The Shari'a Debate and the Construction of a "Muslim" and "Christian" Identity in Northern Nigeria: A Critical Perspective

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Introduction: Identities in History

The theme of this seminar and research project, "the Shari'a Debate and the Construction of Muslim and Christian Identities in Northern Nigeria" is captivating in its profundity and complexity. The profundity stems from its recognition of the historical character of identities as ever changing products of socio-economic and political equations. On the other hand, it is complex in that it deals with a topic that is thus necessarily dynamic, since identities are themselves not static and indeed not clearly defined and demarcated.

I should begin by discussing my central thoughts on this subject. I will not delve into the philosophical questions relating to the possibility of a universal "Muslim" or "Christian" identity that encompasses a plurality of human beings. I have treated in detail the question of the epistemic Subject and its relation to the production of Muslim knowledge elsewhere, and those arguments suffice as a discussion of the metaphysical dimension to this topic. The fact that Muslims and Christians exist in Northern Nigeria is an objective reality. What is under discussion is the constitutive process leading to the definition of an "authentic" Muslim or Christian consciousness, an identity that establishes correspondence in the political and strategic interests of all those who share in it. My position is, and has always been, that this process is ideological (not religious) and its aims are secular (not Other-Worldly).

The true identity of the northern Muslim, and the northern Christian, and the Nigerian everywhere (if by such categories we refer to the masses of the people referenced by these terms) is an identity of alienation, a state of inhibition from realization of full potential. Deprived of education, gainful employment, adequate nutrition, healthcare and basic services, the majority of Nigerians have more in common with each other than with the elite minority that constantly manipulates them. The construction of a specific "popular-Islamic" or "popular-Christian" identity in contradistinction to the demands for altering this collective pathetic condition has enabled the dominant classes among Muslims and Christians appropriate large numbers of the deprived as cannon-fodder in their competition for political and economic space-with the Nigerian State as the principal arena.

This process pre-dated the recent introduction of Shari'a in Northern Nigeria. Many of the inter-religious conflicts that took place in Kafanchan, Zangon-Kataf, Bauchi, Kaduna and other parts of the north occurred before the 1999 elections. A full discussion of this subject would have to go deep into history and is far beyond the scope of this paper, (or any one paper for that matter). To mention a few areas of necessary research, one would need to review the Sokoto Jihad and the relations between the emirates and neighbouring non-Muslim populations-the forced conversions, the wars and the slave raids. One would also need to look at the colonial
intervention and the relief and protection offered converts to Christianity by the imperial government, as well as the role of missionaries in developing a new "Christian" consciousness. Another area is the place of non-Muslims in an Islamic state in classical Muslim thought and their permanent status as second-class citizens. The general attitude to these "protected groups" or "dhimmis" was always bound to lead to their treatment with some condescension as second-class citizens in a Muslim setting. This alienation naturally reinforces the conception of the Self, as well as of the Other. Indeed the treatment of northern Christians as a somewhat inferior breed of northerner may have been the single most important factor accelerating the constitution of a Christian identity in what is now called the "Middle-Belt".

Further areas of interest will have to include the events leading up to and including the Nigerian Civil War (1967-70), which led to the construction of a solid and monolithic "northern Nigerian" identity without distinction; and then the stresses introduced into this identity and its ultimate fracturing by the military beginning with the overthrow of the northern Christian General Gowon and his succession by a northern Muslim (General Murtala Muhammad) in 1975. The assassination of Muhammad by northern Christian officers and the summary execution of those associated with the attempted coup, including key northern officers like General Bisalla and Colonel Wya, all contributed to fracturing the "northern" identity. Much later there was the empowerment by General Ibrahim Babangida of northern Christian officers (the so-called "Langtang Mafia") and his subsequent attempt to dispose of them which culminated in a foiled military coup in 1990 led by Gideon Orkar in which the excision and "expulsion" of "Muslim fundamentalist" states from Nigeria was announced. Although the coup was a failure, the announcement marked the clearest indication up to that point of a major breach in the northern identity along religious lines, at least within the Officer cadre of the Nigerian Armed Forces.

