

**Religion, Politics,
and the Islamic Response:
A Comparative Intellectual Critique,
with Special Reference to Nigeria¹**

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Location of major ethnic groups

Thirty-six states, 1996

The relationship between religion and politics, between church and state, has been a well rehearsed issue in Muslim thought and practice, because Islam emerged fully into history as a dual tradition of church and state, and because as such Muslims have been less sanguine than Europeans about making a rigid separation between the secular and the sacred, or between public ethics and private morality. By virtue of such history and by reason of the subsequent Western secular expansion in the Muslim world, there is continuing reaction among contemporary Muslims to the normative messianic claims of national secular governments. Some of that reaction has roots that long pre-date colonial rule and colonialism's contemporary effects on Islamist movements.

MUSLIM AFRICA: RELIGION AND THE LIMITS OF STATE POWER

Our understanding of church-state issues, already deeply formed from what we know of the Western experience, will nevertheless benefit with a further look at what transpired in the contrasting Muslim situation. It is important for more than reasons of history to recognize that even before the rise of the modern national secular state in the West there was debate in other parts of the world about how religious masters and political leaders regarded each other's sphere of authority and what the implications might be of practice in one sphere for practice in the other sphere. It happens that some of this debate about practice took place in Muslim Africa long before the advent of European colonialism. Consequently, it would be useful to look at historical aspects of such debate to discover how representative figures in pre-colonial Africa tackled issues in church-state relations, and, in conclusion, what enduring issues have persisted into our own times.

KINGS AND CLERICS

One example, relating to a twelfth century incident, comes from the seventeenth century chronicle, the *Ta'rikh al-Súdn*, by 'Abd al-Raḥmán al-Sa'dí. The ruler of the ancient Sudanic city of Jenne, Kanbara, decided one day to embrace Islam. He summoned in his presence all the leading scholars of the city, numbering above 4,200. In their midst he relinquished traditional religious worship and adopted Islam, and, almost as a bargain, promptly put three requests before them. Firstly, that any one coming to Jenne to seek refuge might find in the city ease and abundance and might as a consequence forget his former country. Secondly, that foreigners might flock to Jenne as their home and their numbers outstrip the original inhabitants. Finally, that merchants traveling to the city might lose patience with conditions prevailing there and, eager to leave it, might be compelled to dispose of their merchandise at derisory prices, to the benefit of the inhabitants.

A second example, still on Islamic influence on rulers, comes from ancient Mali and is given by Maḥmúd al-Ka'ti in his book, the *Ta'rikh al-Fattásh*. The local Muslim clerics founded a settlement on the Bafing River called Diakhaba which acquired an immense

stature as a clerical missionary center, dedicated to the spread and practice of Islam. So powerful was this clerical tradition that the ruler of Mali was banned from entering it except once a year, on the 27th Ramadán when, as the deferential guest of the *qáđí*, the chief judge and also the city's highest official, the king undertakes certain religious obligations. He arranges for meal offerings to be prepared. He places these in a large bowl which he carries on his head. Calling together Qur'án students and little boys, he distributes the food from his head in a standing position. After consuming the food, the pupils call down blessings on the king as a concluding act. The *Ta'ríkh al-Fattásh* says that Diakhaba ('Ja'ba') remained an impregnable clerical stronghold so that even those who were guilty of acts of hostility against the king could claim inviolable sanctuary within its borders. It continues: "they gave it the epithet, 'the city of God—*yaqál lahu balad Alláh.*'"² The phrase "city of God" enshrines a crucial confession-al stance, namely, the repudiation of religion as a state construct, and of the state as a religious construct.

This account of the *Ta'ríkh al-Fattásh* introduces many novel features about clerical Islam which need not detain us here. Some obvious parallels with the preceding examples stand out: the town was an important nexus on the trading artery of the riverain trading system; its organized religious hierarchy made it appropriate for the king to visit it on terms, too, that suited the resident clerics. Something of the peaceful reputation of the settlement assured it kingly attention, if not protection. War, or Ibn Khaldún's "power of wrathfulness,"³ seems to play an insignificant role in all the accounts. That is to say, at the point of religious change there seems little indication of military upheaval or dramatic violent change. The role of Africans as recipients and missionary agents of Islam is similarly underlined. Finally, Islam appears as a less self-secure religion, pursuing a defensive course alongside traditional worship until it is able sufficiently to undermine it from within and eventually to replace it. That a ruler takes on the mien of a humble pilgrim and, in an unregal balancing posture, looks to the prayers of young innocents for his earthly and heavenly security smacks too much of local genius to need a theory of external intervention. The original model for this practice must be lodged deep in the bosom of the African religious environment, in particular, in its sacramental outlook on life.

A third example, also from the *Ta'ríkh al-Fattásh*, spotlights the importance of the cleric vis-à-vis the political magistrate. The present example improves on earlier ones by giving the cleric the upper hand in a face off with the ruler. After many attempts to assert his authority over Timbuktu, the Askiya Muḥammad Turé, king of Songhay, visits the city in person and summons the *qáđí*, Maḥmúd b. 'Umar, to an audience. In the ensuing discussion the *askiya* demanded to know why the *qáđí* had resisted his orders and turned away his message-bearers. After a flurry of short questions and answers between the two of them, the *qáđí* explained his conduct in these words:

Have you forgotten, or are you feigning ignorance, how one day you came to my house and, crawling up to me, you took me by the feet and held on to my garments and said, "I have come so that you may place yourself in

safety between me and the fire of damnation. Help me and hold me by the hand lest I stumble into hell fire. I entrust myself in safe-keeping to you.” It is for this reason that I have chased away your message-bearers and resisted your commands.⁴

A remarkable position with which the king, more remarkably still, unreservedly concurred. He declared in turn:

By God, it is true that I have forgotten this, but you have now reminded me and you are absolutely right. By God, you deserve great reward for you have saved me from harm. May God exalt your rank and make you my security against the fire. What I have done has provoked the wrath of the All-Powerful, but I beg His forgiveness and turn in penitence to Him. In spite of what I have done I still invoke your protection and attach myself to you. Confirm me in this position under you and God will confirm you (and through you) defend me.⁵

It is just possible that the chronicler may in this passage be attempting to paint an exaggeratedly pious image of the *askiya*, but if so then he is employing a device which shows his royal patron being challenged with impunity by a subordinate official. Unless the story is true, the king stands more to lose by it than to benefit from it. That such an encounter took place, perhaps in less dramatic circumstances, I think we can safely accept. It is credible in the context of the separation of religion from political authority, and shows, furthermore, the esteem in which religion is held by Africans, king and commoner alike.

In incidents reported by the chronicles, political rulers had a hard time securing the subordination of religious functionaries, as we have already seen. A well-known case involves Askiya Da'wūd, the king *David* of Songhay (reigned 1549-1582), who appointed, as was his royal prerogative, the *qāqī* of Timbuktu. The official, the revered scholar, Muḥammad Baghayogho, refused the appointment. The city's leading jurists subsequently interceded with him on the king's behalf, but even that failed to secure the appointment. It is said that the scholar agreed to be *qāqī* only after the king threatened to offer the job to an ignoramus! That particular dispute lasted over a year, with the king forced to find a stop gap.⁶ In another incident, the king is said to have felt slighted when the prestigious Sankore mosque was being built, because he was not informed. He found out only when the project was nearing completion. Undeterred, he sent a generous donation⁷ which was not turned down as such; only it was not used for the mosque but on repairs to an adjoining cemetery. The king could not have missed the pointed symbolism, namely, that his contribution should be a goodwill offering toward the repose of faithful souls rather than a stake in the affairs of the living lest it become political meddlesomeness.

ADJUSTMENTS IN MUSLIM THOUGHT: SOURCES AND PRECEDENT

For the purposes of intellectual elucidation, we may place this kind of case study of local Muslim politics in the larger context of classical Muslim political thought. The historical experience of the choice of Abú Bakr by five Companions (*asháab*) of the Prophet in the year 632 A.D. laid a charge on the other *asháab* to elect one of their own members to the succession (*khiláfah*) of leadership. So the election took place by investiture (*bay'ah*), followed by the electors' oath of loyalty and then by popular ratification of the community (*ijma'*). The caliph then bound himself by a contract (*'ahd*) guaranteeing faithful discharge of his duties and receiving in exchange a binding promise of obedience from the people. The contract was the unwritten constitution recognizing the people as vested with the power to bind and to loosen (*ahl al-'aqd wa-l-ḥall*), though in fact the ruler could not be removed except if he was taken prisoner and so could not discharge the functions of his office, or by a political coup d'état. This circumstance has profoundly influenced classical political thought, such as that of al-Máwardí and al-Baghdádí in the sense of leaving the scholars with the task of supplying a philosophical justification for succession and for dynastic rule in Islam. Classical Muslim political thought drew on two passages from the Qur'án to establish the nature of political leadership. In one passage (ii: 28) Muslim thought derived a divine warrant for the institution of leadership, and in the second (xxxviii: 25) authority to assume command over temporal affairs. The divine warrant of politics established a theocratic basis for government, while Scriptural sanction for kingly authority set up a monarchical form of power. Both forms of government became subsumed under caliphal rule during the administrations of the Umayyads and the Abbasids (660-1250). As al-Máwardí expressed it, the *imámate*, i.e., the rule of the princes, has replaced the office of prophecy in matters of faith and conduct.

