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## Chapter Five: The *Fatwā* and the Beast: Islamic authority and Muslim unity in northern Nigeria in light of the 2002 Miss World Crisis

Abstract: In 2002, the Miss World beauty contest was scheduled to take place in Nigeria. After riots broke out in the Muslim north of the country, the contest was relocated to London. Shortly afterwards, a northern Muslim politician made a public statement that was interpreted as a “fatwa” on a young Christian journalist for alleged slander of the Prophet. These events and the discussions that followed revealed not only the state of Muslim-Christian relations in the country but also the struggle for leadership and religious authority among Nigeria’s Muslims. The present article analyses the 2002 Miss World crisis in light of the development of Islamic authority in Nigeria. Decades of intra-Muslim conflict have left Muslim religious authority highly fragmented. It is argued that a new strategy of building authority has developed, which advocates Muslim unity in the face of an alleged Christian threat. This strategy makes it difficult for its representatives to contain radical currents within their own camp.

Nigeria’s return to a civilian government in 1999 was immediately followed by the introduction of Islamic criminal law in some northern states of the federation. Locally and internationally, the Islamisation of criminal law was perceived as a political project promoted by a few populist state governors who exploited wide-spread popular discontent over deteriorating living conditions and anti-Western sentiments. The support which these governors received from the population forced governors of other states to follow the example, with limited possibilities to contain the effects. By late 2001, twelve northern Nigerian states had introduced Islamic criminal law.

While the implementation of the *sharīʿa* was supported by radical groups composed mainly of young Muslim activists, established ‘*ulamā*’ seem to have been more sceptical. Their response, however, was not outspoken criticism of the politicians’ populist approach but rather silent advocacy aiming at a reform of the reform with political and judicial authorities. Such efforts have mitigated the possible effects of the im-

plementation of Islamic criminal law with regard to certain offences like, for example, illicit sexual intercourse (*zinā*) (Chapter Two).

The question remains as to what prevented the Muslim religious establishment in northern Nigeria, which is mainly organised in the two umbrella organisations of *Jamā'at Naṣr al-Islām* [Society for the support of Islam] (JNI) and the Nigerian Supreme Council for Islamic Affairs (NSCIA), from publicly opposing the manner in which Islamic criminal law was introduced and initially implemented. In this article, it is suggested that a lack of central authority in northern Nigerian Islam and the perceived need to maintain Muslim unity at all costs in the face of an alleged attempt by non-Muslims to dominate the state are two main factors which forced the Muslim establishment to respond to outside criticism of *sharī'a* implementation, which often enough was clearly provocative and Islamophobic, in an apparently aggressive way. The incidents and intra-Muslim debates during the second half of 2002 AD, the period of the aborted Miss World contest and the “fatwa” against Isioma Daniel, illustrate—maybe better than any other episode of the country’s recent past—the struggle for leadership and preservation of unity in northern Nigerian Islam.<sup>420</sup> It is a worthwhile endeavour, thus, to look at this period as a starting point for an analysis of the problem of religious authority in present-day northern Nigeria.

### ***The Miss World riots and the “fatwa” against Isioma Daniel***

After the Nigerian Agbani Darego won the 2001 Miss World contest in South Africa, Nigeria qualified for hosting the contest in 2002. Unusually for a beauty contest, the Nigerian federal government was heavily involved in the preparations, probably motivated by the wish to improve the country’s international image after years of military rule and in light of the international controversy over the implementation of Islamic criminal law in northern Nigeria, in particular with regard to the stoning sentences of two unmarried mothers, Safiyya Hussaini and Amina Lawal, for alleged illicit sexual intercourse (Chapter Two). Safiyya Hussaini of Sokoto State was sentenced to death by stoning in October 2001. On 25 March 2002, the Sokoto State Sharī'a Court of Appeal acquitted her for lack of evidence and quashed her stoning sentence (Peters 2006). Around the time of Hussaini’s acquittal, Amina Lawal of Katsina State was sentenced to death by stoning for the same offence. Her sentence was confirmed on appeal before an upper *sharī'a* court on 19 August 2002. Amina Lawal was finally acquitted in a second appeal before the

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<sup>420</sup> This article does not primarily analyse the impact of the Miss World crisis on Muslim-Christian relations in Nigeria. These have been discussed elsewhere, e.g. in Weimann (forthcoming).

Katsina State Shari'a Court of Appeal on 25 September 2003, thus after the period under review.

The controversy about the implementation of the *shari'a* was fuelled further by the decision of the city of Rome (Italy) in September 2002 to grant honorary citizenship to Safiyya Hussaini. Muslim politicians, in particular state governors who had strongly advocated the implementation of the *shari'a*, were indignant. The governor of Safiyya Hussaini's home state of Sokoto, Attahiru Bafarawa, emphasised in an interview with the BBC that "Safiyat was charged for adultery and needed not to be honoured, it is unfortunate for the Italian government to honour an adulterer."<sup>421</sup> The governor of Zamfara State, Ahmad Sani, whose electoral campaign promise of "religious reforms" had triggered the movement for the introduction of the *shari'a*, declared that "[i]t was not surprising that she was taken to Rome because I have read long time ago that there are a lot of prostitutes in Rome," adding that he was ready to send more adulterers to the Italian capital.<sup>422</sup> But also JNI protested. In a statement signed by its secretary-general, Abdulkadir Orire, the organisation declared all those who collaborated in "smuggling out" Safiyya Hussaini to Italy "enemies of Allah":

It is now an open secret that the enemies of Allah, i.e. the enemies of Sharia had surreptitiously smuggled Safiya Hussein out of Nigeria to Rome for what they considered to be honouring her and thereby ridiculing Islam. If any person is to be honoured, it should have been the sharia judge who freed her.<sup>423</sup>

At the time when the Miss World contest was approaching, sensitivities on both sides of the religious divide were thus already aroused. In spite of the tense situation, the Nigerian government, in its efforts to make the beauty contest a success, failed to avoid instances which would be readily interpreted by Muslims as symbols of the federal authorities' contempt for Islam. For example, the contest's final was initially scheduled to take place on 30 November 2002, or 25 Ramaḍān 1423.

Muslim organisations of all currents protested against the beauty contest. Frequently, they suspected a link between the holding of the pageant and the national and international protests against the introduction of the *shari'a*. Already in July 2002, the National Council of Muslim Youths (NACOMYO) announced that it would "use all constitutional means to disrupt" the contest.<sup>424</sup> The foundation of NACOMYO, an un-

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<sup>421</sup> "Sokoto Governor queries Italy's honour for Safiyat," *The Guardian* (Nigeria), 10/09/2002, 96.

<sup>422</sup> "Yerima: 'A City of Adulterers'," *This Day*, 21/09/2002, 2.

<sup>423</sup> "Sultan chides sponsors of Safiya to Rome," *The Comet*, 16/09/2002, 3.

