

Review of Shari'ah on Trial: Northern Nigeria's Islamic Revolution by Sarah Eltantawi

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The sub-title of this book points to an unwarranted assertion that Northern Nigeria's extension of Sharia to include penal laws after 1999 was an 'Islamic Revolution'. Eltantawi argues that, 'In order to understand the influence and power of both texts and culture, we must also study the power of tradition, and how tradition works to motivate a contemporary Muslim society to change its present through a revolution' (Eltantawi, 3). At no point does Eltantawi state what she understands to be a 'revolution' nor how this applies to the situation at that time in Northern Nigeria. The Sharia law reforms which began in the year 2000 were initiated by politicians and often implemented by reluctant state governors. None of these politicians had a record of Islamist activism; instead, they seemed merely to be exploiting an issue that was known to have enduring emotional and political appeal. Although the reforms received popular support from Salafist groups in Nigeria, they were not part of a comprehensive Islamic world view of the polity, economy and society. Nor was this world view expressed in a people-driven struggle to *replace* the status quo with an Islamic State, as was the case in the Iranian revolution. Instead, the politicians in Northern Nigeria were more concerned with a neo-fundamentalist project that focused on strict application of Sharia penal laws and on changing Muslim society by eliminating western cultural influences (Sanusi, 2004). By contrast, Ibrahim El-Zakzaky, leader of the Muslim Brothers, a radical Islamist group impassioned by the success of



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the Iranian revolution, forcefully condemned the introduction of *hudud* punishments in an 'unIslamic' society (Sanusi, 2002).

The author states that one of her main concerns is to 'understand how social and cultural manifestations of religion interact with a canon of overdetermined divine religious texts' (3). The extent to which it is possible to do this in Nigeria without paying close attention to the politicisation of religion and its consequences is questionable. Although Eltantawi distinguishes between 'idealised shari'ah' and 'political shari'ah' i.e. 'the version of shari'ah that expresses itself through politicized society' (11), her analysis does not consider the historical context of prolonged military rule or the regional differentiation of the North relative to other parts of the country. It is not that Eltantawi neglects the political sphere; it is that her interpretation of those aspects that she does address often falls short of a nuanced understanding of the *significance* of recent changes in Sharia.

Eltantawi notes the distinction between Sharia as 'God's law' and *fiqh* as the 'man-made traditions of law that attempt to uncover God's divine law', whilst pointing out that these concepts are treated as synonymous in Northern Nigeria (Sanusi, 2004:205). Nevertheless, she makes the odd statement that 'Yerima launched shari'ah in Nigeria, 1999' (13). It is correct that Yerima, the governor of Zamfara State, was the first to announce publicly (in October 1999) that he intended to extend Sharia to include penal laws but the actual *passage* of these new laws did not take place until the year 2000. More significant, however, is the implication that Sharia did not exist prior to 1999. This is simply not true – Sharia had been entrenched in the North under the Sokoto and Bornu Caliphates well before Nigeria even came into being. Under British colonial rule, however, Sharia was restricted to the sphere of personal laws i.e. laws regulating marriage, divorce, child custody, maintenance, inheritance and the like.

The principal focus of *Shari'ah on Trial* is the question of how the past affects the present. Eltantawi sets herself a formidable task – nothing less than trying to understand the influence of Islamic texts and culture on Northern Nigeria today. She proceeds by proposing what she calls a 'sunnaic paradigm', namely, an interaction among three layers of history: the present; the period of the Sokoto Caliphate; and the classical Prophetic period of Islam. That such an interaction occurs is fair as a general description. For the paradigm to go beyond description, however, careful explication of specific instances would be needed to show what the relations between representations of these different layers were and how they were manifested in material and symbolic terms. Eltantawi addresses these interrelationships with particular regard to the cultural power of stoning as punishment in Amina Lawal's trial. This aspect of the book is the most illuminating. Contrary to the imagined stability of stoning, in Northern Nigeria, as key to the classical tradition of Islam, Eltantawi points to the early source material showing that this form of punishment predated Islam by at least three thousand years and was therefore not unique to Islam. Moreover, its status as a punishment within Islam is debatable since it is not found in the Qur'an but has made its way into the Islamic tradition through *ahadith*.

