa-Fulani Muslims in northern Nigeria often became victims of violence perpetrated by extremist Salafists, Shi’ites, or Izala and other extremist groups either in the course of their own battles or over issues as benign as the drawing of cartoons, the attack on Afghanistan, or the planned staging of a Miss world contest or the failure of General Buhari a northern Muslim to win elections. All of these events sparked violence against Christian Churches, homes and businesses. There has been a growing feeling among Muslims in northern Nigeria that Christians are settlers or aliens, that they are hand in gloves with westerners since their religion is said to be from the west. Strangely, the same Muslims do not believe that the same logic would mean that since Islam came from the Arab world, there must be an affinity between them and the Arab world.

Fourthly, the climax of the history of the orgy of violence within Muslim groups has found full expression in its most extreme form through the Boko Haram insurgency. The impact of Boko Haram on the Christian community has been devastating. The Muslims have found it convenient to say that Boko Haram insurgents are not real Muslims because Muslims are also victims. But this argument is escapist because Boko Haram members are Muslims. The real challenge is for the Nigerian state and Muslims to ask themselves what they were doing when this deadly group was organizing, preaching, recruiting and proselytizing among them and in the open. Notwithstanding all this, it is true to say that rather than retreat from dialogue, genuine interfaith dialogue is the way ahead.

There have been a lot of efforts towards dialogue at all levels amidst all this. At the federal levels, we have meetings of the National Inter-religious Council, NIREC but beyond meetings and statements here and there, the body gradually went into a coma due to the crisis of trust between the leadership of the Christians and Muslims. Under the leadership of Pastor Ayo Oritsejafor, the current President of the Christian Association of Nigeria, CAN, and Interfaith dialogue took a sad dip as he alienated many Christian leaders and antagonized the Muslim leadership. His leadership has been marked by anxieties over the relationship between the Christian community and the Jonathan Presidency[[36]](#footnote-36)

The most significant event of recent was the work of the National Peace Committee which brought together Christian, Muslim and other civil leaders under the leadership of our former Head of State, General Abdusalam Abubakar. The Committee is made up of 12 Members, four women and 8 men including the Cardinal Archbishop of Abuja and the Sultan. The Committee came into existence to pursue the goals of a violence free election, a feat that was successfully achieved during the last elections.

The challenge for the future is the challenge of the rights of Christians to practice their religion in freedom. Christians continue to suffer from lack of representation in public services in the states where they have made their home. For example, I am presently dealing with the case of 54 Christian Youths who have been expelled from the Nigerian Police Force. The reason is that they applied to the Police Force using Muslim names. They had to do this because the authorities often reject applications of young men and women who were born in these states for employment and scholarships on grounds that they are not Muslims! The case is with the National Human Rights Commission.

We still have serious problems of access to land to build our Churches. Whereas it is the policy of the federal government that in all federal institutions such as Universities, Hospitals and Military and Police formations, 2 Churches should be built for Catholics and Protestants on the one hand and a Mosque for Muslims, in most parts of the north, this is still a serious problem. State Governors have blatantly refused to sign Certificates of Occupancy for lands for the building of Churches and so on. Yet, on the surface, there are friendships, business and political friendships. It means that most of this is largely the lack of courage on the part of the Governors who have full powers over land allocation and use. The challenge therefore is what should be the substance of dialogue, whether dialogue should merely just be nice conversations over tea, coffee and biscuits or sitting across huge mahogany tables and having nice optics. There is need for government to take the right policy decision.

In the run up to the Presidential elections, the candidate for the All Progressive Congress, APC, General Muhammad Buhari requested for and was received in audience by the President of the Catholic Bishops’ Conference of Nigeria. In his address to the Bishops, he said: *Government has no business preferring one religion to the other. The role of government is to protect lives and properties of citizens and to respect and protect their constitutional rights. One critical freedom that every government must strive to protect is the liberty for citizens to exercise their respective faiths, Christians and Muslims or others, in a lawful manner without fear or hindrance and to prosecute those who use religion as an excuse to destroy homes, schools and places of worship. When governments fail in that duty, they must then assist in the rebuilding of structures including destroyed places of worship and giving full restitution for lost property. We, Nigerians, are a religious people, and the burning of places of worship constitutes one of the vilest forms of abomination to all those who believe in God. It is the duty of governments to protect this important sensitivity[[37]](#footnote-37).* These are bold words. It remains to be seen whether, first, the Bishops can take on the leadership by developing a robust policy thrust to take advantage of these nice words or if President Buhari, now elected President will be allowed to forget these words and surrender to the hardliners in the wings[[38]](#footnote-38).

What all this shows is that there are opportunities for dialogue on the very difficult issues of governance especially. For the Church however, it is necessary that we continue on the familiar paths of rendering the kinds of services that have become part of our work of evangelisation especially in the area of Health, Education, care for the poor and the weak, a robust Justice Development and Peace programme among many others. In this way, we will be showing the Nigerian society the fact that in the end, true religion is not about mere legal systems, but, as St James said, *….coming to the aid of orphans and widows in their distress and keeping oneself from being polluted by the world[[39]](#footnote-39). The real challenge for Christians and Muslims is to come to terms with the fact that for us believers, the real law is not the one written on tablets, but that written in our hearts and that true believers are guided more by their consciences*[[40]](#footnote-40).