<sup>424</sup> "Muslim groups vow to disrupt Miss World contest," *This Day*, 26/07/2002.

umbrella organisation of Nigerian Muslim youth organisations, in 1987 was facilitated by the World Assembly of Muslim Youth (WAMY) (Loimeier and Reichmuth 1993: 67; Hock 1996: 68). Another group that sought to further its cause in the public by protesting against the Miss World contest was the Supreme Council for Sharia in Nigeria (SCSN), a pro-*sharī'a* group established in 2000 whose main purpose has been the introduction of the *sharī'a* on a national level. In a press release dated 19 September 2002 and signed by its secretary-general, Nafi'u Baba Ahmad, the SCSN not only condemned the "abduction of Safiyya Hussein to Rome" but also "frowned at the plan by the Federal Government to support the hosting of the miss World beauty pageant in Abuja, in the Month of Ramadan. It viewed this as an evident act of provocation to Muslims."<sup>425</sup> Such criticisms were echoed by the umbrella organisations. On 23 September 2002, the NSCIA protested against "the display of semi-naked female contestants" bodies during the last ten days of the month of Ramadan when Moslems are scheduled to be fasting and devoting all of themselves to Allah" before calling on "all Moslems, including government functionaries, not to participate in the proposed show of shame which is totally un-Islamic."<sup>426</sup>

Only after these protests, the final was postponed to 7 December 2002, after the end of Ramaḍān.<sup>427</sup> Nevertheless, on 11 November 2002, or 6 Ramaḍān 1423, 92 contestants arrived in Nigeria. The next day, 88 of them took part in a Christian prayer session at the chapel of the presidential villa in Abuja.<sup>428</sup> The extensive domestic media coverage of the events leading up to the final during the Muslim month of fasting was understood by many Muslims as a deliberate provocation.

The situation escalated a few days later. On 16 November 2002, the Nigerian privately owned, Lagos-based newspaper *This Day* published, in its arts pages, an article by Isioma Daniel, a young Christian journalist trained in the United Kingdom. Under the title "The World at their Feet," this article included the following passage:

The Muslims thought it was immoral to bring ninety-two women to Nigeria and ask them to revel in vanity. What would Mohammed think? In all honesty, he would probably have chosen a wife from one of them.<sup>429</sup>

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<sup>425</sup> Published, e.g., in *This Day*, 14/10/2002, 33.

<sup>426</sup> "Islamic Council asks Moslems to shun Miss World contest," *The Comet*, 24/09/2002, 3.

<sup>427</sup> "Miss World Beauty Pageant Postponed," *This Day*, 04/10/2002.

<sup>428</sup> "88 Miss World girls at Villa chapel," *The Comet*, 13/11/2002, 3.

<sup>429</sup> The article was deleted from *This Day's* online archive. The text is available at <http://www.isioma.net/sds03002.html>. After the publication, Isioma Daniel fled the country.

It is unlikely that the author pursued a political goal with this article, and the quoted passage in particular. She probably aimed at satirising Muslim commentators and organisations for their criticism of the beauty pageant.

After the publication of the article, the newspaper tried to apologise—first in an editor’s note on the front page, but as tensions grew by articles covering the whole front page in which the acceptance of the newspaper’s apologies by Muslim representatives was highlighted and by placing the same articles in advertisements several pages long in major northern newspapers, such as *Weekly Trust*. However, this could not counterbalance the news of the alleged slander of the Prophet which was spreading rapidly among Muslims, particularly through text messages sent via mobile telephones (Human Rights Watch 2003: 7).

The mounting tensions finally escalated in Kaduna on 20 November 2002, when a group of Muslim adolescents destroyed and burnt *This Day’s* regional office. After this, they marched through Kaduna, demanding the death of the newspaper’s editors for alleged slander of the Prophet. Already this death threat was called a “fatwa.”<sup>430</sup> The three following days were marked by violent clashes between groups of Muslim and Christian youths, which left around 250 people dead (Human Rights Watch 2003: 2). On Friday, 22 September 2002, the riots spread to the federal capital Abuja: after the Friday prayer at the Abuja National Mosque, protesters stormed to Wuse market, attacking passers-by, destroying public and private buildings and burning cars. According to press reports, hoodlums had been brought in from Kaduna to instigate the crowd.<sup>431</sup> Under the impression of the riots, the Miss World contest was relocated to London on 23 September 2002.

This was not the end of the crisis. A second possibly inconsiderate, possibly well-considered statement, this time on the Muslim side, was going to inflame the debate further. On 25 November 2002, the then deputy governor of Zamfara State, Mamuda Aliyu Shinkafi,<sup>432</sup> spoke at a public gathering to representatives of 21 Muslim youth organisations.<sup>433</sup> The English-speaking press reported his central statement as follows:

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She was granted political asylum in Norway, where she works as a journalist. See “Isioma Daniel: Blessings of a fatwa,” *Punch*, 18/09/2008.

<sup>430</sup> “Moslems protest Miss Worldcontest, torch Thisday office,” *The Guardian* (Nigeria), 21/11/2002.

<sup>431</sup> “The Miss World Tragedy,” *Tell*, 09/12/2002, 31.

<sup>432</sup> In the April 2007 gubernatorial elections, Mamuda Aliyu Shinkafi succeeded Ahmad Sani as governor of Zamfara State. In 2009, he “decamped” the ANPP, the dominant party in the north after 1999 alleged to be pro-Muslim, to join the PDP, the very party that has been in power on the federal level since 1999.

<sup>433</sup> “Controversy over Nigerian fatwa,” BBC News, 27/11/2002.

Like Salman Rushdie, the blood of Isioma Daniel can be shed. [...] It is binding on all Moslems wherever they are, to consider the killing of the writer as a religious duty.<sup>434</sup>

It is not certain that Shinkafi used the word “fatwa” in his speech. Subsequently, however, a Zamfara State government spokesman described Shinkafi’s statement as follows: “It’s a Fatwa. It is based on the request of the people. [...] Being a leader, you can pass a Fatwa.” He explained that a number of Islamic associations in Zamfara State had asked the state government to take action.<sup>435</sup>

As was to be expected, in parallel to the *fatwā* issued against Salman Rushdie by Ayatollah Khomeini in 1989, the Nigerian media, non-Muslim intellectuals such as Nigerian Nobel laureate Wole Soyinka and Christian leaders interpreted Shinkafi’s statements as an appeal for murder (Weimann forthcoming). On the Muslim side, the debate centred on two questions: whether death is the appropriate punishment for a non-Muslim journalist who slandered the Prophet; and whether Shinkafi’s “fatwa” was a *fatwā* in the sense of an Islamic legal opinion and who in Nigeria is entitled to issue *fatwās*.

With regard to the appropriate punishment, the secretary-general of the NSCIA, Dr. Lateef Adegbite, immediately excluded the death penalty on the grounds that the journalist was not a Muslim and that the newspaper had distanced itself from the article and had publicly apologised.<sup>436</sup> Leading Tijāniyya shaykh Dahiru Bauchi explained that the Muslim *umma* had a right to consider an apology from one who offended them or their religion in as much as such an apology was genuine. He stressed that repentance was a virtue of the believers and anyone who repents after sin.<sup>437</sup>

Other groups thought the death penalty was appropriate. The Muslim Student Society (MSS)<sup>438</sup> published a statement in which it condemned the article in *This Day* which it said had caused the crisis and declared its support for the death penalty passed on Isioma Daniel, insisting that “Muslim youths of this nation accept only the provisions of the Sharia on this matter. We are in full support of the declaration by the Zamfara State government to this effect.”<sup>439</sup> Ja’far Mahmud Adam, a leading rep-

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<sup>434</sup> See, e.g., “Miss World: Govt opposes ‘death sentence’ on journalist,” *The Guardian* (Nigeria), 27/11/2002, 1-2. Shinkafi might have spoken in Hausa. Unfortunately, I am not in possession of the original text of the speech.