Soon enough *ahl al-shúra* acquired the power of an established institution, but it was an ad hoc arrangement set in place, without design for its continuance, by the caliph, 'Umar ibn Khaṭṭáb, who appointed six *asháab* (as *ahl al-shúra*) to consult with one another and choose his successor. Later writers claim that example as establishing the rule of election, not designation (*naṣṣ*), though the rule of *sharífian* descent through the Quraysh preserved elements of *designation* in political succession. Hasan al-Basrí (d. 728 A.D.), for instance, consulted the most pre-eminent among the learned of his day but in the end, determined to ensure that power remained in his house, designated three of his sons, saying one them should be his successor. Harún al-Rashíd (caliph 786-809), by contrast, followed a more direct method by consulting the learned among the scholars and carrying out a formal act of designating a successor in their presence, and who in turn undertook an act of public allegiance (*bay'ah*) to the caliph-designate.

In any case, under historical and from internal community pressure, Muslim political thought veered toward the precedent-setting distinction between 'secular' or public reason that sets

safeguards against mutual injustice, strife, discord, and anarchy, and, on the other hand, revealed law that has jurisdiction over the sphere of truth and justice, with the emphasis on the revealed law's positive, inspired conception of personal integrity, moral solidarity, and the unity of faith and practice. A finer distinction was drawn in the office of the caliph, a distinction between the caliph of the Prophet, an earlier usage, and the caliph of God (*khalīfat-allāh*), a later usage. There was, nevertheless, an insistence that the ruler should belong to the family of the Prophet as a condition of legitimacy. In time, however, dynastic conflicts loosened even that *sharīfian* safeguard.

What has persisted in all the transformations of history and variety of situations, especially since the demise of the caliphate, was the focus on the continuity of the *ummah* as the moral conscience of Muslims and as bearer of the Sharī'ah. In effect, the disadvantage of a political realm without a caliph was offset with a religious community under the Sharī'ah, each now with its own separate legitimacy. A social class of scholars, called *'ulamā*, emerged, independent of the ruler and devoted to the Sharī'ah from which they gained their legitimacy. For these *'ulamā*, the process of islamization, freed of state control and military force, assumed, or was made to assume, an entirely civil character. Islamization became a dynamic social process of educational agency, vocational direction, moral example, periodic renewal, and progressive community enhancement. The *'ulamā* called the process *tajdīd*, 'renewal,' stressing its peaceful, incremental character and distinguishing it from the political and military kinds of violent change. For many in the community of scholars, such as al-Ghazālī (d. 1111 A.D.) and Ibn Khaldūn (d. 1406 A.D.), the focus of interest shifted accordingly. It was no longer on caliph and emir, no longer on theocratic or monarchical power, since established facts and political necessity had changed all that, but on the supremacy of the Sharī'ah in the life and conduct of Muslims. The Sharī'ah offered Muslims resources for a true diagnosis of power, but, in the face of rival political jurisdictions, it had ceased to be the mandate of unitary government. Not surprisingly the Sūfī orders, in Africa and elsewhere, for example, became prominent as civil, popular associations in this process of Islamic socialization.

Thus we may turn to the Shī'ī scholar, Muḥammad b. 'Alī b. Tabātaba, known by the popular sobriquet as Ibn Ṭīqṭaqa (the 'stammerer'), a hard-nosed student of the science of politics and once described as a utilitarian moralist. In his work entitled, *Al-Fakhrī: Government and Dynasties in Islam* (composed in 1302 A.D.) Ibn Ṭīqṭaqa goes into a detailed discussion about the relationship between political pragmatism and moral teachings and precepts. He cautions against a simplistic, categorical view of power, and against facile extrapolation from one domain of human activity to another, say, from success in running a home to success in ruling a realm. He argues that a commander of the army does not necessarily make a successful commander of the faithful, and vice versa. The complex nature of politics defies a rule-of-thumb approach. As a ruler was once warned, "The world is ups and downs. Your gains therein have come to you despite your weakness, your losses therein you could not avoid by your strength...Frequently good 'comes out' of evil and evil out of

good. This [conception] is taken from the Word of God, 'Perhaps a thing which you dislike will be better for you, and a thing you like worse for you; God knows and you know not.'⁸ A similar uncertainty obtains over the respective merits of the sword and the pen, of force and persuasion, and how precisely we should order their true relation: should the sword stand in relation to the pen as a guardian and a servant? What is the right balance between them? People who urge a middle course say that "a realm is fertilized by generosity, populated by justice, secured by commonsense, protected by courage, and administered by leadership."⁹ Accordingly, one should not separate sword and pen.

Al-Fakhrī's analysis of politics emphasizes the complex and unpredictable nature of human affairs, a state of affairs that requires compromise, prudence, wisdom, and above all flexibility. In Ibn Ṭīqṭāqa's view the nature of politics belongs with that of living things, growing, changing, re-emerging and adapting like a green plant exposed to the elements. Human motivation is similarly complex, more readily amenable to here-and-now sanctions than to warrants of the hereafter. Actually, the hereafter lies in a realm that is beyond the jurisdiction of the earthly ruler, though its moral authority may act as a brake on an all too powerful state. Awareness of the supreme ruler of the universe should infuse the earthly ruler with respect for justice, probity, and humility. In his political scheme, Ibn Ṭīqṭāqa sets great store by what he presents as knowledge of the elementary rules of politics. But he adds to that knowledge of fundamental moral teachings to prevent the ship of state from drifting in the eddy. For Ibn Ṭīqṭāqa the institution of government is anchored in God's purpose for human life, and moral vigilance in that respect is a safeguard against arbitrariness in politics and moral scandal in religion. He hints in several places at the danger of reducing that purpose to the humdrum terms of personal expedience.

When he turns to the person of the ruler, however, Ibn Ṭīqṭāqa is at his most Machiavellian, for the end of power as the success and survival of the ruler, he seems to say, justifies the means to achieve that end. Yet the ruler is so dependent on others, so deeply enmeshed in the interlocking net of divergent interests, that the competition that is natural in his realm reduces his freedom to do as he pleases. So Ibn Ṭīqṭāqa invokes political realism to argue that the ruler narrow his options, define his goals, conserve his resources, avoid costly entanglements, reward his allies, and, above all, seek wise counsel from the repositories of knowledge. Thus scattered through the *Al-Fakhrī* are the seeds of that kind of practical realism, of the sense that politics is framed by its own terms of reference, that politics as the craft of the earthly enterprise exists to ensure our mutual safety as social and moral beings, and that although political rules are not absolute and inflexible, they are not all the same tone deaf to the truths of religion, truths that are eternal, unchanging.

This distinction between political craftsmanship and religious injunction is one that Ibn Khaldūn (d. 1405/06) also makes, giving the advantage to the religious side. Accordingly, he affirms that: "The state whose law is based upon violence and superior force and giving full play to the irascible nature is tyranny and injustice and in the eyes of the [religious] law blameworthy, a

judgment in which also political wisdom concurs. Further, the state whose law is based upon rational government and its principles, without the authority of the *Sharia*, is likewise blameworthy, since it is the product of speculation without the light of God...and the principles of rational government aim solely at worldly interests."¹⁰ Rational choice, in Ibn Khaldún's view, needs moral vision if society is to be saved from worldly compromise and injustice.

Another Muslim scholar who has given much thought to how worldly affairs, as well as his own post-colonial political fortunes, impinge on religion, and who, like Ibn Khaldún, was involved in public life, is Mamadou Dia (b. 1910-), a trained economist, an affiliate of the Tijániyah confraternity, and one-time Prime Minister of Senegal (1960-1962).¹¹ Dia eventually fell from political grace after a conflict with Léopold Sédar Senghor, the President. In December 1962 Senghor had him arrested and sentenced to imprisonment in Kedougou, eastern Senegal. Senghor later relented and, in 1974, granted him a pardon. The prison years helped to mature Dia's religious thinking, and three years after his release he published his reflections on Islam and human society in a work entitled, *Essais sur l'Islam, Tome 1, Islam et Humanisme*, and followed it in 1979 with *Tome 2, Socio-Anthropologie de l'Islam*. In his work, Dia rejected the bi-polar world of Marxist historical dialectics and its underlying rigorous materialism, and turned instead to the Qur'án for guidance and support. Dia found in the Qur'án, not only what he considers a more credible bi-polarity of Shari'ah and *Haqiqah*, of code and truth, of the temporal and spiritual, but also ammunition for his righteous indignation against cupidity, exploitation, injustice, and mercantilism, and, in the Holy Book's witness to transcendence, an answer to the ills of materialism. Islam for him is the antidote to the capitalist ethics of monopolistic accumulation of wealth. Indeed, Islam promotes a metaphysic of wealth by placing worldly goods on the secure foundation of human stewardship (*khilafah*) under God's sovereignty. Only on such a basis do things acquire value. Commodity has no intrinsic value. That arises from relation between persons. Its foundation is in transaction in solidarity, in the very purpose for which the Muslim *ummah* is symbol and reality. Dia rejects Ibn Khaldún's pessimism about historical providence, charging him with failing to appreciate the importance of historical continuity and the dynamic, Teilhardian notion of creation as process.

Dia believes that Muslim theologians have failed in their divinely mandated task by abdicating from politics and society and leaving the scene to religious lawyers with their Shari'ah-confined outlook. In the hands of these lawyers Islam has been de-spiritualized and petrified, and an opportunistic mind-set put in place. The Qur'án's teaching on transcendence, by contrast, means, among other things, that Muslims must work against political and economic rigidity, and set these centers of life loose from fixed axioms and their vested interests. Muslims must recover the dynamic potential of *Ijtihad*, 'independent reasoning,' and appreciate the Shari'ah, for example, as setting the rules of life, as placing Muslims in the historical stream of life-and-blood issues, and as pointing to the *Ummah* as witness of divine providence in history.