Across the places where we work in the north, the challenges of rescuing our people from poverty and disease are challenging and enormous. Ordinary people do appreciate the work we do among them. For example, every year, at Christmas, I go to the big prison in Sokoto where we serve food and spend time with the prisoners. We arrange bail for many young people who are separated from their freedom by less than one dollar. At Easter, we go to the Leprosarium and during the Sallah, we go to the Orphanage. I know what I see and who appreciative people are. So, there are great opportunities and challenges posed by these difficulties that assault our common humanity.

When raised some money and took food and clothing to families where over 46 men had been slaughtered in their sleep. It took us over four hours to get to the very remote village. When we finished distributing the items we brought, we sat down and the village Chief said to me: *I have never met you. But I often hear you on the radio. What have you come to do here among us? After all, we do not have a single Christian here. So what brought you to us?* I said to him: *Baba, we are all God’s children. We heard about your tragedy. We came here not because of religion, but because we are all God’s children. I cannot forget the look in his eyes till date*.

I think what was most painful for him was that none of the big politicians had come to see them and this was Zamfara, the state that had declared Sharia for its people! I see a lot of hope among our people and I think the challenge lies in seeing these challenges as new opportunities. This is not the time to be discouraged. These are times that try us all, but they are times of promise. I recall humbly, a man whom I met at the airport in Abuja. We were waiting to travel together to Sokoto and I was in my full episcopal regalia. Someone came and tried to introduce me to another person and he said: *This is the Catholic Bishop of Sokoto Diocese.* The Muslim gentleman beside me in his white regalia cut in even though we had not even spoken, *Please stop calling him Catholic Bishop of Sokoto. When you address him like that, you leave us out.* *He is our Bishop in Sokoto*. It was so touching. Incidents like this demonstrate that the challenges for us is to set our people free so they can reclaim their humanity, away from the architecture of selfishness that have been erected in the name of religion.

\* Catholic Diocese of Sokoto, Nigeria

1. In Senegal, the first President was Sedar Senghor, a Catholic while in the Gambia, the President, David Jawara was later persuaded by his Fulani brethren in Nigeria to become a Muslim on the grounds that Christianity was foreign to his Fulani heritage. He changed his name to Dawuda. [↑](#footnote-ref-1)
2. South Sudan, the 193rd State in the UN, gained independence on 9th July, 2011, amidst worldwide celebrations. It soon slid into civil war and clearly, there is evidence that far from being a solution, Muslim societies must develop a reflex for accepting pluralism and confer dignity to all citizens irrespective of faith. In some states in the north, non-Muslim communities have come to see this *separation* as the only option for realizing their sense of dignity and humanity. [↑](#footnote-ref-2)
3. Murray Last: The Sokoto Caliphate (Longmans. 1967)

   R. A. Adeleye: Power and Diplomacy in Northern Nigeria, 1804-1906

   (Longman. London. 1971) [↑](#footnote-ref-3)
4. Murray Last: The Sokoto Caliphate(London. Longmans. 1967) [↑](#footnote-ref-4)
5. Olaosebikan Aremu: *The Fulani Jihad and its Implications for National Integration and Development in Nigeria*. (African Research Review. An International Multidisciplinary Journal, Ethiopia,Vol5 (5), Serial No 22, October 2011) p8 [↑](#footnote-ref-5)
6. Quoted in Matthew Kukah: Religion, Politics and Power in Northern Nigeria

   (Spectrum Books. 1992) p115. [↑](#footnote-ref-6)
7. Olaosebikan Aremu: *The Fulani Jihad,* op cit, p8 [↑](#footnote-ref-7)
8. R. Hannah: The Origins of Indirect Rule in Northern Nigeria, 1890-1894

   (Ph. D thesis: Michigan State University. 1969) [↑](#footnote-ref-8)
9. Matthew Kukah: Religion, Politics and Power in Northern Nigeria, op cit, chs 1 &2. [↑](#footnote-ref-9)
10. S.J.Hogben & A.H.M Kirk Greene: The Emirates of Northern Nigeria

    (Oxford University Press. 1960) [↑](#footnote-ref-10)
11. It would seem that this policy started as a recommendation by way of a Memorandum for the resolution of a crisis in Nejd, India. See, *Memorandum by Mr. Parkes on the British Policy of Non Interference in the Affairs of Nejd* (Ref: IOR/L/PS/18/B200) [↑](#footnote-ref-11)
12. Fredrick Lugard: *Second Address to the Sultan, Waziri and Elders of Sokoto* (March 21st, 1903). [↑](#footnote-ref-12)
13. Matthew Kukah: Religion, Politics and Power in Northern Nigeria, ch 5, p145-184. [↑](#footnote-ref-13)
14. Constitution of the Federal Republic of Nigeria [↑](#footnote-ref-14)
15. The Governor would later admit openly that first, he did not expect that things would turn out the way they did because, in his words, he only wanted to respond to the emotions of the people and address social vices such as gambling and prostitution (Conversation with the author) [↑](#footnote-ref-15)
16. Somini Sengupta: *Facing Death for Adultery: Nigerian Woman is Acquitted*.