<sup>435</sup> “Fatwa: Saudi, Adegbite, FG Fault Zamfara Govt,” *This Day*, 27/11/2002, 1-2.

<sup>436</sup> *Ibid.*

<sup>437</sup> “Zamfara’s Fatwa dilemma,” *Weekly Trust*, 13-19/12/2002, 19.

<sup>438</sup> On the foundation and the development of the MSS into a national Muslim organisation, see Loimeier and Reichmuth (1993: 65).

<sup>439</sup> “JNI seeks help for Kaduna victims,” *Weekly Trust*, 06-12/12/2002, 6.

representative of the Ahl al-Sunna movement in Kano and strong supporter of *sharī'a* implementation, stated that if a slanderer repents he will be rewarded for his repentance in the hereafter. In this world, while some scholars are of the opinion that the slanderer should be pardoned, according to a dominant opinion among Muslim scholars, he must be punished to serve as a deterrent.<sup>440</sup>

Some Muslim leaders made a pardon conditional on a public apology by the offender. At a press conference in Ibadan, the first national vice president of the SCSN, Abdir-Rasheed Nadiyahatullah, stated that the death sentence was the appropriate punishment for blasphemy against the Prophet. However, the author of the article may be spared if she tendered an unreserved apology.<sup>441</sup> Another influential Ahl al-Sunna leader, Yakubu Musa, criticised that Isioma Daniel had not apologised, as *This Day* had done. He interpreted this as an indication that the affair was “planned, calculated and executed by anti-Sharia forces from within and without.”<sup>442</sup>

Concerning the validity of Shinkafi’s “fatwa,” many Nigerian Muslim scholars appeared astonished, at best, at the action taken by the Zamfara State government, arguing that public pressure on the government was no manner to achieve an acceptable *fatwā*. In a statement issued on 28 November 2008, JNI declared that the Zamfara State government “has no authority to issue *fatwa* and the *fatwa* issued by it should be ignored.”<sup>443</sup> The statement also claimed that a *fatwā* can only be issued by JNI and the NSCIA, both of which are headed by the Sultan of Sokoto—“the recognised spiritual leader of Muslims in the country”—who already asked the NSCIA’s *fatwā* committee to look into the issue. The following day, 29 November 2002, the NSCIA officially invalidated the “fatwa” by the Zamfara state government.<sup>444</sup> It was announced that the NSCIA’s *fatwā* commission, headed by influential Tijāniyya shaykh Ibrahim Salih, had considered the issue, including the apologies offered by Isioma Daniel, and decided that they were sufficient to pardon her. The commission warned of decisions based on individual judgments (*al-ijtihādāt al-fardiyya*) with respect to “important *fatwās* which might lead to confusion and disorder in the country.” The NSCIA reiterated the claim that itself and JNI were

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<sup>440</sup> “Zamfara’s Fatwa dilemma,” *Weekly Trust*, 13-19/12/2002, 19.

<sup>441</sup> “Soyinka condemns fatwa, asks Obasanjo to defend Constitution,” *The Guardian* (Nigeria), 28/11/2002, 1-2.

<sup>442</sup> “Zamfara’s Fatwa dilemma,” *Weekly Trust*, 13-19/12/2002, 19.

<sup>443</sup> “JNI Cancels Fatwa on Daniel,” *New Nigerian Newspaper*, 29/11/2009, 1; and “Islamic body says Zamfara can’t pronounce fatwa,” *The Guardian* (Nigeria), 29/11/2002, 80.

<sup>444</sup> “al-Majlis al-Islāmī al-Nayjūrī yulgī fatwā ihdār al-dam” [The Nigerian Islamic Council nullifies the *fatwā* of impunity for shedding blood], IslamOnline.net, 29/11/2002.

the only entities competent on the national level to issue *fatwās* of a public and general character.

The Abuja-based Muslim organisation Assembly of Muslims in Nigeria (AMIN) issued a statement signed by its executive secretary Dr. Siraj Abdulkarim. The organisation called upon Muslim scholars to educate Nigerians about Islam and to “alert our Muslim brethren on the dangers of issuing *fatwa* without due process as required by scholarship.” The statement continued that the riots—the “unIslamic reactions of the youth”—were a result of the frustration born out of poverty and idleness caused by the alarming rise in unemployment in the country.<sup>445</sup> AMIN is chaired by Ibrahim Salih and, therefore, it is fair to assume that this statement reflects his personal views (see Chapter Four, p. 123).

The claim of the two umbrella organisations to being the supreme Islamic authority in Nigeria did not remain unchallenged. Ja’far Mahmud Adam stated that the position of JNi and the NSCIA had no basis in the Qur’ān or the prophetic traditions (*ḥadīth*). In his view, anyone well-versed and learned in Islamic jurisprudence can issue a *fatwā* on issues that affect the lives of Muslims. In a Muslim society, the authority to issue *fatwās* is not limited to one person or authority. Therefore, instead of annulling the Zamfara State government’s “*fatwa*” on the grounds that the issuing instance had no authority to do so, JNi and the NSCIA should have assessed the position taken by the Zamfara State government in order to ascertain whether or not it was at variance with the *sharī’a*.<sup>446</sup>

In the face of continued criticism of Shinkafi’s actions, the Zamfara State government spokesman declared that the position of the government remained unchanged. The government had only specified the appropriate punishment for blasphemy in accordance with the *sunna* and the consensus of the scholars (*ijmā’*), adding that “we did not direct anybody to go and execute that lady but what we did was to ensure peace is maintained in our state.” The execution of such a *fatwā*, he added, rested on the shoulders of the Muslim authority or, if there is none, the entire Muslim *umma*.<sup>447</sup> This insistence notwithstanding, the governor of Zamfara State, Ahmad Sani, declared in January 2003 in an interview with the BBC that the deputy governor had not issued a real *fatwā*:

The fact is that the *fatwa* was not really a *fatwa* per se, the deputy governor was misquoted because he was simply trying to state the position of Islam as regards making derogatory remarks about

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<sup>445</sup> “AMIN cautions on the dangers of *fatwa*,” *Daily Trust*, 02/12/2002, 18.

<sup>446</sup> “Zamfara’s *Fatwa* dilemma,” *Weekly Trust*, 13-19/12/2002, 19.

<sup>447</sup> *Ibid.*

Prophet Mohammed. Therefore, I can say that he did not pass a death sentence on Isioma.<sup>448</sup>

This, one could have thought, closed the affair: JNI and the NSCIA had shown leadership, while critical comments were restricted to technicalities. The politicians had to surrender to the religious authorities. However, the issue came up again several months later. On 22 July 2003, a committee established by JNI to study the matter under the chairmanship of JNI's secretary-general, Abdulkadir Orire, presented its report at JNI's annual meeting in Kaduna. JNI confirmed that the statement of Deputy Governor Shinkafi was "an evident, unavoidable *fatwā*" (*fatwā thābita lā ḥayda 'anhā*).<sup>449</sup> The committee concluded that Daniel insulted the Prophet and confirmed the decision that her life may be taken (*ihdār al-dam*), based on the consensus of the scholars of all schools and currents according to which any person—Muslim or non-Muslim—who insults the Prophet needs to be put to death and a pardon is not acceptable (*al-'afw lā yuqbal*). However, the death sentence can be carried out only by an independent body authorised by the state to do so.