In Dia's view, the real merit of the Qur'án lies not in the fact of its being bare injunction, mechanical fiat (*Kun*), or absolute imperative, but in its divine-human relationality, for there lies at the heart of the Holy Book a divine pedagogy, the process of God inviting, soliciting, teaching, explaining, persuading, reasoning, and challenging humanity, all this because divine transcendence does not negate human freedom but gladly co-opts it for witness in and to history. Similarly, the Sharí'ah is more than a subjective ideal; it permeates, animates, and guides the *Ummah* day by day, in seeking knowledge and in seeking guidance, in collective action and in personal faith. It should not be left to the charge of the enforcers of the code. Perhaps in his prison solitude, Dia became present to himself with the extraordinary force of self-discovery, and that permeated his subsequent thinking, culminating in his view of 'man' as a Promethean creature infused with a dual vision of a just society and a holy transcendence.

In spite of its lyricism, however, the serviceability of this line of theological reconstruction for the issue of church-state relations is unclear. On the one hand, there can be no dogmatic separation between them, fair enough, though, on the other hand, there can be no unthinking integration of the two. It is this great tension that Dia has failed to resolve, and perhaps that tension is enough to suggest he would be unhappy with the prescriptive case now being made for Sharí'ah penal implementation. Abandoning all pretense to providing specific details of how state and society might cohere in a religious scheme, however, Dia returns to the prophetic authority of Islam, specifically to Muḥammad as exalted divine envoy (*hôte d'honneur de Dieu*) and as political arbitrator, anointed by God but also commissioned in history. Islam is what he calls 'prophetism in act.'

With that dual legacy of the Prophet at his disposal, Dia, not surprisingly, parts company with the nebulous spirituality of the Sufis, whom he attacks for their escapism, and the rationalist humanism of enlightenment philosophers, whom he accused of intellectual narrowness, but turns surprisingly to a version of Islamic humanism more in tune with the open cosmic humanism of Teilhard de Chardin, whom he acknowledges.

The Islamic humanism that Dia prefers is not without its controversy, in the main because a good deal that can be said for it from, say, the Qur'án is omitted, which leaves his arguments vulnerable to the charge that his confident assertions are being substituted for careful documentation and consistent exegesis. When, for example, he writes that Muslims worship a God "whose color is that of the time" he makes God an item in the market place of ideas. Still, in spite of such woolliness, we can affirm that Dia's real contribution to the current debate on what role Muslims should assume in society lies in his stress on personal agency, on freedom as the significant impulse of human community, and, therefore, on the need to free people from acquiescence to Islam as a fixed, rigid code, without, however, neglecting the duty of political and social engagement. His hesitations and indirectness, the consequence, perhaps, of long, painful struggle, deserve their weight, nevertheless, in restraining the impulse toward the politicization of religion. After all, God does not send His rivers like arrows into the sea.

The comments of Mamadou Dia, Ibn al-Ṭīqṭaqa, and, more briefly Ibn Khaldún, presented here and supplemented with the historical examples noted, all point to the complex relationship between Islam and the state. Certainly this complexity abounds in both pre-colonial and colonial Africa where the organized, hierarchical nature of Islam, its structures of mosque, school, prayer, the pilgrimage, the religious calendar, and, in particular, its great system of law and rational thought, presented colonial administrators with the choice either of co-opting the *'ulamá*, or containing them, but in either case with the reality that it was impossible to ignore the religion - a lesson here for the successor national states. However, in the prevailing social conditions, Islam and the state could not combine without threatening the clerical patronage system. This clerical system strove to keep its distance from state control, doing so by stressing religious and tactical neutrality in secular affairs. It demanded a similar hands-off policy from the state in religious matters.

WAR AND THE ETHICS OF PEACEFUL PERSUASION: MUSLIM SOUNDINGS

In the special field of *jihád*, 'holy war' narrowly construed, church and state as symbols of the moral and the expedient are necessarily interconnected, as we pointed out. The Muslim consideration of this subject is deeply illuminating for the issues with which we are concerned, and we should briefly turn to that discussion now. Thus, in an instructive piece of debate between two Muslim scholars on the status of a theocratic state, we find crucial issues being raised. One of the scholars in question, Muḥammad al-Kánemí (d. 1838), the ruler of Kanem-Borno in West Africa, challenged the heirs of the *mujáhid*, 'Uthmán dan Fodio (d.1817), with regard to the use of the sword for religious ends. Al-Kánemí said the sword is too rough-and-ready a weapon to use in settling religious questions, especially questions between Muslims themselves, since they would attempt to resolve by *force majeure* what might be substantial matters of theology, or even only differences of opinion. He insisted that Muslims must either settle for tolerance and mutual acceptance or else unleash a smoldering permanent war that would exempt, in his words, not even "Egypt, Syria and all the cities of Islam...in which acts of immorality and disobedience without number have long been committed." "No age and country," al-Kánemí cautioned, "is free from its share of heresy and sin,"¹² and any inflexible division of the world between *dár al-Islám* and *dár al-harb* would fly in the face of this reality and reduce to ashes all sincere but inadequate attempts at truth and obedience. He could not find revealed truth in the blinding flames of fanaticism fed by short-fused fatwas.

Given religious teaching about the sanctity of human life, war as the taking of life becomes necessarily a moral issue. In the Muslim tradition, *jihad* forces the moral issue of war to the forefront by predicating it on religious grounds, with stringent conditions, cautions, rules and remedies against indiscriminate use of it. It is, accordingly, typical in *jihád* situations that there is considerable intellectual debate about undertaking it, for war is no light matter either for society or for the conscience. Where people pay

the ultimate sacrifice, it is important that military ends are constrained by ethical norms, and that religious teaching is not corrupted by entrepreneurial motives. War is as much a concern for the state as it is for religion, and in undertaking it, the state and religion are placed on the same moral foundation. In the sphere of war, a rigid separation between religion and politics is not possible or defensible. It is significant for present day Shari'ah protagonists that such issues had been so well canvassed in pre-colonial Muslim Africa.

THE COLONIAL PHASE

The Western colonial encounter with Muslim Africa had a direct impact on the pre-colonial legacy of church-state relations. In general the encounter helped strengthen the tradition of Muslim religious and political integration, either through direct provocation or through conciliation and collaboration. Thus the British invasion of north Nigeria provoked resistance among the guardians of the Muslim theocratic state founded in 1804, forcing the British to use conciliation and concessions to overcome that resistance and legitimize their power. The British proceeded to cut a deal with Muslim leaders: there would be no undue interference in religious institutions and local customs, but instead the colonial administration would work through those religious structures to govern the people. In effect, Muslims would become co-partners in the colonial enterprise.

The French colonial policy was a variation of the British. In theory, the French demanded total surrender and commitment from their Muslim subjects, setting up the colonial bureaucratic state to reformulate and regulate Muslim affairs, with military muscle added for demonstrated effect. In practice, however, bureaucratic or military confrontation was too costly a way to achieve permanent subjugation, and so the French decided to invest in the Muslim rosary and the ink pot to reach the hearts of the people.¹³ As a result, pious saintly figures were courted and patronized; they were invited to state functions, sent on pilgrimage to Mecca at state expense, and otherwise treated to lavish official blandishments. For another, Muslim learning was endowed, schools supported, colonial administrators trained in Arabic language and literature and in Islamic subjects, Arabic works collected and translated, and libraries furnished with Islamic books, manuscripts and journals. By thus identifying themselves with Islam's intellectual and educational heritage, the French hoped to earn the lasting gratitude and respect of their Muslim subjects, which in many significant places they were able to do.

It became clear that this policy of colonial reinforcement, and opportunism to boot, was, if not contradictory, at least inconsistent, because the justification of colonial rule as the transmitter then of Western enlightenment and progress sat awkwardly with the contrasting logic of the colonial system as the propagator now of Islam. Ultimately, colonial rule would have to abdicate to the Muslim agents it had successfully raised and trained, handing over to them the fruits of power and the machinery of a modern state. Islam stood to reap a windfall, showing how the paradox of

infidel colonial rule, rather than *jihād* in this case, served to advance legitimate Muslim interests.

Thus both in the British and French case, the Muslim religious and political impulse was strengthened with the decision to conciliate and reward. A certain identity of interest came to exist between administrators and Muslim leaders, allowing the imperial overlords to press one of two options: either colonial rule could continue through strategic alliance with Muslim structures and institutions, or else it could cease formally through an equally strategic handing over to predisposed Muslim elites.

In so far as Britain had an official Muslim policy, one colonial authority described it in the 1870s as follows: "The Mohammedan question is regarded by the Government as one of the most important in the future of West and Central Africa. If Islam is properly understood, if its youth inoculated with British civilization and British ideas are utilized by British administrators and merchants, it will give England a wider and more permanent influence upon the millions of the Soudan than can possibly be wielded by any other agency."¹⁴ In the particular case of north Nigeria and its large and significant Muslim population, the British targeted the Muslim political elites, the *emírs*, as indispensable to this Islamic policy. The administrators reasoned that "the placing at the disposal of the Emirs of the resources of an ordered State inevitably strengthened and developed all Moslem institutions in Northern Nigeria."¹⁵ The British established Shari'ah courts under the Málíkí code with jurisdiction in civil matters involving Muslim personal law. Thus in 1956 a Muslim Court of Appeal was set up in Kaduna, the capital of the then northern region. The court was later upgraded to have jurisdiction in Shari'ah appellate cases, and this colonial precedent inspired moves after independence to establish a federal jurisdictional authority for Shari'ah law.