A detailed analysis of the above developments should reveal the following. First, the Shari’a debate was just one stage in a long historical process of constituting opposing religious identities in northern Nigeria. There is no denying its significance, but it did not mark a beginning. Second, the constitution of identities has followed the petty fights and squabbles of the military and civilian elite and taken the form of the misguided support by Christian and Muslim masses for one faction of the elite against the other. At no time were the popular Muslims or Christians the beneficiaries of the spoils of power in the hands of the factions they rooted for.

Before the introduction of Shari’a, I made the following point in my analysis of the Political Economy of the "North":

"Due to illiteracy of the masses and their manipulation by the dominant hegemony, the northern people are yet to comprehend the nature of the state, which is, as aptly described by (Antonio) Gramsci, 'the entire complex of practical and theoretical activities with which the ruling class not only justifies and maintains its dominance but manages to win the active consent of those over whom it rules."

And

"Consequently, the poor peasant farmer in Zaria, condemned to life-long penury by the circumstances of his birth, the inadequacy of his education and the deprived state of his general existence, feels a stronger bond with and affinity for his rich, capitalist emir than his fellow peasant in Wusasa. Similarly the poor Christian peasant in Zangon-Kataf is willing to kill, maim and destroy his poor Muslim neighbour on the orders of a retired general who was, and remains, part and parcel of the oppressive establishment."

The point, in any case, is that if by Muslim and Christian Identities we refer to those specific forms of group consciousness that lead to violence and blood-shed between Muslims and Christians in Northern Nigeria, these identities were already at an advanced stage of construction before the implementation of Shari’a.
This brings me to the subject of this paper. The Shari’a project, as I call it, and the debate it has generated, have together strengthened the process of defining a new Muslim identity in Northern Nigeria, whose genre I have classified in some of my work as “neo-fundamentalist”. This paper will discuss the character of this identity and its roots in Muslim intellectual discourse. More important, it will attempt to explain why it was possible for such an identity to take firm roots in northern Nigeria and the reason for its preferment to other competing discourses in Muslim thought. To explain this we will present the general theoretical framework for our analysis of the construction of identities, which draws from the corpus of Critical thought (as evidenced by earlier references to Gramsci), and which owes a deep intellectual debt to earlier work by Ayesha Imam on women seclusion practices in northern Nigeria.

Muslim Political Thought in the Modern World: The Intellectual Sources of Islamist Identities

The Islamist tendency in political thought is considered primarily Islam’s response to the secular materialist onslaught of western liberal society against Islamic authenticity. In most parts of the Muslim world, radical Islamism or Islamic fundamentalism has taken the form of a specific response to crisis, such as the Taliban movement in Afghanistan (a product of the Soviet invasion) or Hamas and Jihad in the Middle-East (a product of the excesses of the Zionist state of Israel). The emergence of Muslim perspectives in contemporary political theory has often been linked to the confrontation with colonialism and the general anti-western, anti-Zionist movement in the Middle-East.

In Nigeria, I have argued elsewhere that the attempt to construct a new Muslim identity is at least in part a result of the loss of control of the state machinery and the Armed Forces by the northern Muslim elite leading to a sense of insecurity which in turn leads to an almost reflexive adoption of a “tribe” mentality. All of this is consistent with a thesis propounded by Karl Popper, to the effect that holistic visions of the world (theistic or otherwise) are products of crisis situations. This position is apparently shared by Emmanuel Sivan in his deconstruction of the thought of Sayyid Qutb. Sivan suggests that any reading of Qutb’s late works must take account of his concrete condition as a prisoner awaiting execution in Nasirist Egypt. But more important, he traces the genealogy of Qutb’s thought to the writings of Ibn Taimiya. Ibn Taimiya, as we know, lived in the late Abbasid period when the Caliphate was under threat from the west (by Christian crusaders) and the East (by Mongols). His many works stressed the pure identity of the Muslim Ummah, and the need to reject its corruption by the Other. This Other included not just Christians and Jews, but all categories of “innovators”, “deviants” and “heretics” including Sufis, Muslim philosophers, Shiites and theologians of the Ash’arite and Maturidite Schools. To varying degrees all of these had corrupted the original purity of Muslim thought and doctrine.