This last condition is key to understanding the message. It is inconceivable that the secular Nigerian state empower a group of people to carry out such a *fatwā*. This must have been clear to all members of the committee. In this way, JNI affirmed the validity of the contents of the "fatwa" but subjected its execution to conditions impossible to fulfil. The statement, which was followed by protests of Christian groups threatening chaos if the sentence was executed,<sup>450</sup> was an attempt to embrace the critics of JNI's earlier statements, such as Ja'far Mahmud Adam. Nevertheless, JNI's conclusion, even if it had no practical consequences, was a reversal of the position expressed by the NSCIA's *fatwā* committee.

### ***Fragmentation of authority***

This reversal of earlier held positions was surely done in an effort by the religious establishment, as organised in JNI and the NSCIA, to maintain its authority, which is built on being accepted as a representation of the greatest number of currents and factions in Nigerian Islam. Both JNI and the NSCIA were founded with the aim of giving Islam a unified voice—across all regional and dogmatic divisions—within the Nigerian state.

The regional focus of JNI, the older of the two organisations, has been northern Nigeria, its president being the Sultan of Sokoto. It was founded in 1962 in a bid to gain the support of religious scholars, par-

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<sup>448</sup> "Fatwa: My Deputy was Misquoted, Says Zamfara Gov," *This Day*, 22/01/2003, 3.

<sup>449</sup> "Fatwā tuthīr intiḡādāt fī Najjīriyā" [*Fatwā* stirs up criticism in Nigeria], *IslamOnline.net*, 23/07/2003.

<sup>450</sup> *Ibid.*

ticularly of the *ṣūfi* brotherhoods, for the policies of the government of the then Northern Region (Loimeier and Reichmuth 1993: 47). The NSCIA was founded, in a very different political context, in 1973 by JNI and Muslim organisations from south-western Nigeria with the aim of achieving a national consensus in matters pertaining to the development of Islam in Nigeria (ibid.: 61). From the beginning, it was the NSCIA's intention "to serve as the only channel of contact on Islamic matters" (Hock 1996: 59). The president of the NSCIA is the Sultan of Sokoto, his deputy is the Shehu of Borno, while its secretary-general is a Yoruba Muslim. Based on this representation of all three major components of Nigerian Islam, the NSCIA claims to be the supreme body representing Muslims in Nigeria. Neither of the two organisations, however, is officially recognised, nor has their leadership been appointed by the Nigerian state. Their authority among Muslims is solely based on their ability to win the support of their constituencies, that is—at least in theory—all Muslims in Nigeria. A brief look on the development of religious authority in Islam in northern Nigeria will illustrate the scale of this task.

The region which is now covered by northern Nigeria has never been united under one single Muslim religious authority. During the nineteenth century AD, most of the region was part of the Sokoto Caliphate, an Islamic state established by a Muslim reform movement led by Usman ḍan Fodio. Only in the north-eastern corner, the Muslim empire of Bornu<sup>451</sup> remained independent, despite several attempts by Sokoto to conquer it. Sokoto and Bornu were not only political enemies but disputed also each other's claim to religious leadership. In a famous correspondence with the leaders of the Sokoto Caliphate, the later Shehu of Bornu Muḥammad al-Amīn al-Kanemi disputed the religious legitimacy of Sokoto's fight against fellow Muslims (Hiskett 1973: 109-10; Brenner 1973: 40-2). The challenge to Sokoto's religious authority triggered a voluminous intellectual production in Sokoto in an attempt to justify its aggressive stance towards its Muslim rival (Brenner 1973: 42). Eventually, a prevailing opinion in Sokoto emerged that all those who were not with Muslims, as understood in Sokoto, were against Muslims, and that all those against Muslims were non-Muslims (Last 1967: 58n).

The Sokoto Caliphate's elite belonged to the Qādiriyya, which for some time remained the predominant *ṣūfi* brotherhood (*tarīqa*) in the region. In the course of the nineteenth century AD, however, another *ṣūfi* brotherhood, the Tijāniyya, began to attract people discontented with what they saw as the reintroduction of pagan practices in the Ca-

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<sup>451</sup> The spelling Bornu refers to the Bornu empire, while Borno is a state of the present Nigerian federation.

liphate's governance. After the British conquest, affiliation with the Tijāniyya was soon viewed as a symbol of resistance again (Umar 2006: 35-40). But brotherhoods are not monolithic blocks but are rather split up in a multitude of different networks coexisting and competing with each other, each grouped around a number of spiritually, politically and economically influential religious scholars. Whereas in earlier times the membership of *ṣūfī* brotherhoods was restricted to disciples initiated by recognised *ṣūfī* shaykhs, starting in the 1940s, the authority of the leading networks within the Nigerian *ṣūfī* brotherhoods was challenged by the success of the Tijāniyya-Ibrāhīmiyya and the Qādiriyya-Nāṣiriyya, respectively, networks led by a new generation of shaykhs who aimed at converting the *ṣūfī* brotherhoods into mass movements (Loimeier 1997: 15).

On the political level, during most of the colonial period, northern Nigeria, under the system known as indirect rule, remained dominated by the former aristocracies of Sokoto and Bornu. The British did not question the existing socio-political systems but attempted to modernise them along existing lines (Loimeier 1997: 5). The emirs' judicial powers were gradually subjected to the provisions of English law, in particular with regard to the offence of homicide (Chapter Three). Most emirs seem to have perceived the colonial situation as a challenge to their Islamic authority, which was based on the enforcement of Islamic law.<sup>452</sup> Eventually, on the eve of independence on 1 October 1960, the Penal Code for the Northern Region was adopted, which put an end to the application of uncodified Islamic criminal law in northern Nigeria. The Penal Code was drafted by an international Panel of Jurists after widespread consultations with political and religious leaders in northern Nigeria.<sup>453</sup> Since its adoption, the application of uncodified Islamic law has been restricted to personal matters. Eventually, the judicial powers of the emirs were completely abolished in 1968 (Ostien 2006: 228).

After independence in 1960, the Premier of the Northern Region, Ahmadu Bello, pursued a policy of political and religious unity in order to ensure the north's domination within the Nigerian federation.<sup>454</sup> One element of this policy was the foundation of JNI. Bello's major ally in the struggle for religious unity—and, one might add, control and leadership—in northern Nigeria was the reform-oriented, anti-*ṣūfī* scholar Abubakar Gumi (1922-1992). Gumi had made a rapid career in the northern Nigerian judicial system and was appointed Grand Qāḍī of the

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<sup>452</sup> See Umar (2006: 104-56) for the emirs' responses to this challenge.

<sup>453</sup> For an extensive documentation on the composition, activities, discussions and recommendations of the Panel of Jurists, see Ostien (2007, vol. 1; 2006: 225-6).

<sup>454</sup> At independence, Nigeria comprised three regions, by far the biggest of which in both area and population was the Northern Region.

Northern Region in 1962. His close links to Saudi Arabia were based on his seat in the Muslim World League, founded in Mecca in 1962, which was delegated to him by Bello (Loimeier 1997: 156).