By thus giving state recognition to Islamic legal practice, colonialism significantly modified the Western secular rule of the separation of church and state. As such, the colonial state became the Muslim shield and the riposte to the Western secular attitude of religion as tolerable in public life so long as it remained on the margins as individual choice. With the exception of Portuguese Africa, in much of colonial Africa Christianity was successfully reduced to that marginal role, but not Islam. In a few notable cases, such as Senegal where the republican anticlericalism of France's Second Empire collided with the need to make accommodation with Muslim religious life and institutions, Christianity benefited, and was, accordingly, spared the fate of being effectively marginalized. (In Guinea-Bissau, Portugal encountered for the most part a quiescent Islam that posed few major issues for colonial hegemony. Guinea-Bissau lay along the direct path of the pacifist Muslim foyer maintained by the Málíkí and Shádhilí clerics of Futa Jallon and Casamance, with students from Touba and Sedhiou, for example, returning there to head Qur'án schools.) In one example in British-administered Adamawa in Nigeria, the Resident colonial officer presided over a meeting called by Muslims who headed the Native Authorities set up by the British. The meeting would receive charges from the Muslims against the Danish missionaries of the province for allowing the Classes for Religious Instruction to be taken by village catechists in mission schools. The meeting, held at Yola, the

provincial headquarters, considered how these classes were in fact political platforms producing “young rebels,” i.e., a class of young people not under the direct influence of the Muslim Native Authorities. The colonial administration backed the Muslim demands against missionary objections, for abolishing the Religious Instruction classes.¹⁶ Thus colonialism became the Muslim shield, and the sponsor of Islam as public choice for Africans.

THE ROOTS OF CONTROVERSY: INTEGRATION OR SEPARATION?

The issue of integrating religion and politics plunged Nigeria into a major constitutional controversy when the military government of General Babangida (ruled 1985-1993)¹⁷ enrolled Nigeria as a member of the Organization of Islamic Countries (OIC) (Ar. *Munazzamah al-Mu'tamar al-Islami*). To challenge that decision the Christian Association of Nigeria (CAN) was formed in 1986 as an ecumenical grouping of Protestants, Catholics, and African Independent Churches. CAN issued a statement protesting the federal government backing for Shari'ah courts in north Nigeria and asking for an identical public status for Christianity. Yet CAN's strategy of demanding privileges for Christians comparable to those being offered to Muslims set it on the Muslim side of the fault line, with Christians wheeling and dealing on a stage Muslims constructed for their own purpose. For example, the Kaduna Branch of CAN published a statement asking the government to offset any concessions to the Shari'ah with similar concessions to Christians by establishing a Christian constitution based on Ecclesiastical courts.¹⁸ Muslims welcomed CAN's platform, forcing a catch-22 upon Christians by challenging them to say which they preferred, Ecclesiastical canon law, English Common Law, or secular law.

The first Secretary General of the OIC was Tunku Abdul Rahman, who resigned as Prime Minister of Malaysia to assume that position. The OIC was registered with the United Nations in February, 1974. A number of Islamic agencies was established within the OIC whose religious mandate was stated as the commitment “to propagate Islam and acquaint the rest of the world with Islam, its issues and aspirations.”¹⁹

Membership in the OIC was limited to independent nation states which are Muslim by definition, although several states with minority Muslim populations have joined, including Benin, Sierra Leone and Uganda. However, somewhat inconsistently, India and Lebanon, states with significant Muslim populations, have not been allowed to join. In other respects the OIC has applied stringent confessional criteria, from deciding on the venue of its meetings to granting economic assistance from its \$2 billion development fund and awarding scholarships.

THE SHARI'AH DEBATE: ROUND TWO

Military rule under the regime of Abacha kept the lid on Shari'ah activism. Following the return to civilian democratic rule, however, with the election of Olusegun Obasanjo to power in May,

1999, the Shari'ah debate erupted once more into public controversy. The 1979 Constitution had recognized Shari'ah courts by giving them jurisdiction over civil matters, a reversion to the colonial status quo. This provision was confirmed in the 1999 amendment to the Constitution which now contained an ambiguous reference to "other jurisdiction as may be conferred upon [Shari'ah courts] by the law of the State."

The Shari'ah question assumed explosive force with the announcement on October 22, 1999, of the inauguration of Shari'ah rule in Zamfara State by its youthful governor, Ahmed Sani Yerima, to the alarm of Nigerian federal authorities. Yerima had shelved his clean 'corporate' image²⁰ and instead sprouted a shaggy beard that highlighted his handsome face as that of a medieval religious crusader. He declared that the Shari'ah announcement was the culmination of the hopes, ideals and aspirations of Nigerian Muslims, the long-delayed awakening of the dormant *ummah* from its silence and inactivity. National independence in 1960, Yerima charged, had given the north's Muslim majority only a partial victory, leaving the way open for the full implementation of the Shari'ah code some day. That day had now arrived with his announcement, he declared.

Yerima received the support and endorsement of the Arab world.²¹ He obtained a grant of N500 million from the Arab states to underwrite his program of de-laicization of state structures and institutions. The grant was more than the total state revenue. Yet even such substantial outside involvement failed to move the federal government to action. President Obasanjo adopted the attitude as if it was all an *Eintagesfliege*, a pestering fly that dies after a brief day of glory.

Yerima moved swiftly to consolidate the gains of his religious revolution. He created a council of *'ulamá* leaders, and, with their blessing, recruited Islamic preachers at a monthly salary of N10,000 to teach Islam among the peasants and dispossessed. He set up mobile youth brigades as foot soldiers of Shari'ah rule. He allocated N240 million of the state's estimated revenue of N400 million to the Ministry of Religious Affairs to buy food to feed the masses during the fast of Ramadan (November/December) and granted Islamic preachers, the regime's mouthpieces, N3 million for their personal use during Ramadan. Some N23.3 million was set aside for the building of new mosques. He purchased vehicles for use as public taxis for women only, and distributed one hundred motorcycles to unemployed youths and hundreds of bicycles to messengers on state service. He imposed a N5,000 minimum wage in the state. He established a preacher's council, a *zakát* poor alms collection and distribution board, and a vigilante youth group, called the Zamfara Youth Council. These vigilantes have become the terror of the civilian population, acting with state approval as enforcers of Shari'ah laws. They are not answerable to any public court.

What followed all these moves was the grim public staging of judicially sponsored punishments and directives carried out under the Shari'ah code: public floggings, the ugly specter of beheadings, amputations, stoning to death, honor killings of women judged to have breached moral etiquette, the compulsory veiling of women, and the strict enforcement of segregation of the sexes in public places. With foreign Arab backing, Zamfara

was becoming eerily reminiscent of the Iranian theocratic revolution rather than of restored democracy in Nigeria.

Jolted by Yerima's excesses, and unassured by the federal government's foot-dragging, national human rights and civil liberties groups decided to undertake a detailed study of the fast developing events in the state, and so from February 11th to the 13th a series of meetings took place in Gusau, the state capital. The list of the groups involved in the meetings shows the broad spread of concern in the country: the Civil Liberties Organization (CLO), Huri-Laws, Center for Criminal Justice Reform and Citizen Awareness, Women in Nigeria (WIN) - Kaduna Chapter, Women Empowerment Program, Justice Development and Peace Commission (JDPC), as well as a team of journalists.

The state officials interviewed by the human rights delegation declared support for the introduction of Shari'ah as public code. The justifications offered were based on a mixture of expedience, popular grassroots Muslim demand, electoral promises, proprietary religious rights, and Islamic exceptionalism. The oft-repeated objection that theocratic rule in Zamfara is in open conflict with a laicized federal constitution has been met with the riposte that the same constitution guarantees freedom of religion, a freedom Nigerian Muslims are entitled, or obliged, to invoke for the promotion of Islam. A similar objection that Shari'ah legislation violates the rights of non-Muslims in the population is met with the insistence that non-Muslims are exempted or protected under the Shari'ah, even if such exemption or protection takes matters out of their hands. Thus in December, 2000, acting under the powers of the recently adopted Shari'ah penal law, the Kano authorities hauled in hundreds of people, most of them women, deemed guilty of the offense merely of 'speaking in public to members of the opposite sex.' Not surprisingly, to be consistent, such vigilantism has not distinguished between Muslims and non-Muslims lest it come across as indicating that an offense under divine law for Muslims ceases to be such in regard to non-Muslims. A house cannot be divided against itself and stand.

Accordingly, the rounding up of suspects ignores the distinction. Operating on the premiss that there is normally, not friendship, but enmity between God and ordinary human beings, including believers, the Shari'ah penal regime operates to deter and to impose appropriate penalties. As a Fula proverb says, even if you have danced for your enemy on the dry bottom of a pond, he will say, 'you have killed my dust.' If God is your enemy, as God is deemed to be in the fact of your disposition to break the code, then you stand always in the position of a hostage to fortune. There is no telling when your turn will come. Non-Muslims enjoy only the illusion of exemption, for ultimately their enmity leaves them without a divine patron. Thus, while in theory it exempts non-Muslims, Shari'ah criminal law in fact stigmatizes them as infidels or heretics, and, in terms of the political community, as unpatronized clients vulnerable to social ostracism. After all, under Shari'ah, belief and unbelief are matters of the public order, and conscience has no refuge except in the tribunal of public enforcement. Shari'ah criminal jurisdiction represents a major breach of constitutional protocol, as we find in Yerima's position that apostasy from Islam (*riddah*, *irtidád*) is punishable by death, with that power vested in the defected family,

though no such cases have been reported so far. Yet the notion-
al assault on religious freedom as a constitutional civil right is
here aggravated by a resort to family retribution as a Shari'ah
justified act of criminal justice, thus breaching the boundary
between civil law and criminal law.