Thus we find among the works of Ibn Taimiya ten volumes that were a refutation of Shiism, another ten volumes that were a refutation of philosophy, two hefty volumes that were a refutation of Christian Theology and an interesting volume that stresses the importance of Muslim Identity and the religious imperative of stressing the difference between Muslims and the “Companions of Hell-fire” (Ashab al-Jahim)-a reference to the non-Muslim Other. In my view Sivan’s scholarship is far ahead of other Qutb scholars precisely in his ability to trace Qutb’s genealogy to Ibn Taimiya and to trace the parallels in their condition (incidentally, Ibn Taimiya was also repeatedly imprisoned and died in jail). His insight is certainly more useful than the one offered recently by a new Qutb “scholar”, Paul Berman, in a "best-selling" book laced with pro-Israeli sentiments and thinly veined Islamophobia.

As the Muslim world enters a period of crisis similar to the times of Ibn Taimiya his thought increasingly becomes an intellectual source for movements who need to stress the Identity of the Ummah and its Otherness from unbelief. Wahhabism gained ground in 19th Century Arabia with the advance of the Christian West and the
impending disintegration of the Ottoman Empire. Islamic "fundamentalism" of the sort associated with radical movements had its roots in the colonial experience and the eclipse of Muslim Civilization, compounded by the creation of the state of Israel after the Second World War. Although traditional Wahhabi scholarship has always been critical of radical Islamism and supportive of the monarchies and dictatorships in the Arab World, it is a matter of interest, particularly since September 11, to note the role played by Saudi citizens brought up in the Wahhabi tradition as vanguards of a radical, violent breed of Islamism. One senses that the fundamental connection between Wahhabism and radical Islamism lies in their roots in the oeuvre of Ibn Taimiya

Islamic political thought, in the sense of representing a contemporary model of an Islamic State that is an alternative to both western democracy and communism, is variegated in nature. I have tried to isolate what I consider to be the key strands in contemporary Muslim political thought and the implications of each in concrete situations. In brief, one can classify the various discourses into five groups, hopefully without requiring too much of Procrustean limb-chopping to force some thinkers into allotted beds.

First, there is the view that the State must be governed by Islamic scholars, since only they are competent to interpret the law and guide society along religious lines. This view is mainly associated with thinkers among Iranian clerics, principally the Ayatollahs Khomeini and Mutahhari and draws directly upon Khomeini's principle of the Guardianship of the Juris-Consult. This model operates in today's Iran, and closely mirrors Muslim political thought in the classical traditions of Sunnism as represented by writers like al-Mawardi. There are close parallels between Khomeini's Faqih (Juris-Consult) and Plato's Philosopher-King or the Infallible pope of Mediaeval Christianity. The logical conclusion of each of these systems (as we have seen with the Papacy and see with Iran) is a dictatorship by the learned.

The second view is one that sees Islam as diametrically opposed to the society of ignorance (Jahiliyya) and aims to destroy that society and build on its ashes an ideal Islamic one. This view is associated with the late works of Sayyid Qutb of the Egyptian Muslim Brotherhood, and also with Mujataba Navab Safawi (and his Feda'iyen Islam in Iran). Both Qutb and Safawi were executed by the state but these views continue to inspire radical groups with a propensity to violence such as al-Jihad and the various groups covered by the generic term al-Takfir wal Hijra. I have discussed the relationship between this view and the neo-Wahhabist tendencies that have come to light since September 11 and their common intellectual roots. Qutb's theory has been severely criticized by Muslim political theorists as a misconception of the relationship between the early Islamic state and the Jahili Society it transformed. Among his critics were his compatriots among the Muslim Brotherhood in Egypt, the most prominent of whom was the Supreme Guide of the Brotherhood, Sheikh Hasan al-Hudhaybi.

The third view sees the Islamic revolution as a class struggle, an attempt to establish a just society in which there is no exploitation of the weak and oppressed (Mustadh'afin) by the arrogant proprietors (Mustakbirin). The most articulate exponent of this view was the Iranian ideologue, Ali Shari'ati. The view is also consistent with Qutb's earlier works, where he criticizes the early Caliphate, especially the regime of the Umayyads, in a manner very reminiscent of Shari'ati's.