Gumi tried to use his appointment as the Grand Qāḍī to achieve a position of authority in northern Nigerian Islam. He submitted a memorandum to the Panel of Jurists during its second session of May/June 1962, in which the Panel reviewed the implementation of the Penal Code and accompanying legislation.<sup>455</sup> Among his proposals to the panel was the idea that, after the example of the system followed in the Sudan, the Grand Qāḍī of the Northern Region be vested with the power to issue *fatwās* that would be binding on *sharī'a* courts in an effort to “unify the work of the courts” (Ostien 2007: 1:110). However, the Panel of Jurists did not follow the advice given by Gumi. In its report, which was submitted to the Minister of Justice of the Northern Region on 4 June 1962 (Ostien 2007: 134-56), it was recommended that necessary reforms of the law be introduced through legislation, rather than judicial circulars or memoranda. By way of compromise, the Panel proposed that such legislation be suggested by a committee of which the Grand Qāḍī is an *ex officio* member (Ostien 2007: 1:145). It is obvious that the Panel of Jurists tried to avoid creating an office that would have the authority to determine the interpretation of Islamic law to be administered in northern Nigerian courts. This attitude probably reflects the Panel’s awareness of the already lingering conflict between Gumi and the *ṣūfī* brotherhoods.

Ahmadu Bello was assassinated in 1966 during the first of Nigeria’s successive military coups. The following year, the three regions, into which the Nigerian federation was divided at independence, were replaced by smaller states. Muslim northern Nigeria lost its political unity. Each of the new states had its own Grand Qāḍī. Thus, once more the issue of leadership in northern Nigerian politics and religion was an open question. In the absence of Bello’s iron-fist approach towards dissenting opinions, the superficial unity in the northern religious sphere that had been maintained with great difficulties by Bello rapidly disintegrated. The *ṣūfī* brotherhoods managed to prevent the takeover of JNI by Gumi and his followers. As a result, JNI disintegrated into a number of regional factions which were controlled by different networks (Loimeier 1997: 145).

Immediately after Bello’s death, Abubakar Gumi began to attack the *ṣūfī* brotherhoods as carriers of corrupting innovations (*bidaʿ*) in Islam. He initiated an ambitious campaign to reform Islam in Nigeria with an aim, among others, of destroying the *ṭarīqas*. In reaction, Gumi and his followers have been labelled as Wahhābīs by their *ṣūfī* opponents

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<sup>455</sup> For the text of the memorandum, see Ostien (2007: 1:109-12).

(Seesemann 2000: 145). *Tafsīr* sessions, in particular during Ramaḍān, which were broadcast by radio, became an important tool in the ideological struggle (Brigaglia 2007). Gumi and Nasiru Kabara, the leading authority of the Qādiriyya in Kano at the time, published competing translations of the Qur'ān into Hausa. In these translations, both authors tried to substantiate their dogmatic position (Brigaglia 2005). In this situation, the foundation in 1973 of the NSCIA aimed at overcoming the escalating conflict between traditionalists and reformers. However, like in the case of JNI, the conflict between the two camps also largely paralysed the activities of the NSCIA for a long time (Loimeier 1997: 291-2).

After the ousting of the Christian military head of state Yakubu Gowon (1966-75), Abubakar Gumi found a strong supporter in his successor, Murtala Muhammad. Under his short-lived rule, Gumi became the official adviser on religious affairs to the government and was entrusted with the preparation of Nigeria's accession to the Organisation of the Islamic Conference (OIC) (Loimeier 1997: 164). Murtala Muhammad had plans to establish a federal *sharī'a* court of appeal<sup>456</sup> and already appointed Gumi to serve as the Grand Muftī. However, after Murtala Muhammad was killed in February 1976, his successor, Olusegun Obasanjo, a Yoruba Christian, shelved the project of a federal *sharī'a* court of appeal and the accession to the OIC. Gumi continued to receive the salary of a Grand Muftī but had no office and finally retired from civil service in 1986 (Loimeier 1997: 164).

Obasanjo's reluctance to continue his predecessor's project was not so much the result of Christian-Muslim tensions than of pressure exerted by Gumi's Muslim opponents. The Tijāniyya shaykh Dahiru Bauchi had successfully rallied the other leaders of the *ṣūfī* brotherhoods and a number of emirs to oppose the proposal to make Gumi supreme head of the federal Islamic judicial system.<sup>457</sup> In the confrontation with the reform movement, Dahiru Bauchi was able to establish himself as the spokesman for the brotherhoods, and in particular the Tijāniyya (Loimeier 1993: 153). Under the pressure of Gumi's attacks, the *ṭariqas* stopped their internal quarrels and in the late 1970s formed a common front against Gumi and his supporters.

After he realised that the brotherhoods were blocking his career in the national judicial system, Abubakar Gumi adopted a strategy of mass mobilisation (Loimeier 1993b: 141-2). Starting in the late 1970s, Gumi made a series of public pronouncements of *takfīr*, thus declaring as unbe-

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<sup>456</sup> The controversy about the creation of a federal *sharī'a* court of appeal dominated the deliberations of the constituent assemblies of 1977-78 and 1988. On these debates, see Abun-Nasr (1988) and Ostien (2006).

<sup>457</sup> Loimeier (1997: 165). See also Gumi's autobiography (1994: 206).

lievers the followers of the *ṭarīqas*, particularly the Tijāniyya (Brigaglia 2005: 430). In 1978, Gumi's supporters established an organisation of their own, *Jamā'at izālat al-bid'a wa-iqāmat al-sunna* [The Society for the removal of innovation and the instatement of tradition] (Hausa: 'Yan Izala) in order to transfer the struggle against the *ṭarīqas* to the grassroots level.<sup>458</sup> The 'Yan Izala were extremely successful in mobilising a mostly young generation of Muslims in Nigeria and challenging the authority of the established *ṣūfī* brotherhoods. They introduced new forms of organisation and use of media and led the way in educating women. However, these efforts at modernisation did not secure the unity of the movement. In the 1980s, a number of disputes developed within the 'Yan Izala that led to the emergence to two competing factions in the early 1990s (Kane 2003: 217-26; Loimeier 2007: 54-5).

Neither the *ṣūfī* brotherhoods nor the reform movement aimed at directly changing the political system. The *ṣūfī* brotherhoods have a history of close relations with Muslim rulers in northern Nigeria. Their principal aim has been the propagation of Islam and their respective brotherhoods under the umbrella of a Muslim government. In general, the reform movement has aimed at social change, not at political overthrow. Its members expect the state to bring about this change and, thus, their strategy is political agitation and promotion of individual politicians whom they see as being in favour of Islamisation (Gwarzo 2003: 312).

In the aftermath of the 1979 Iranian revolution, however, the idea of an Islamic revolution in Nigeria appealed to many mostly young and educated Muslims in northern Nigeria, in particular members of the MSS. The most prominent representative of this revolutionary fundamentalist current has been Ibrahim al-Zakzaki and his Islamic Movement, also known as Muslim Brothers or 'Yan Brotha (O'Brien 2007: 52-3). Due to his political views and the massive support which he and his movement received from Iran, they have been labelled as *shī'īs* by their adversaries and the media. In recent years, members of the Islamic Movement have openly converted to *shī'ism*, e.g. by celebrating 'āshūrā' and Fatima's birthday (Loimeier 2007: 57). On its websites <[www.islamicmovement.org](http://www.islamicmovement.org)> and <[www.harkarmusulunci.org](http://www.harkarmusulunci.org)>, the Islamic Movement openly displays its adherence to *shī'ī* beliefs and the Iranian religious leadership.

Apart from Iran, also Libya tried to win supporters for its version of political Islam in Nigeria (Loimeier 1997: 289-91). In respect to the strong economic basis of the *ṭarīqas* as well as of the 'Yan Izala in Nigeria itself, however, it seems likely that external interests of foreign countries like

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<sup>458</sup> On the 'Yan Izala, see Loimeier (1997) and Kane (2003).