Yerima is also adamant that introduction of Shari'ah law does
not breach the boundary between the islamization of the state,
which he opposes, and the islamization of society, which he
favors. This crucial distinction has roots in a broader Islamic tra-
dition, such as in Turkey, but its specific source in this context
comes from other Nigerian Muslim leaders, such as Alhaji
Abubakar Gumi (d. 1992), Grand Kadi of Northern Nigeria and
leader of the influential Wahabbi-inspired *Izala* Muslim move-
ment,²² and the Iranian-backed cleric with the jagged-sounding
name, Shaykh Ibrahim Yaqoub El [Az-] Zak Zakky (variously
spelt), the Shi'ite head of the Islamic Brotherhood Movement
based in Kafanchan.²³ According to El Zak Zakky the state super-
structure must be islamized first according to the pattern of the
1979 Iranian revolution before Shari'ah could be introduced. In
that argument the state, presumed to be infidel, must be estab-
lished on the basis of *majlis* and *shura* (religious counsel and
consultation) to be considered *halal* (licit) rather than on constitu-
tionally mandated popular elections that are deemed to be with-
out Islamic foundation. To call these elections due process is sim-
ply expedient. The elections are not necessitated or defined by
the Islamic canon, whatever the pious declarations of Yerima.
Zamfara's sin has been to put an expedient political cart before a
principled religious horse by conflating revealed truth with per-
sonal political advantage. Secular elections are without divine
mandate, though Yerima could counter that the elections helped
to bring about Shari'ah penal legislation.

Fed in part by the Sunni-Shi'ite rivalry, this aspect of Yerima's
disagreement with El Zak Zakky is also motivated in part by the
tactical issue of popular elections having given Yerima the power
that would likely revert to someone else under the *majlis* and
shura arrangements. Besides, under *majlis* and *shura* real politi-
cal power would have to wait for the deferred conclusion of the
eternal wrangles of the theological masters, with the political
mallams meanwhile feeling cheated of the spoils of power by an
abstract regard for doctrinal fastidiousness. In any case, Yerima
sees no virtue in being distracted by the hair-splitting distinction
between the islamization of society and the islamization of the
state. Besides, would Zamfara have done any better under *majlis*
and *shura* jurisdiction? What practical difference would it make
which comes first, an islamized state of El Zak Zakky's prescrip-
tion or an islamized society of Yerima's preference, so long as the
Shari'ah becomes public code? It is the kind of pragmatic rea-
soning that appeals to a new-breed Yerima. The secular elections
to which El Zak Zakky objects were the means by which Yerima
achieved Shari'ah rule, and so, as Yerima sees it, the secular
process can be used to advantage by circumventing the prereq-
uisites of *majlis* and *shura*.

On its own terms, the distinction between the islamization of
society and the islamization of the state offers a useful way of re-
framing the debate on the proper relationship between religion
and statehood in Muslim thought in general and among Nigeria

Muslim leaders in particular. As a general matter, modernist Arab thought, for instance, has tended to oppose a public role for religion as something outside the purview of public reason, and instead to embrace secularization as the proper domain of democracy.²⁴ In the particular case of Nigeria, however, the islamization of society, according to its advocates, would not make of religion a political derivative in the way that the islamization of the state would. Furthermore, the islamization of society, involving a code of strict personal standards of religious observance, such as prayer, pilgrimage, and devotion, could proceed with the dual affirmation of a laic state, on the one hand, and, on the other, of the role of Muslims in promoting Islam without denying a similar role for members of other religions. Thus could Alhaji Aliyu, the Magaji Gari, a senior political councilor of the Sokoto Sultanate, dismiss the idea of political Islam as mere academic diversion, as “the view of radical academics” who ingratiate themselves with the government.²⁵ Aliyu contends that the islamization of society should be commended for its enlargement of the civil scope of society, its building of human community, and its value in setting moral standards for conduct and behavior without state authorization. In that way Muslims may support separation of ‘church and state’ and take their rightful place in national affairs alongside others.

The proponents of the islamization of the state, on the other hand, favor a different course of action. Shaykh Gumi spoke for such proponents when he said that politics was more important than prayer or pilgrimage for reasons of scale.²⁶ A delinquent Muslim at his or her prayer and devotion brings harm only to themselves, whereas a politically remiss Muslim implicates the larger Muslim community, both present and future. On this philosophical issue, El Zak Zakky was proposing to assume the mantle of Gumi, a Sunni, unlike himself, and who, as such, has greater legitimacy in the north’s political culture. Yet El Zak Zakky’s pro-Iranian rhetoric has echoes in unrest elsewhere in the north. Thus, in May 1979 the Muslim Students Society at Ahmadu Bello University set upon members of a palm wine drinking social club, gutting the Senior Staff Club and attacking the office and residence of the Vice Chancellor before seeking refuge in the campus mosque. When in 1982 churches were attacked in Kano, the authorities, recalling the 1979 riots, blamed the Muslim Students Society, saying the Society had ideological links with the Iranian revolution. The smoking gun in the Kano disturbances was a stray pamphlet, emanating from the Iranian Ministry of Islamic Guidance, picked up by a journalist on the streets of Jos.²⁷ The general point of the authorities that the Iranian link, if such existed, was with factions committed to the islamization of the state connects only partially with the evidence in picking up on a cleavage that has northern roots. El Zak Zakky stepped into that breach trailing Iranian colors, but the field was by no means his own.

Gumi, in that light, identified with that cause even though he had no known Iranian Shi’ite sympathies or links. The identity of interest, then, between the approach favored by Gumi and El Zak Zakky’s Iranian-inspired campaign may be nothing more than circumstantial, even if the cause of advancing northern Muslim

rights is a common goal. That common goal might explain why Gumi, for instance, would make a pronouncement, without risk of repudiation or sanction, that politics is more important than prayer. Such a statement is close to saying that religion is merely utilitarian, and politics salvific, thereby adding a sixth pillar to the orthodox five pillars. For all his reputation as a religious maverick, El Zak Zakky has stirred a fiercer controversy without going that far.

The debate, then, has deep roots in Muslim circles, and is not just the pet theme of Nigerian academic radicals. It is in that context that El Zak Zakky's objections, in spite of their marginal Shi'ite significance, have deepened existing fault lines in a common attempt by all interested parties to shift power from the south to the north. To all intents and purposes, and declarations to the contrary notwithstanding, Yerima, with foreign aid and succor, has in fact turned Zamfara into an Islamic state. He admitted as much in giving evidence to the members of the human rights commission. He said he had been upfront on the matter when he campaigned in the elections. To quote him, "when I was campaigning for this office [of governor], wherever I go, I always start with *Alláhu Akbar* (Allah is the greatest) to show my commitment to the Islamic faith. Therefore, as part of my programme for the state, I promised the introduction of Sharia."²⁸ The reference to the *takbír* in the context of constitutional national elections that never administered or invoked the *shahádah* as a voting prerequisite, however, scarcely constitutes a legal foundation for government and public order in Islam: it might attest to nothing more than a self-assumed personal pact.

Other states pondered Zamfara's example, with Kano, Kaduna, and Niger States, for example, declaring their intention to adopt Sharí'ah law.²⁹ The announcements led to heightened tension throughout Nigeria, and riots erupted in Kaduna where over 400 people, mostly Igbos, were killed. The killings provoked reprisals in the town of Aba in Abia State where over 450 people, mostly Hausa, were massacred. A temporizing President Obasanjo, suffering from northern suspicion for his southern political ties, was finally dragged into the fray with an act of public hand-ringing over the killings. "I could not believe," he said, "that Nigerians were capable of such barbarism against one another." He then proceeded to a gloomy assessment: "This has been one of the worst instances of bloodletting that this country has witnessed since the civil war [1967-1970]." He gave out a general assurance to Nigerians of "the firm determination of our government to resist any attempt from any quarter to pursue a line that can lead to the disintegration of our country."³⁰ As if to make penance for his southern connections, Obasanjo proceeded to crack down on the unrest in the south, mobilizing police and military units to rein in vigilante groups, such as the Oodua Peoples Congress (OPC) in Lagos State, whom the federal government accused of acts of 'ethnic cleansing.'