    (The New York Times. September 26th, 2003) [↑](#footnote-ref-16)
17. I had this conversation with the Governor on a flight between Abuja and Sokoto on July 31st, 2015. We had also shared a speaking platform with him in Asaba some two years ago discussing the issues of Islamic law. There was always the insistence that these things were merely meant to serve as symbols of deterrent! [↑](#footnote-ref-17)
18. Abdul Raufu Mustapha (Ed): Sects & Social Disorder: Muslim Identities & Conflict in Northern Nigeria (James Currey. London. 2015)p1 [↑](#footnote-ref-18)
19. This book, edited by Abdul Raufu Mustapha is to be published by James Currey. I have been asked to write the Foreword. [↑](#footnote-ref-19)
20. G. Lethem: A History of Islamic Propaganda in Northern Nigeria

    (London. Waterlow & Sons. 1925)

    B. de Hogton: Militant Islam and British Attitudes towards Islam in Northern Nigeria

    (M. A. Thesis. Birmingham University. 1967) [↑](#footnote-ref-20)
21. Abdul Raufu Mustapha & Mukhtar Bunza: *Contemporary Islamic Sects & Groups in Northern Nigeria,* in, Abdul Raufu Mustapha(Ed): Sects and Social Disorder, p54-98 [↑](#footnote-ref-21)
22. Ousmane Kane: Muslims and Modernity in Post Colonial Nigeria: A Study of the Society for the Removal of Innovation and the Reinstatement of Tradition

    (Leidin. Brill. 2003) [↑](#footnote-ref-22)
23. Abdul Raufu Mustapha: *Religious Sectarianism, Poor Governance and Conflict*, in Sects and Social Disorder, op, p 199-200. [↑](#footnote-ref-23)
24. Matthew Kukah: After the Insurgency: Some Thoughts on National Cohesion

    (Convocation Lecture at the University of Nigeria, Nsukka, March 27th, 2014 [↑](#footnote-ref-24)
25. Abdul Raufu Mustapha: *Religious Sectarianism, Poor Governance and Conflict*, in Abdul Raufu Mustapha: Sects & Social Disorder, op cit, p200. [↑](#footnote-ref-25)
26. Matthew 28:18 [↑](#footnote-ref-26)
27. Acts 2:10 [↑](#footnote-ref-27)
28. The first visit of the Holy Father to Nigeria was on February 2-4th, 1982 while the second visit took place in March 1998. [↑](#footnote-ref-28)
29. Collected Speeches of Pope John Paul 11 in Nigeria

    (Lagos. Catholic Secretariat of Nigeria. 1999). [↑](#footnote-ref-29)
30. Hitherto, there had been only three provinces of Kaduna, Lagos and Onitsha. The six new Provinces were created in 1996 were: Abuja, Benin, Calabar, Jos, Ibadan and Owerri. [↑](#footnote-ref-30)
31. This took place at St. Peter’s Basilica on April 10th, 1994. [↑](#footnote-ref-31)
32. Vatican City, October 4, 2009 [↑](#footnote-ref-32)
33. *Message to the People of God of the Second Special Assembly of Bishops for Africa of the Synod of Bishops* (October 23rd, 2009) [↑](#footnote-ref-33)
34. At a conference of Surveyors in which I was keynote speaker (July 21st, 2015 in Sokoto), the President of the Surveyors, a Southern Christian, had spoken eloquently about the power of the Sultanate. When the Sultan rose to speak, he reminded the bewildered speaker that this so called power is only nominal and symbolic! [↑](#footnote-ref-34)
35. Murray Last: *From Dissent to Dissidence*: *The Genesis and Development of reformist Islamic Groups in Northern Nigeria*, in, Abdul Raufu Mustapha: Sects & Social Disorder, op cit. p 19. [↑](#footnote-ref-35)
36. For example, two years ago, the President of CAN, in celebration of an anniversary of his Church received the gift of an aeroplane. The same plane was later caught with the famous $9.5m meant for the purchase of weapons in South Africa! [↑](#footnote-ref-36)
37. The meeting took place with the members of the Administrative Board, at the, *Daughters of Divine Love Retreat and Conference Centre*, Lugbe, February 11th, 2015 [↑](#footnote-ref-37)
38. I have raised some of these fears in papers and interviews. But, see;

    Matthew Kukah: *Transition to Democracy: Can Nigeria Ride the Wave?*

    (Convocation Lecture at Ebonyi State University, April 25th, 2015) [↑](#footnote-ref-38)
39. James 1: 27 [↑](#footnote-ref-39)
40. Rom 2:15, Heb. 10:6, [↑](#footnote-ref-40)