Iran, Libya and Saudi Arabia are played off against each other by the Nigerian movements and instrumentalised for their own aims.<sup>459</sup>

### ***Unity as a substitute for authority***

The strong competition between different Muslim movements, networks and personalities, accompanied and underscored by fundamental dogmatic rifts, have effectively thwarted all attempts by individual scholars or networks of scholars to be recognised as uncontested leaders in northern Nigerian Islam. Attempts to impose a canonical reading of the texts and a standardised religious practice have been met with counter-attacks by opponents who, besides diverging understandings of the tenets of Islam, had to fear a loss of personal authority should they agree with the views of their peers. This dynamic has compromised the success of the umbrella organisations.

Since the late 1970s, however, an alternative strategy of building authority has proven to be more successful. This alternative consists not so much in acquiring a position allowing its holder to successfully propagate a particular interpretation of the religion than in advocating an interpretation of Islam broad enough to accommodate the different currents and allowing them to coexist under one umbrella. Thus, the claim of orthodoxy is replaced by a call for unity.

A scholar who has tried to provide dogmatic foundations for a compromise between the two camps is the Tijāniyya shaykh Ibrahim Salih of Maiduguri (Borno), born in 1939. His attempt to reformulate the doctrines of the Tijāniyya has generated internal disputes to the point of splitting the brotherhood (Seesemann 1998, 2000, 2009). Notwithstanding, or maybe for this reason, Ibrahim Salih has become—as noted above—the chairman of the *fatwā* committees of both JNI and the NSCIA. Contrary to Dahiru Bauchi, who defended the doctrines of the Tijāniyya without compromise, Ibrahim Salih's aim has been to reconcile the *ṣūfīs* with their opponents. This has been apparent in his approach to *sharī'a* implementation: he stresses the need to educate Muslims to enable them to conform their behaviour to the *sharī'a* without interference from the public authorities. Referring to a broad concept of the *sharī'a* as a comprehensive code of conduct for Muslims in religious, private and public affairs, he has welcomed the commitment of the northern Nigerian states to the *sharī'a* but criticised the implementation of the *ḥadd* punishments in the current situation (Chapter Four).

The strategy of advocating Muslim unity could develop and be successful in northern Nigeria because of two major developments. The first

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<sup>459</sup> See Loimeier (1997: 291). During my time in Nigeria (2002-2004), I have gained a similar impression.

was the internal development in northern Nigerian Islam. A clear distinction between the major Muslim currents—the traditionalism of the *ṣūfī* brotherhoods, the modernism of the ‘Yan Izala and the fundamentalism of the Islamic Movement—has become increasingly difficult over recent decades. While none of these currents has escaped internal fragmentation, they, or certain factions of them, seem to converge. The modernisation processes within the *ṭarīqas* have brought them closer to the reform movement of the ‘Yan Izala. At the same time, some parts of the reform movement have adopted revolutionary views, similar to those proposed by the Islamic Movement (Umar 2001). At the same time, the number of Western-educated Muslims, not affiliated with one of the existing religious movements, increased. This heterogeneous group comprises conservative bureaucrats and judges, but also young and radical Muslim intellectuals, mainly centred in high schools and universities of northern Nigeria, and finally dissidents from the conflicting parties of the *ṣūfī* brotherhoods and the ‘Yan Izala (Loimeier 1997: 310-2). Since the 1990s, a younger generation of university-trained Muslim intellectuals have developed a Muslim political discourse in northern Nigeria that stresses the importance of the Sokoto Caliphate’s legacy as a model for the development of Islam in Nigeria and emphasises international pan-Muslim solidarity, rather than regional affiliations to countries like Iran, Libya or Saudi Arabia (Loimeier 2007: 62-3).

The second factor was a rapid deterioration in the relations between Muslims and non-Muslims. Pentecostal and charismatic churches discovered northern Nigeria as an area for missionary activities. On the political level, Christians in the north have been represented by the northern branch of the national ecumenical Christian Association of Nigeria (CAN) (Kane 2003: 178-83; Loimeier 2007: 60). As a result of increasing efforts to convert northern communities to Christianity, many Muslims began to perceive an increasing threat to their religion from non-Muslims in Nigeria.<sup>460</sup> During the 1980s, Muslim-Christian tensions escalated and the intra-Muslim struggle for authority began to be relegated to a secondary position. The year 1987 was a turning point in Muslim-Christian relations. A number of events in this year made the unity of Muslims appear more urgent than the religious disputes among them. The Kafancan riots in March 1987, which started when a market was relocated from a Muslim quarter to a non-Muslim quarter of the city, were interpreted as a confrontation between religions. The results of the judicial probe that followed it were perceived as discriminatory to Muslims (Loimeier 1997: 295-7 and 304-5). Moreover, in the local government elections of 12 December 1987, Christian candidates in northern

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<sup>460</sup> For mutual Muslim-Christian perceptions, see Hock (1996).

Nigeria succeeded even in majoritarily Muslim constituencies because several Muslim candidates were competing with each other (Loimeier 1997: 305-7). Sadly, the Kafancon riots were only the first of a long sequence of bloody inter-communal conflicts in Nigeria along sectarian divides.<sup>461</sup> Periodical outbursts of violence between Christians and Muslims have continued until today, including the *sharī'a* riots in 2000 or recurrent outbursts of violence in and around the city of Jos, most recently in November 2008 (Ostien 2009) and January 2010. Most crises originate from local inter-communal tensions about access to resources and, in a second step, are interpreted as religiously motivated. The Miss World riots are a notable exception to this rule.

The energetic appearance of the supporters of Muslim unity led to a revitalisation of the Muslim umbrella organisations. The emirs, who dominated JNI and the NSCIA, came under pressure to act according to their political and religious demands (Loimeier 1997: 309). Since then, the two umbrella organisations have become active advocates of Muslim unity. Whereas the NSCIA represents mainly the national perspective, JNI, with its focus on northern Nigeria, has become the Muslim counterpart of the northern branch of CAN.

Eventually, a formal reconciliation between the *ṣūfī* brotherhoods and the reform movement took place in January 1988: in a public mass rally, the major opponents of both camps agreed to end their dispute. The formula of compromise was: “No one person could claim to know everything in Islam and should therefore restrict themselves to the areas of their specialisation.”<sup>462</sup> This was a declaration of mutual tolerance, not acceptance. The result was a coalition of convenience (Loimeier 2007: 61), which has not alleviated, let alone resolved, the dogmatic discrepancies between the currents. Competition between the Muslim currents participating in this alliance has continued. Supporters of the brotherhoods and the reform movement have used issues apparently unrelated to religion, such as football, as alternative ideological battlegrounds (Loimeier 2000b). Nevertheless, since 1988, violence between Muslim groups has diminished significantly. Some violent disputes involve currents not bound by the 1988 agreement, such as revolutionary fundamentalist groups like the Islamic Movement. An example of such clashes is the confrontation between “Shi’ites” and “Sunnis” in Sokoto in 2006-7 culminating in the assassination on 19 July 2007 of a noted “Sunni” preacher, Umaru Hamza Dan Maishayi (Last 2008: 59).