The fourth model is one that tries to stress the basic values of an Islamic state- the values of consultation, freedom and human dignity. In this model Islam is consistent with parliamentary democracy (Islam did anticipate democracy) although care is taken to stress that "Islamic democracy" is somehow different from western models. This view is associated with moderate elements of the Muslim brotherhood, such as Yusuf al-Qardhawi as well as all Islamist politicians who seek or held office through the ballot box, for instance Rashid Ghannouchi (Tunisia), Abbas Madani (Algeria) and Hasan al-Turabi (Sudan).
Finally we have the neo-fundamentalist model. As described by Roy, this model jettisons the revolutionary project of transforming social relations and offering a superior model to the liberal state. Instead, there is a plan to "implement the Shari'a and purify mores, while the political, economic and social realms are challenged only in words." This is the model adopted by the northern Nigerian governors, and which we now address.

**Neo-Fundamentalism and the Crisis of Identity in Northern Nigeria**

In any discussion of the type of identity being constructed among northern Nigerian Muslims as a result of the Shari'a debate, we must bear in mind the defining character of neo-fundamentalist discourse. Neo-fundamentalism neither challenges the class-character of the state nor shows any interest in altering the underlying social relations. It is consistent with the most retrogressive and feudal systems and thus exists in harmony with backward structures like the monarchy of Saudi-Arabia and the Nigerian state, which both seem permanently mired in their pre-capitalist stage of "Primitive Accumulation". It is very close to what one may call conventional Wahhabism, a puritan and intolerant brand of Islam which is however silent on ideology and the State. The link between Wahhabism and various strands of Islamic Fundamentalism is coming under increasing scrutiny in western intellectual circles.

In a recent path-breaking work, Philip Bobbitt discusses the relationship between Identity, Law and Strategy, which serves as a framework for critiquing the neo-fundamentalist "Identity." Bobbitt’s thesis, which draws from Hegel, is summarized in the following words:

"It is the self-portrayal of a society that enables it to know its own identity. Without this knowledge a society cannot establish its rule by law because every system of laws depends on the continuity of legitimacy, which is an attribute of identity. Furthermore, without such a self-portrayal, no society can pursue a rational strategy because it is the identity of the society that strategy seeks to promote, protect and preserve."

Bobbitt proceeds to show us how the conflicts in 20th century Europe and America all arose out of the competition for supremacy among three world-views: Parliamentary Democracy, Fascism and Communism. He makes the point that "the legitimacy of the constitutional order we call the nation-state depended upon its claims to better the well-being of the nation. Each of these three constitutional alternatives promised to do so best."

This insight applies to all nation-states, including those in the Muslim world that were products of colonialism. In Iran, the Islamist tendency presented a world-view that was an alternative to the secular nationalism of the Shah and the Communism of the Iranian left-wing intelligentsia. The same ideological issues underscored the relations between the State and Islamists in Egypt, Sudan, Algeria and Tunisia. In each of these nations the Islamist tendency challenged the character and identity of the state and offered itself as an alternative that promised betterment to the well-being of the nation. It is worthy of note that the academic tradition in these countries is richer than in Nigeria, and neo-fundamentalism tends to thrive in communities that are not exposed to modern education and are thus blissfully unconscious of their position as instruments in the hands of a hegemonic state. Neo-Wahhabism, of the sort associated with Bin Laden, is led by with western educated Muslims and not traditional Wahhabi scholarship.

Neo-fundamentalism, to quote Roy, "focuses all its actions on filling daily life with morality and establishing the Shari'a. It replaces the discourse on the state with discourse on society." The option of academic space in which there is a constant negotiation and renegotiation of the relationship between religion and society is
foreclosed. I discussed this in great detail in one of my earliest criticisms of the direction in which the Shari’a project was heading. The mistrust for individual interpretation, the focus on the strict application of punishments, the obsession with the dress-code and conduct of women and the benign neglect of such crucial issues as corruption, economic inequalities, the failure of the welfare state etc. are typical of neo-fundamentalism.