All the same, there are several striking omissions in this book. Nana Asma'u, Shehu Usman Dan Fodio's illustrious daughter, is absent from the discussion of the Sokoto Caliphate. This is surprising, given the literary legacy of Asma'u's prolific writing in Arabic, Hausa and Fulfulde; her position as a leader of Caliphate women; and her role as an educator (Boyd, 1988). The omission of Nana Asma'u is all the more critical given Eltantawi's identification of her second layer of history, the Sokoto Caliphate, as one which Nigerian Muslims often look up to, as a social and political ideal.

There is no mention of the work carried out by contemporary Nigerian scholars and activists – such as Ayesha Imam, Sanusi Lamido Sanusi, Tawfiq Ladan, Maryam Uwais, Muhammed Tabiu and others – on the extension of Sharia in Northern Nigeria post-1999 (Ibrahim, 2004). Some of these authors have had their work in this field published since 2002, others since 2004 - six years before Eltantawi began her field work. In 2003, the organisation Baobab for Women's Human Rights produced an important report on the implementation of the new penal laws in Sharia and the implications for women. This report is not mentioned either. Whilst Eltantawi points to the significance of gender relations in her final chapter, entitled 'Gender and the Western Reaction to the Case', her analysis not only of Western reactions but of the impact of the new Sharia laws on Nigerian women might have been deepened if these texts had informed her discussion.

Among the many factual inaccuracies in the book, the following statement stands out: 'Amina Lawal's trial for committing the crime of *zina*, her sentence to death by stoning and her various appeals became the first time that shari'ah was put on trial in Nigeria – and the first time that stoning was put on trial internationally' (201). This is not correct. The first case of *zina* in Northern Nigeria was that of Safiyatu Husseini, who was sentenced to death by stoning in October 2001. Safiyatu's case also attracted considerable national as well as international attention (Pereira, 2004).

Regarding Amina's Lawal's defence team, Eltantawi refers only to WRAPA (Women's Rights Advancement and Protection Alternative), the women's rights organisation that took the lead in Amina's defence and recruited the lead counsel, Aliyu Musa Yawuri. WRAPA and the lead counsel, however, were part of a larger advisory group – the Sharia Stakeholders' Group – comprising Muslim scholars and researchers, representatives of mainstream human rights groups, a women's human rights group,

common law lawyers with an interest in Sharia and women's rights, and the Director of the Institute of Legal and Islamic Studies at Ahmadu Bello University whose responsibility it was to train Sharia judges. The Stakeholders' Group debated strategic directions for the defence whilst supporting and advising the lead counsel. The author's omission of this group from her account effectively erases the broad based, collective character of the defence of Amina Lawal.

Eltantawi claims, quite startlingly, that 'the current rise of Boko Haram in Nigeria can be directly attributed to the failure of the 1999 Islamic revolution' (5). Whilst it is correct that Borno State (which is where Boko Haram originated) had declared its intention after 1999 to implement *hudud* punishments, the dynamics of Boko Haram's emergence were *not* rooted in this neo-fundamentalist project. Instead, as Abdul Raufu Mustapha's (Mustapha, 2014) painstaking analysis shows, the rise of Boko Haram can be more accurately attributed to a combined process of radicalisation within the Muslim community and doctrinal fragmentation, which was subsequently fuelled by the heavy handedness of response by political and military authorities.

Eltantawi's book addresses the important subject of changes in Sharia in Nigeria, raising critical questions about historiography as she does so. However, her treatment of these issues promises far more than it delivers. Understanding the influence of the past on the present - in this instance, manifestations of Sharia in Nigeria - requires careful cross disciplinary analysis in order to understand the complexities and nuances of context. At the very least, efforts should be made to analyse the intellectual work of Nigerian scholars and activists, and others with deep knowledge of the local, national and international dimensions of Sharia in Northern Nigeria. Eltantawi's interesting analysis of the symbolic power of the punishment of stoning in the *hudud* is unfortunately diminished by her omissions, inaccuracies and assertion of a revolution where none can be said to exist.

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