The alliance between the *ṣūfī* brotherhoods and the reform movement, superficial as it may be, allowed their followers to dominate the

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<sup>461</sup> For an overview of religious crises in the 1980s and 1990s, see Kane (2003: 179-206).

<sup>462</sup> Quoted in Loimeier (1997: 308).

religious scene in northern Nigeria, in which they have tended to share important positions among themselves.<sup>463</sup> This *entente cordiale* was based on a mutual recognition of religious qualifications in the 1988 compromise. Already in the late 1970s, in an attempt to settle the conflict between *ṣūfīs* and reformers, the activities of Muslim preachers were regulated. Since then, preaching permits have been issued by emirs, based on certified religious qualifications (Kane 2003: 102-3). Groups which do not have officially recognised qualifications, such as students of the traditional Islamic education system (*almajirai*), which concentrates on memorising the Qurʾān and learning the Arabic script, are largely excluded from access to positions in the religious establishment. Marginalised, such groups can become vulnerable to radicalisation. This seems to have been an important factor in the emergence of the ‘Yan Tatsine movement and the violent conflict between it and the Nigerian state between 1980 and 1984, which claimed thousands of lives (Kane 2003: 98-103). To all appearances, a similar constellation underlied the so-called “Boko Haram” or “Nigerian Taleban” riots in early 2004 and late July 2009, in which many hundreds were killed. Thus, the coalition of convenience of unlikely partners has, in effect, become a means of excluding Muslim currents beyond its scope.

Under the doctrine of Muslim unity and mutual tolerance, the different currents developed further. Now banned from openly combating the *ṣūfī* brotherhoods, the focus of the reform movement seems to have shifted to Islamising politics and the legal system with a view to eliminating Western influences, which are believed to be responsible for corruption, crime and all sorts of social vice. The ‘Yan Izala recovered from their internal disputes in the late 1990s, when a new generation of ‘Yan Izala adherents became eager supporters of the campaign for the introduction of Islamic criminal law in northern Nigeria. Particularly outspoken and active in this respect was the Ahl al-Sunna movement, which was formed by young, radical Muslims who were socialised as members of the ‘Yan Izala in the 1980s. Members of the Ahl al-Sunna movement still maintain some tenets of the ‘Yan Izala, such as the struggle against *bidaʿ*, yet they are careful to stress the need for Muslim unity (Loimeier 2007: 69).

An outspoken member of the Ahl al-Sunna movement is Ibrahim Datti Ahmad, president of the SCSN, which criticises JNl and the NSCIA for their passivity in the *sharīʿa* issue and their alleged proximity to the Nigerian federal government (Human Rights Watch 2003: 26n99). Born in 1962, Ahmad is a medical doctor and the imam of the Bayero Univer-

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<sup>463</sup> For an illustration of how this cooperation has worked with regard to *sharīʿa* implementation in Kano, see O’Brien (2007).

sity of Kano (BUK) Friday mosque. In the 1980s, he was a presidential candidate (Loimeier 2007: 72n23). However, possibly more influential than Datti Ahmad—on account of his religious qualifications—was another leading representative of the Ahl al-Sunna movement in Kano, Ja'far Mahmud Adam (Loimeier 2007: 69). After memorising the Qur'ān, Ja'far Mahmud Adam, who hailed from Maiduguri (Borno), continued his studies in Saudi Arabia. He returned to Nigeria in 1996, but left again to study in the Sudan. He finally established himself in both Maiduguri and Kano, where he became the Imam of the Dorayi mosque (Loimeier 2007: 72n23). He was assassinated in his mosque on 13 April 2007. O'Brien (2007: 59n38), argues that the circumstances of the murder and Ja'far Adam's close ties with the former governor of Kano, Rabi'u Musa Kwankwaso, and his People's Democratic Party (PDP) point to a political murder. There have been rumours that this assassination was instigated by the governor of Kano State, Ibrahim Shekarau, over Ja'far Adam's criticism of the way in which the *sharī'a* was implemented in Kano. In July 2009, as a result of their investigations, the Nigerian police exonerated the state government.<sup>464</sup>

Ja'far Adam combined his support for the introduction of the *sharī'a* with a social agenda. He headed the Usman Bin Affan Islamic Association, a Muslim organisation advocating good governance, transparency and the accountability of public officers (Gwarzo 2003: 302). When in November 2000 the Kano State House of Assembly debated the draft *sharī'a* penal code, Ja'far Adam was among scholars who—in defiance of classical Islamic legal doctrine—supported the proposition that embezzlement of public funds be associated to the *ḥadd* offence of theft (*sariqa*) and made punishable with amputation (Sada 2007: 31). The provision has been included in the *sharī'a* penal code but, it seems, never applied (see Chapter Three, p. 99). After the introduction of the *sharī'a*, Ja'far Adam was appointed head of the *sharī'a* commission of Kano State (O'Brien 2007: 58). Adam was an example of a younger generation of radical scholars who are pragmatic in that they cooperate with the authorities and even other Muslim currents on specific issues but are ready to defy these authorities if their actions are at odds with their own convictions.

When Nigeria returned to civilian rule in 1999, Muslim reform groups in northern Nigeria were already advocating the introduction of the *sharī'a*. They were not revolutionaries but radicals exerting pressure on politicians to implement Islamic law and customs as they perceived it. At least some were motivated not only by dogmatic arguments or the opposition to perceived anti-Muslim federal policies, but also by a social

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<sup>464</sup> "Sheik Ja'afar's murder: Shekarau, Kano Emirate, Freedom Radio cleared," *Daily Trust*, 03/07/2009.

agenda including transparent and accountable government and economic empowerment. The fact that these advocates of *sharī'a* were subscribing to the ideal of Muslim unity across ideological divides prevented the Muslim religious establishment from opposing their initiatives directly. What is more, the umbrella organisations were forced to defend the activities of such groups, at least verbally, against any criticism from the outside and, when trying to find an accommodation with the rest of the country, had to take their views into account. This constellation largely determined the Muslim establishment's reactions to outside criticism of the introduction of Islamic criminal law after 1999.

Immediately after the introduction of Islamic criminal law in some northern states, harsh sentences, in particular stoning to death for illicit sexual intercourse and amputation of the right hand for theft, started to be handed down. When such sentences were pronounced by *sharī'a* courts, Nigeria's non-Muslims, national and international human rights groups and Western countries protested strongly. International protests and expressions of concern by non-Muslims over the implementation of Islamic criminal law increased the perceived urgency of unity among Muslims. Thus, most Muslim reactions to the introduction of Islamic criminal law in northern Nigeria emphasised Muslim unity, even at the risk of aggravating the Muslim-Christian antagonism. Few Nigerian Muslim scholars publicly opposed the way in which Islamic criminal law was introduced and implemented. Many of those who did were personalities outside the Muslim religious establishment. Ibrahim al-Zakzaki, for one, held that the *sharī'a* could be implemented in an appropriate way exclusively by a just Islamic state in an Islamic society. Otherwise, it would become a mere instrument of oppression of the masses (O'Brien 2007: 53-4). Some Muslim intellectuals, such as Sanusi Lamido Sanusi, a member of the Fulani aristocracy of Kano and prominent banker,<sup>465</sup> spoke out against the way in which Islamic criminal law was administered. Also some factions of the *ṣūfī* brotherhoods protested. In Kano, the introduction of the *sharī'a* was heavily criticised by the local *ṣūfī* leaders as being "Izala *sharī'a*" (Gwarzo 2003: 313). Like al-Zakzaki, Dahiru Bauchi argued that, inasmuch as it was politically motivated and not introduced in a proper Islamic way, the introduction of the *sharī'a* was illegal (Loimeier 2007: 65).