It is in failing to offer an alternative to the state of alienation of the Nigerian Muslim that neo-fundamentalism’s failure to establish a legitimate identity rests. Herein lies the crisis of identity in northern Nigeria. Whereas, a la Bobbitt, a society first establishes its identity and then promulgates laws to preserve that identity, northern Nigerian governors seek to have a law for an Islamic society without first defining and creating such a society, distinct from the general Nigerian society in its being a better caterer for the well-being of its members. The sequence followed by the prophet, and by all nation states in history, of creating an identity first and then adopting the law, is reversed. Adopting the law is the identity of neo-fundamentalist Islam as I have pointed out elsewhere.

If law is supposed to protect and preserve an established identity then the implementation of Islamic law in an unIslamic society opens itself up to charges of illegitimacy. This position is at the heart of Muslim criticisms of the implementation of Shari’a, specifically the extreme punishments prescribed for an Islamic State. In an Islamic State there is no duty (taklif) with out a corresponding right (haqq) and, as articulated by Muhammad Asad in his English translation of the Qur’an, “if the society is unable to fulfill its duties with regard to everyone of its members, it has no right to invoke the full sanction of criminal law (hadd) against the individual transgressor, but must confine itself to milder forms of administrative punishment.”

We can therefore see that the identity being constructed for Muslims in northern Nigeria is mired in crisis. First, it is an identity of Muslims forged around a conviction in the right of northern governments to implement the Shari’a penal code, a right whose legitimacy is open to question in the absence of a Just, Islamic Society. However, the majority of Muslims do not have access to this knowledge and the intellectual space for its dissemination hardly exists. Where these issues are raised the advocates face opposition from the state and its apologists such that ventilation of alternate perspectives has become a true act of Parrhesis. The Muslim critic, as Parrhesiastes, speaks the truth in the face of danger. Second, it does not fundamentally challenge the Nigerian state, as a hegemonic entity (in the Gramscian sense) and thus cannot change the true identity of alienation of the northern Muslim. If anything, the poor northern Muslim ends up even more alienated, his vision further clouded, his consciousness further inverted and his revolutionary potential deadened by his belief in this false identity.

I now turn to questions of theory, and explain the emergence of neo-fundamentalist identities within the schematics of post-structuralist thought.

**Discursive Formations and the Construction of Identities: Questions of Theory**

I have argued in this paper (and several others) that neo-fundamentalism does not offer an alternative world-view to the Nigerian state and that it reinforces a "Muslim" conception of society, that fundamentally favours the elite and men to the detriment of the poor and women. On the other hand, the original sources of Muslim law have served as a source for an egalitarian ideology that seeks to establish a State based on social justice and to improve on the condition of woman and broaden the scope for her participation in society. I will here present the general theory underlying my criticism, and explain its relevance to the construction of a neo-fundamentalist identity in Northern Nigeria.
I begin from the premise, established among Critical theorists from Gramsci, Althusser and Poulantzas to Foucault, Chomsky and Sa’id, that all societies and social systems stratified on the basis of class, gender or race are supported by ideology. Ideology is false consciousness, which must be privileged for man to continue accepting a state of alienation. Only under the influence of ideology does man of his own volition accept a status of inferiority to another man, welcome his own exploitation and deprivation by fellow men, and indeed become a willing advocate and promoter of the very system in which he is alienated. Ideology could be a promise of freedom, or a sense of a false equality and democracy, or even the promise of a better life after death to those who endure patiently in this world the privations visited upon them by the members of the hegemonic class, in both Civil and Political Society.

At a certain level, therefore, religion is ideology when interpreted in such a manner as to legitimate and help perpetuate a structure of society that is inherently unjust, and it is the duty of all those who wish to alter objective conditions of existence of the people to confront this ideology and expose the falsity of the consciousness being constructed as a necessary step toward re-igniting the inherent potential within every man and woman to struggle for freedom and justice, and a more egalitarian society.