All that failed to reconcile the north, and, instead, press and media reports went on to speak of Obasanjo's slowness in taking similar action in areas of Muslim unrest in the north, or, equally strikingly, in failing to deal with the Sharí'ah issue as a root cause. Thus the Catholic Bishops Conference of Nigeria (CBCN) issued a statement regretting the slowness of the federal government to

respond to the crisis in Kaduna and elsewhere. Archbishop John Onaiyekan, the vice president of the Bishops Conference, said in a public statement that the government should have acted much sooner than the Kaduna riots and taken decisive action in October, 1999, when Yerima was in full tilt mobilizing his followers in Zamfara.³¹

The federal government in the end was propelled by events to act, faced as it was with the threat of widespread civil disorder and the imminent break down of law and order. And so there was a concerted effort at the federal level to demand that the affected northern states renounce Shari'ah rule. On March 2, 2000, the governor of Niger State, Abdalkadir Kure, announced in Abuja, the federal capital, that his state has renounced the Shari'ah, though Zamfara remained defiant. Kure was moved to act by the threatened mass exodus of non-Muslims, mainly Igbo, from Minna, the state capital. Serious economic damage would have been inflicted on the state with the flight of Igbos who make up a significant portion of the middle class. The Emir of Minna, Alhaji Faruk Bahago, met with the leaders of the Igbo community to appeal to them to stay. In spite of such appeals and assurances, and of the amenability of Igbo leaders, Islamists for their part refused to back down and vowed to press with their campaign for the implementation of the Shari'ah. As late as August, 2000, the Shari'ah agitation had not abated. The *Agence France-Presse* reported on August 2nd that Katsina had become the fifth state to adopt Shari'ah law.³² That notwithstanding, a powerless federal government seems now reduced to looking to the Islamists for concessions.³³

ASSESSMENT

As Tafawa Balewa long observed, the Muslim factor in Nigerian politics is constitutive of Nigeria's federalist character, while the constitutional backing for a secular state conflicts with the Islamists' call for Shari'ah penal law. A federal government committed to a secular interpretation of the constitution is accordingly set on a collision course with Shari'ah advocates who seem impregnable and defiant on their high moral ground. In a good deal of the debate, both sides invoke the constitution, but in strikingly divergent ways, using proof-texting to support their respective cause. Thus civil liberties groups insist that the constitution forbids state sponsorship of religion, and the Islamists counter by saying the constitution guarantees Muslim participation in public life, with guarantees for non-Muslims. Critics attack the Islamic integrists for their 'politicisation of religion' while the integrists denounce the secularists for their privatization of religion. It is an impasse. The federal government prevaricates from incomprehension, not from policy. Thus Obasanjo's pre-emptive strategy of appealing to the national interest leap-frogs over the issue, allowing the integrists to resume their struggle in 'the national interest' as they define it. The absence in Obasanjo's administration of a northern Muslim voice with stature makes it difficult to hold the northern states together under a national consensus about the proper role of government in religion - there is already considerable, though lopsided, involvement of government in

Muslim religious life. It has created the impression of southern secular recalcitrance, and that has inflamed northern integrist passion, to further federal disquiet. The Muslim north has been mobilized behind calls for Shari'ah criminal law partly for reasons of colonial and historical precedent, certainly, but partly also for reasons of redressing the political balance vis-à-vis perceived southern political dominance. And the variety of positions on the Shari'ah issue has shown no signs of fragmenting northern Muslim solidarity vis-à-vis the south.

In this highly political environment, the reported remarks by the Nigerian Nobel Laureate, Wole Soyinka, adds fat to the flames. Soyinka rejects any religious basis for Yerima's program, saying the program is motivated purely by politics. Shari'ah law is a political move and not a religious move, Soyinka protested, and he claims Muslim scholars generally would share his view. Soyinka is alluding to the widespread feeling by Christians and others in the south that the northern Muslim elites, finding themselves out of power, decided to strike back at the government of Obasanjo by creating a religious pretext for their thwarted political ambition. In the event, it is the task of people like Soyinka, "who are neither Christians nor Muslims," to speak out if Muslim scholars, who should know better, fail to do so. He continues in that mood:

I am neither a Christian nor a Moslem. Definitely, if I have any religion at all it is our traditional [Yoruba] Orisa. As far as I am concerned, both Islam and Christianity are interlopers in Africa spiritually. That is my position. Even though I say I am neither a Christian nor a Moslem, let me make it clear that I studied comparative religions and so I know quite a bit of the Qur'an. We are not totally ignorant even though we are 'infidels' and 'Kafirs.' We are not totally ignorant about the provisions of the Qur'an. And we are saying that some of these people [Shari'ah advocates] are lying, misusing and abusing the Qur'an. And we also know that we have studied the religious sociology of many countries even in contemporary times and we know very well that their own interpretation of the Sharia is at least different from the one which is being imposed on this country.... So let them stop claiming some kind of very special knowledgibility [sic]. They are abusing knowledge. They are abusing faith. They are abusing piety and they are showing themselves to be nothing but real impious secularists who are merely manipulating religion for political ends.³⁴

However widely shared or justified, Soyinka's sentiments only echo on the secular southern-flank of the political spectrum the very extremism and willfulness he denounces in the religious northern flank. Furthermore, those sentiments belong to the domain of moral provocation which for the integrists justifies *jihād* by other means (*jihād bi-lisān, bi-l-qalam*). Thus has Soyinka joined the controversy by seeding it with infidel objections based, he claimed, on a broad sociological knowledge of religion. Such knowledge, the *'ulamā* would, however, insist, can never rise above its own defects, and as such lacks the public force of the

religious code. In Islamic jurisprudence the infidel is subject to the rules and sanctions of public order, whereas slaves and women, for example, are subjects of private law.³⁵ As it is, religious masters in north Nigeria and elsewhere are all too aware of the rules for public discussion, rules that are codified in the system of legal reasoning [*ijtihād*] under which the Qur'án is combined with other sacred sources to resolve knotty issues and to produce a superstructure of enduring rules, regulations, and guidance without the procedure degenerating into personal name-calling and aspersions.³⁶ As such and in spite of his vast sociological knowledge, Ibn Khaldún, for instance, pointed out that the issue for jurists in making policy for society is not personal bias, individual preference, or cosmopolitan advantage, but sound knowledge based on the divine injunction, for that alone can provide comprehensive remedy for the human condition.³⁷ Ibn Khaldún joins the *'ulamá* in their cause for religion as public truth.

On Islam as political legitimacy, the core issue facing us is this: is the secular case for the separation of 'church' and 'state' an adequate response to the public appeal of religion in Nigeria, and, conversely, is the Islamist case for implementing Sharí'ah as comprehensive code too rough and ready a remedy for the problems of a diverse and dynamic society? Should divine sanction, so potent in the lives of believers, be required for the policy-making functions of the state? Should religion give us a syllabus of government? Conversely, should the practices of government be made into pillars of religion?

The explosive force that the Sharí'ah debate in contemporary Nigeria is proof that religion has convincingly pervaded all of society, and overlapped considerably with politics. Still, that does not justify co-opting Islam merely as political interest, for that risks corrupting it with political motivation. It is natural under a democratic constitution such as in Nigeria that Islam would occupy a prominent place in public issues by virtue of the popular will, so that the process of electing their representatives would reflect the people's religious desires. That cannot be emphasized enough. Nevertheless, however legitimate the popular will may be, it cannot for equally religious reasons be erected into a deity in its own right.³⁸ The adoption of Sharí'ah as criminal law has the effect of reducing religion to an instrument of state power, which in turn takes a toll on religion as a force for freedom.³⁹ In effect, the state will dispense doctrine as political interest, and use conscience as a secret organ of state security. Human rights will be a subject of state jurisdiction, with political expedience trumping moral dissent. Accordingly, a religious fundamentalist state would forbid political dissent at the pain of divine chastisement: not even believers would be able to exercise freedom of conscience. It is hard to see how conformity and opportunism would not except flourish in this situation, begging the question as to whether the Sharí'ah remedy for public corruption and injustice would in the end be preferable to that obtained under secular jurisdiction. It might still be a better option to continue to hold the state to the universal moral standards of human rights, human dignity, the rule of law, respect for the family, social security, and so on, standards that, like the Sharí'ah, uphold the honor of God without the religious penal

code. Under the colonial administration, for example, Shari'ah jurisdiction in civil matters of personal law was recognized, and Muslim life and institutions suffered little diminution thereby. Instead, they flourished. Muslims are unlikely to achieve much more than that by the present course of Shari'ah penal legislation.

All this warrants modifications to both the secular and religious positions so that politics and religion may each be strengthened in their own terms without mutual hostility, though not necessarily without disagreements. The state may not disallow religion for the same reason that it may not prescribe it: in Africa religion is too fundamental to life for the state to banish it from the public realm just as it is too important for the state to merely co-opt it. An analogous idea was expressed by William Esuman-Gwira Sekyi (1892-1956) of Ghana, also known as Kobina Sekyi. Writing in 1925, Sekyi quoted an Akan proverb as follows, *Oman so ho na posuban sim*, "The Company fence [of society] stands only so long as the state exists." He elaborates: "Now, our ancestors were above all things a religious people, with whom religion was no mere matter of form or weekly ceremony. Religion with our ancestors was interwoven with the whole fabric of their daily life; and therefore when the company system was established among them it was not without its religious concomitants."⁴⁰ It is instructive that in the Ghanaian case, too, traditional African ideas should support the case for a certain wariness toward state power, with religion helping to strike a note of caution. Another Akan proverb sounds this cautionary note well with the words, *Aban wo twuw n'dazi; wo nnsua no*, "Governments, too often heavily weighted with power, are to be pulled along the ground but not to be carried."⁴¹ The state is necessary for our earthly safety and security but not for our moral perfection or ultimate salvation. Political interest is true of all human communities, but is not definitive of human value.