By contrast, the umbrella organisations did not openly criticise the introduction of Islamic criminal law. To the contrary, in the face of na-

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<sup>465</sup> A selection of his articles is available at <<http://www.ganji.com/sanusi/sanusi.htm>>. In April 2009, he was appointed governor of Nigeria's Central Bank and embarked on an unprecedented campaign of fighting corruption and mismanagement in the Nigerian banking system.

tional and international protests and after remarks by the federal government implying that the adoption of the *sharī'a* in twelve northern states had discouraged foreign investment, JNI issued a statement in which it encouraged the *sharī'a*-implementing states to withstand the external pressure:

In the face of such attempts aimed at misrepresenting or blackmailing moslems, the JNI wishes to commend the twelve northern states which have adopted *Sharia*, for standing firmly by their decision. We pray that their firm stance will serve as an inspiration for all the states in the country where moslems now demand the implementation of *Sharia* as a constitutionally guaranteed right.<sup>466</sup>

The ambiguity of the term *sharī'a*, which not only covers Islamic criminal law but—in a larger sense—religious practice, personal behaviour and any kind of social interaction in conformity with Islam, allows virtually all Muslim factions to identify with this statement. To the non-Muslim observer, in contrast, the phrasing appears to be a public expression of support for the implementation of harsh penalties. It suggests a homogeneous Muslim front calling for the implementation of Islamic criminal law nationwide. Verbal Muslim unity, achieved only through rhetorical means, takes precedence over interreligious compromise. Thus, the stage was set for the Miss World crisis.

There can be no doubt that the crisis was triggered by the Nigerian federal government's approach to the Miss World contest. The government's disproportionate involvement in the preparation and organisation of the contest converted it into a political event. The beauty pageant, which is far from having been unanimously supported among non-Muslims in and outside Nigeria, became the symbol of a Western lifestyle, which in the Muslim discourse of northern Nigeria often is equalled to moral decay and political corruption. This perception was the link between the Miss World contest and the introduction of the *sharī'a*: supporters of the *sharī'a* saw the implementation of Islamic criminal law and measures related to public morals as a way of ridding society of destructive Western influences and, consequently, interpreted the selection of Nigeria as the location for the 2002 Miss World contest as a deliberate choice to thwart the project of returning northern Nigeria to its former Muslim glory. Subsequent events such as the bestowing of the honorary citizenship of Rome to Safiyya Hussaini only confirmed this perception. Isioma Daniel's article in *This Day* was considered to be part of an orchestrated media campaign aimed at humiliating Muslims. It is not surprising, thus, that many Muslim commentators portrayed

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<sup>466</sup> "Ja'amatu [sic] Islam condemns *Sharia*'s critics," *The Comet*, 09/09/2002, 40.

the Miss World riots in Kaduna and Abuja as a reaction to continued provocation and blamed the federal government for not taking decisive steps in defence of Muslims (Weimann forthcoming).

It was probably the pressure from Muslim groups that triggered Shinkafi's polemical remarks about Isioma Daniels, which came to be known as a "fatwa." Immediately, the Muslim establishment attempted to appease the situation by declaring that the Zamfara State government had no right to issue *fatwās*. In the beginning, it seemed that the two umbrella organisations were successful in showing leadership in religious matters: they seemed to prevail over populist politics and to have found an interpretation that solved the crisis and was adapted to the secular political dispensation and multi-religious character of the Nigerian state.

However, their efforts were thwarted when dissenting currents from within questioned the organisations' prerogative of interpretation of the religion. In conformity with the claim of being the voice of Islam in Nigeria, the Muslim establishment had to embrace the critics. By recognising the validity of Shinkafi's "fatwa," the umbrella organisations renounced the claim to be the only instances competent of issuing *fatwās* of national importance. Paradoxically, in order to retain authority and safeguard the unity of Muslims, the Muslim religious establishment had to acquiesce in the demands of radical factions among its constituencies which challenged this very authority.

To avoid the execution of the "fatwa," the Muslim religious establishment had to find a formula of compromise which affirmed its contents but made its implementation impossible in the present situation. Tasking the Nigerian state to appoint a committee to carry out such a verdict was a rhetorical means by which JNI tried to prevent the murder of Isioma Daniel. The execution of the "fatwa" would only be possible under an Islamic state, not under the Nigerian Constitution. Probably the most important goal for JNI in choosing this formula was to appease the lingering conflicts in the Muslim camp. At the same time, however, while accommodating the greatest number of Muslim factions, this wording had to be understood as a provocation by non-Muslims, in particular in light of earlier, more conciliatory statements. In the last resort, the Nigerian Muslim religious establishment, organised in JNI and the NSCIA, assesses the unity of Muslims to be of a higher priority than safeguarding peaceful relations with non-Muslims in Nigeria.

## **Conclusion**

The Miss World controversy and the "fatwa" against Isioma Daniel illustrate some of the long-term effects which the perceived confrontation

with non-Muslims in the country has had on the development of Islam in northern Nigeria.

The umbrella organisations' self-declared mission is to establish a national consensus and serve as the single point of contact for all matters pertaining to Islam in Nigeria. This united Muslim voice is to compensate, on the national level, the loss of the political unity of northern Nigerian Muslims through the dissolution of the Northern Region in 1966. In this regard, JNi and the NSCIA are political organisations, representing groups that are willing to cooperate with the Nigerian state. But the Muslim religious establishment in Nigeria is faced with a dilemma. Most of its members are in favour of peaceful relations with the Nigerian state and their non-Muslim fellow countrymen. However, the umbrella organisations cannot lead their constituencies through direct guidance, for example by issuing binding *fatwās*. Rather, their leadership is restricted to mediating between the competing currents and factions which they claim to represent.

As a result of its position, the Muslim religious establishment has been unable to counter the appropriation of the religious discourse by populist politicians and radical preachers. To the contrary, for fear of antagonising parts of their constituencies in public statements, the organisations have tended to support, at least verbally, positions that satisfy the radical factions, while the subtleties of the formulations have been difficult to detect for outside observers. This has been obvious in the public discussions on *sharī'a* implementation in northern Nigeria after 1999. Members of the Muslim religious establishment in northern Nigeria, who disagreed with the manner in which Islamic criminal law was introduced and initially implemented in northern Nigeria, were reluctant to voice their criticism in public. The result was that non-Muslims in Nigeria and abroad frequently had the impression of a united Muslim front aiming at an Islamisation of the Nigerian state.

In effect, the agreement on mutual tolerance, conceived as a means to achieve Muslim unity in the face of an alleged Christian threat, has made it impossible for religious leaders to contain more radical Muslim voices aiming at, or willingly accepting, further deterioration of inter-religious relations. In a way, the principle of leadership through safeguarding Muslim unity, symbolised by the umbrella organisations' claim to be the only bodies competent to issue *fatwās* of national importance, has turned into a beast. The Muslim religious leadership must tell their followers what they want to hear, trying not to offend any of its constituencies by choosing vague, ambiguous terms. Populist politicians and radical Muslim groups can influence, if not the agenda, then at least the rhetoric of the mainstream. The effect has been a general radicalisation

of the public discourse, which makes it increasingly difficult to mediate between the opposing sides.