In her doctoral thesis on seclusion practices for women in Northern Nigeria Ayesha Imam drew on post-structuralist thought and Discourse theory in general as the basis for theorizing the construction of Muslim identities in the region. I will here stress three key elements in her thesis and explain their relevance to the discussion on hand:

Imam posits that Discursive Formations "produce 'knowledges' which are given by the terms of the Discourse itself...and which pre-empt the space for and the possibility of other 'knowledges' to be produced." It therefore follows that the interpretations of "Islam" privileged by members of the hegemonic class will be those interpretations that do not undermine it. So long as Islam is reduced to amputating the hands of goat thieves and stoning pregnant divorcees among rural women it is stripped of its revolutionary potential as a system that challenges corruption, injustice and extreme social and economic inequalities. Also related to this, established alternate interpretations of law, such as the views expressed earlier on the necessary pre-conditions for the hadd, as well as the theory of the "sleeping foetus" and other built-in protectors for women in Maliki Law are not popularized and their ventilation is discouraged and vigorously opposed.

The second point made by Imam is that “analysis of subjectivity is not limited to ideology as systems of ideational representations” but includes what is implicit in modes of action “in specific and concrete social structures.” By examining the implication of this “discourse on Society” rather than the “discourse on the State”, we can divine the beneficiaries and losers from the neo-fundamentalist project. The poor thief will be amputated while the corrupt public officer, whose crime is more damaging to society, escapes. The poor woman who gets pregnant is convicted for adultery or fornication while her male partner who never gets pregnant escapes. The possibilities in law for improving the condition of women and giving legal backing to moral injunctions pertaining to their rights in society, in marriage and in divorce etc. are not exploited and focus is on their seclusion and veiling and general “proper conduct”.

The final point made by Imam is that in the specific case of Hausaland "Muslim Identity was already part of the constitution of subjectivity" but that the possibility always exists for the articulation of a particular law or practice as a constituent of "Muslimness" by the dominant Discourses. And this goes to the heart of the subject under discussion. Muslims exist in northern Nigeria. But what does it mean to be a "Muslim" in northern Nigeria today? The neo-fundamentalist project turns the northern Muslim into a reactionary supporter of the status quo. The popular project in the north, in a tradition started by Mallam Aminu Kano and the Northern Elements
Progressive Union (NEPU) in the First Republic then later with the Peoples’ Redemption Party (PRP) in the Second Republic, has now been abandoned. It is no longer politically correct for the alienated northerners (the Talakawa) to confront those responsible for their alienation (since "political correctness" is itself a relative concept). Rather, the masses are to support their "leaders" as they struggle for survival and political space, and launch their strategy for regaining control of the Nigerian State.

The debate is not religious. It is ideological. Those who criticize neo-fundamentalism do not criticize Islam, but the particular interpretations being privileged and the Identities thus constructed, which will only perpetuate existing structures in the Discursive Formation.

Conclusion

The Shari’a debate did not form the beginning of the construction of Muslim and Christian Identities in Northern Nigeria, and religious crisis certainly did not commence with the implementation of the amendments to the law in 1999 in some northern states. However the reforms have played a major role in the constitutive process as they are carried out within the coherent logic of a neo-fundamentalist perspective. The essential elements of this perspective are its unconscionable silence with regard to the alienation of the majority, particularly the women, and its excessive focus on criminal law and fighting immorality in Society, which are not matched by a zealous "purification" of the immoral State. It privileges the Discourse on Society over the Discourse on the State.

The construction of a "religious" Identity based on this perspective will serve to undermine the revolutionary project of freeing the people from their state of alienation in three ways. First, it creates a mythical identity between the interests of the people and those of their oppressors, thus providing the northern Muslim elite with a platform for political negotiation over the control of the State. Secondly, it creates a false consciousness in which the poor northerner sees religious virtue in being an active participant in the perpetuation of his own alienation. Finally, it divides the Nigerian people and accentuates religious Difference (in the technical sense of a mutual constitution of Identities of discursive moments through the logic of differential relations) and a sense of "Self" and "Other", possibly leading to an escalation of the kinds of conflict that preceded it.

The resultant "Muslim" Identity is therefore fashioned by the existing Discursive Formation, and its ideological character can be inferred from the actual practice of those implementing Shari’a in a concrete historical setting. The role of radical criticism is to contest the monopolistic claim of this Identity to "Muslimness" and thus create the space for the construction of new "Muslim" and "Christian" Identities, which take full cognizance of the reality of alienation and co-operate with a view to altering that sensible and objective reality not because, but in spite, of their metaphysical differences.

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