In making the distinction between the different spheres of the political and the religious Kobina Sekyi was suggesting structural limits on political authority, and doing so for important reasons having to do with principle as well as practice. Religion and politics are not each other's construct, though they are joined at the hip. We need both in requisite measure for our welfare and conscience. Ultimately, however, it is a supreme moral action in the pattern of Gandhi whether we risk our own welfare for the sake of our conscience, or whether, like the old vicar of Bray, we surrender our conscience for political interest. Accordingly, between politics and religion we need, not a barrier of separation, but a safety net of inter-dependence in the common interest.

A POSTSCRIPT: THE GREAT PUBLIC DILEMMA

The great challenge of the separation of church and state demands that we allow a degree of mutuality between them. As part of its policy of 'indirect rule,' the British administration in north Nigeria established Shari'ah jurisdiction in Muslim personal law, and to that extent the British were willing to modify their Enlightenment scruples about maintaining a separation between religion and politics, between a rational, progressive state machinery and an irrational, oppressive religious establishment.

The colonial empire certainly introduced changes in local political and cultural institutions, but colonialism also produced alterations in European intellectual ideas about the rational state. Thus did the British arrive at the view that the political legacy of the enlightenment had no ancestry in Africa; venerating the enlightenment in Africa would vex the old spirits and make rulership all but impossible.

In the same vein, the dogma of an autonomous modern secular state in post-colonial Africa is out of step with historical experience and social realities and needs adjusting, as was evident in the debates that failed to reverse the plunge into Nigeria's civil war. The agonized soul-searching that followed the end of the civil war in 1970 focused on national reconciliation, rehabilitation, and reconstruction. General Yakubu Gowon, who was head of state during the civil war and was himself a Christian northerner, undertook a campaign of national political reintegration by offering a general amnesty to the Biafran secessionists: there were no political trials or military reprisals against Ojukwu and his fellow Igbos. Military rule under General Ironsi, an Igbo implicated in the assassination of Nigeria's first prime minister, Sir Abubakar Tafawa Balewa in January, 1966, and himself assassinated six months later in July, had rejected federalism as inconsistent with the command structure of the army, and that move, plus the fact that Ironsi was implicated in Balewa's murder, sparked a northern secessionist drive to protect the north's interests. The tangled web of circumstances under which Gowon assumed power in July, 1966, entailed the decision, favored by Britain and the United States, to help preserve federalism in Nigeria and thus to avert northern secession. Gowon's program of national reconciliation after the end of the civil war, therefore, was a continuation of the *entente cordiale* of his inauguration.

Up to the fall of the First Republic under Tafawa Balewa, federalism was the national political consensus in which the Muslim north had a vested interest, so long, that is, as a significant northern voice was represented in the federal power structure. The south for its part embraced this federalism for entirely different reasons, that is, as a countervailing ideology to offset any federal recognition for Shari'ah penal legislation. There was one federalism, the south seemed to reason, that of a secular, political kind, and so there could not be another kind of federalism of a religious nature. The north appreciated the point for its own reasons. What prevented a collision between such diametrically opposed views was the continued role of members of the northern Muslim elites in federal administrations, with the northern leaders acting meanwhile to place the Shari'ah issue on the agenda of the federal constitution as a matter of state right. It was, we can now see, an insurance policy against the political eclipse of the north. Sir Abubakar Tafawa Balewa made the point as long ago as 1948 that, because of the uneven pace of regional development and of different political aspirations, Nigeria's political future as one nation lay in federation, with reserve power in the regional assemblies. The way to preserve national unity, Sir Abubakar seemed to say, was to recognize that there could be no political uniformity.⁴²

Just as the British adjusted their political expectations in light of the colonial realities that Balewa so well enunciated, so must

the national secular successors adjust their ideas of the autonomous secular state and allow Muslims a share of religion in public life. For all his faults, Babangida, as head of state and with his northern political sensibilities, was cognizant of the need for what he called "a basic philosophy of government which will determine goals and serve as a guide to the activities of government."⁴³ The result, however, was the setting up of a southern-led academic study group, called the Political Bureau, whose conclusions merely repeated what were its own terms of reference: nation building has faltered because of the lack of an overarching philosophy of government, not what such a philosophy was and whether it was desirable or workable. As Ilesanmi has rightly observed, the study group assumed without qualms that the solution to the problems of government transcended government,⁴⁴ the kind of theorizing that, short of the political monism it courts,⁴⁵ becomes a dry dock for anti-Sharí'ah activists to refashion their strategies. There was no concealing the fact that the Bureau had strayed into a stony meadow, and so its report spoke aridly of the political impasse of entrenched Muslim Nigerians contending with their equally entrenched secularist opponents. Christians and other secularists accused Babangida of setting up the study group and adopting other measures, such as enrolling Nigeria as a member of the Pan-Islamic OIC and recognizing Sharí'ah appellate courts, with the ulterior motive of advancing Muslim interests and thus setting back the cause of national unity.⁴⁶ In this argument Muslim interests and the cause of national unity are incompatible.

Accordingly, the short-lived government of General Murtala Muhammad (1975-1976) rejected the search for a philosophy of government as at best premature or diversionary, given the political realities on the ground. The constitution could not in the circumstances, Murtala Muhammad insisted, promulgate an all-comprehending philosophy or ideology for the country. That seems a candid and valid enough sizing up of the facts of political life, but it left unresolved the imbalance between, on the one hand, what manifestly existed in the Muslim north of settled opinion about governance on the basis of the recognized public "duty of commanding the good and restraining from evil" (*amal bi-ma'rúf wa nahy 'an al-munkar*) (Qur'án iii: 104), and, on the other, the equally manifest failure of southern leaders to agree on a "philosophy of government." In the event, it is not surprising that the initiative on the question passed to the Muslim north, demonstrating the weakness in attempts to handle the Sharí'ah issue from a purely secular, or even from an anti-religious vantage point.

In its turn, the human rights movement, with its basis in individual autonomy located outside the norms of kinship, family, tribe and community, has inspired a return to the project of devising a comprehensive secular philosophy of government, but with very mixed results indeed. Soyinka's reaction reveals not simply impatience with the northern integrists, but also, a degree of southern despair at its own intellectual inadequacies in the face of the cogent northern religious case for political engagement.

Muslim integrists have accordingly taken up the gauntlet by insisting that individual rights without God are meaningless, with

that implicating God in the functions of the state. The idea of the state as religious arbiter allows the integrists to strike at the root of the autonomous secular claims for human rights, because they can say on secular grounds one individual has no rights of person and property against the multitude, or even against the state itself. Against the individual, the state and the multitude's will is inexorable and final by reason of mass and power. In the secular scheme, the integrists argue, the individual has no assured God-given rights, only interests. That is why human rights, and the ethos of human dignity they engender, require faith in the divine right of personhood, in a faith that fosters the twin culture of rights and obligations, of freedom and community. The integrists are committed to a Scriptural view of human dignity (*jalál, karámah*) predicated on the honor of God, particularly as regards the social status of women.⁴⁷ They call for a moral foundation for the public order that is not at the mercy of a fickle popular will and is free from calculations of the political ledger.

Yet, as separationists argue, the Sharí'ah penal regime needs adjusting. Church-state integration under Sharí'ah supremacy is in their view harmful to religious teachings and to the values of political liberalism, so that in one move of state sponsorship of Sharí'ah criminal law the engine of intimidation and repression is mounted on three different fronts at once: against non-Muslims to isolate them; against Muslims to press them into acquiescence and conformity; and against the conscientious among the believers to drive them into righteous defiance. Under Sharí'ah criminal law fear of retribution or hope of reward, not intellectual conviction or moral integrity, would control behavior and conduct. Alike for the political subject and religious person, freedom under such circumstances is nothing but a denial of itself. By thus lowering the threshold for faith and conduct to the level of political enforcement and driving religion into the field of human passions and struggles, Sharí'ah penal fiat risks begetting the unbelief, the dissembling, and the moral prevarication it exists to extirpate.

Even within the ethical counsels of Muslim jurists, from the ancients such as Hasan al-Baṣrī, Ḥarún al-Rashíd, al-Ghazálí, al-Mawardí, Ibn Tīqtaqa, Ibn Khaldún, to more recent ones like Abubakar Gumi, Alḥaji Aliyu, and Mamadou Dia, there is an instructive divergence of view concerning whether religion should simply be elided with politics, however much politics may serve the ethical purposes of religion, since such a procedure severely impacts their respective autonomy. As Ibn Khaldún put it in a fit of theological illumination, believers should repudiate the facile view that religion and politics belong together lest we "patch our worldly affairs by tearing our religion to pieces. Thus neither our religion lasts nor [the worldly affairs] we have been patching."⁴⁸ Thus, the compromise argument that calls for a moderation of secular fundamentalism also calls for a corresponding moderation of religious fundamentalism. While it may uphold God's honor against public scandal, the political sword is not, however, a disinfected channel of divine grace. Unless it is restrained by law and by regard for conscience, the state will reduce dogma to the policing details of community enforcement. Thereby, dogma becomes a subject of state power, and a tool of social repression. By its chosen brand of islamization of politics, Yerima has with

inflexible resolve moved Zamfara into that position and inspired others to follow suit, to much political unrest and religious dismay.

In viewing the Muslim tradition through the stringent prism of political restructuring of religion, the integrists and their secular opponents have raised but left unresolved a crucial issue for church-state relations in contemporary Nigeria and beyond. Church and state are involved in a common endeavor for the reason that religion is too enmeshed in life for us to privatize it totally, and politics too involved in questions of justice and morality for us to exclude religion from it, though historical experience and due regard for conscience warn of the perils of joining the two. Governments that justify themselves with religious warrants elevate political consent to the level of dogma. It is not only religious leaders but also political leaders who fret at that development which makes political enforcement a criterion of the truth claims of religion. To avert this situation, many Muslim intellectuals and others have embraced freedom and independence of religion, mutual respect, as well as their institutional expression in a culture of pluralism. Behind the safety wall of constitutional separation, and under the guarantee of the courts and the army, they feel the state may be tamed, the rule of law upheld, society's civil capacity enhanced, its human asset of diversity and community building strengthened, and political engagement conducive to justice and to the maintenance of a publicly endorsed and periodically adjusted democracy affirmed. Such a course in their view preserves the values of federalism and national unity without the instability of religious or cultural uniformity.

NOTES

¹ A Paper Presented at the International Symposium on "Islam, Resistances et Etat en Afrique de l'Ouest, XIXème et XXème siècles," sponsored by *Action de Solidarité Islamique*, 20-23 Nov, 2000, Dakar, Senegal. The symposium was opened by Abdoulaye Wade, the President of Senegal, and concluded under the chairmanship of Moustapha Niassé, the Prime Minister. I have amended it in light of comments at the symposium.

² Mahmúd al-Ka'ti, *Ta'ríkh al-Fattásh*, tr. & ed. by M. Delafosse and O. Houdas (1913-14), Paris, 1964, text 179, tr. 314.

³ Ibn Khaldún writes: "If the power of wrathfulness were no longer to exist in (man), he would lose the ability to help the truth become victorious. There would no longer be holy war or glorification of the word of God." *Al-Muqaddimah [Prolegomena to History]*, 3 vols., ed. & tr. Franz Rosenthal, Princeton: Princeton University Press for the Bollingen Series XLIII, 1968, vol. I, 187, 322.

⁴ *Ta'ríkh al-Fattásh*, text 60-61, tr. 116-117.

⁵ *Ibid.*, text 61, tr. 117.

⁶ 'Abd al-Rahmán al-Sa'dí, *Ta'ríkh al-Súdn*, translated and edited by O. Houdas, Paris: Librairie d'Amerique et d'Orient, Adrien-Maisonneuve, 1964, 176. See also John Hunwick, ed. & tr. *Timbuktu and the Songhay Empire*, Leiden: E.J. Brill, 1999, 164.

⁷ In one account the donation was received by the *qádí* without prejudice. Subsequently the *askia* sent some building materials, 4,000 pieces altogether, which were used to complete

construction work on the mosque. John Hunwick, ed. & tr. *Timbuktu and the Songhay Empire*, Leiden: E.J. Brill, 1999, 154.

⁸ *Al-Fakhrí, Government and Dynasties in Islam*, tr. C.E.J. Whitting, London: Luzac & Co. Ltd., 1947, 46-47.

⁹ *Al-Fakhrí*, 47.

¹⁰ Cited in H.A.R. Gibb, *Studies on the Civilization of Islam*, chapter 10, "The Islamic Background of Ibn Khaldun's Political Theory," edited by Stanford J. Shaw and William R. Polk, London: Routledge and Kegan Paul Ltd., 1962, 173.

¹¹ On Dia's political background see William J. Foltz, *From French West Africa to the Mali Federation*, New Haven: Yale University Press, 1965. For a religious assessment see Kenneth Cragg, *The Pen and the Faith: Eight Modern Muslim Writers and the Qur'án*, London: George Allen and Unwin, 1985, 33-52.

¹² Text reproduced in Thomas Hodgkin, ed., 1960, *Nigerian Perspectives: An Historical Anthology*, London: Oxford University Press, 198.

¹³ See Christopher Harrison, *France and Islam in West Africa: 1860-1960*, Cambridge: Cambridge University Press, 1988.

¹⁴ Cited in Lamin Sanneh, *The Crown and the Turban: Muslims and West African Pluralism*, Denver: Westview Press, 1997, 164.

¹⁵ Cited in Sanneh, *The Crown and the Turban*, 1997, 150.

¹⁶ Niels Kastfelt, *Religion and Politics in Nigeria: A Study in Middle Belt Christianity*, London: British Academic Press, 1994, 41-2.

¹⁷ For a study of contemporary Nigerian politics, including the regime of Babangida see Eghosa E. Osaghae, *Crippled Giant: Nigeria Since Independence*, Bloomington: Indiana University Press, 1998.

¹⁸ Report in *Nigerian Tribune*, Friday, 21 October, 1988.

¹⁹ Cited in *The Guardian*, 27 January, 1986.

²⁰ At the time of writing, reports say that Yerima has been appointed as an official participant at the August, 2000 Democratic National Convention in Los Angeles, California, a measure of his range and appeal.

²¹ There is a long history to the involvement of the Arab world in the sponsorship of islamization projects in north Nigeria, going back to the 1960s immediately after Nigeria's independence. John Paden, *Ahmadu Bello, Sardauna of Sokoto: Values and Leadership in Nigeria*, London: Hodder and Stoughton, 1986, 543.

²² The name, *Izala* is Arabic for "eradication" and occurs in the name of the movement, the Society for the Eradication of Heresy and the Establishment of the Prophet's *Sunnah*, founded in 1978.

²³ For a report on El Zak Zakky and the 1996 religious riots in Kafanchan and Kaduna he inspired, see "Bloody Riots in the North," *Tell* magazine, September 30, 1996. According to the magazine's report, the government crackdown commenced on September 12, 1996 in Zaria, when El Zak Zakky gave himself up to the authorities. The following day after the Friday Jum'ah prayer, his followers mounted public demonstrations in various parts of the country, including Katsina and Kaduna, and Zaria, demanding his release. There was bloodshed from these demonstrations. On the background to El Zak Zakky, see also Ousmane Kane, "Mouvements religieux et champ politique au Nigeria

septentrionale: le cas de réformisme musulman au Kano," *Islam et Sociétés au Sud du Sahara*, 4, 7-24

²⁴ Some Egyptian modernists follow Leo Strauss and Karl Popper in making this distinction. Among them are Faraj Fúda, assassinated in 1992. He accuses the Sharí'ah advocates of offering a false panacea for present ills. Like Mamadou Dia, Fúda calls for a dynamic understanding of Sharí'ah and Islamic history. See Ibrahim M. Abu-Rabi', *Intellectual Origins of Islamic Resurgence in the Modern Arab World*, Albany: State University of New York Press, 1996, 255. Yet the distinction being made in Nigeria in the contrasting roles of state and society promises a more fruitful avenue of thinking, if only because it accepts the coexistence of islamization and secularization.

²⁵ Interview, *This Week*, 6 April, 1987. This condemnation of those 'ulamá who are under the thumb of temporal rulers is a well rehearsed one in the literature. As far back as Jalál al-Dín al-Suyúťi (d. 1505) we hear of attacks on religious scholars who ingratiate themselves with rulers.

²⁶ Report in *Quality*, Lagos, October, 1987, and cited in S. Ilesanmi, *Religious Pluralism and the Nigerian State*, Athens, Ohio: Center for International Studies, 1997, 186.

²⁷ Elizabeth Isichei, "The Maitatsine Risings in Nigeria, 1980-85: A Revolt of the Disinherited," *Journal of Religion in Africa*, vol. 17, no. 3, 1987, 202-203.

²⁸ Report of the commission: "Sharia and the Future of Nigeria: Report of the Trip by the Civil Liberties Organization, CLO, Hurilaws and other NGOs to Zamfara State," 9.

²⁹ In November, 2000, Kano State formally instituted Sharí'ah penal law, and in December embarked on a campaign of rounding up hundreds of people accused of 'speaking to members of the opposite sex,' according to BBC reports of 23 December. By specially adopted procedures, the Kano religious authorities wished to determine from their motives the guilt of the accused. The BBC report spoke of widespread fear in society attending these actions.

³⁰ AFP Report, March 2, 2000

³¹ *The Guardian*, Tuesday, February 29, 2000.

³² Reported in *The New York Times*, August 2, 2000.

³³ Under Sharí'ah law civic agitation could grow, fed by the religious status quo. Thus in Kano State a militant Muslim group, called Yandada, threatened to disrupt the National Sports Festival planned to take place in Kano in November, 2000. The group objected to the participation of women, and required also that men conform to the Muslim dress code. The chairman of the local organizing committee, Alhaji Ibrahim Galadima, under a death threat from the militants, resigned, leaving the future of the festival in doubt. *Vanguard Daily*, Lagos, 5 September, 2000.

³⁴ "This is Prelude to War," Soyinka interview, *The News*, Lagos, March 6, 2000.

³⁵ For a concise discussion of the distinction see Bernard Lewis, *The Middle East: A Brief History of the Last 2,000 Years*, New York: Simon and Schuster Touchstone, 1997, 207.

³⁶ The works of the Nigerian Muslim reformer, 'Uthmán dan Fodio (1754-1817), such as the *Bayán Wujúb al-Hijrah 'ala-l-'ibád* and the *Ihyá al-Sunnah wa Ikhmád al-Bid'a* are enduring monuments to this rigorous intellectual tradition in Muslim Africa. In these

works the fruits of deep learning are conveyed in a strict sequence of argumentation and brought to bear on matters of public policy without any of the ad hominem barbs that belong with inflammatory political propaganda.

³⁷ Ibn Khaldún, *al-Muqaddimah*, 3 vols., vol. iii. On Ibn Khaldún see also L. Sanneh, *The Crown and the Turban*, 1997, 197-200.

³⁸ The modernist Egyptian writer, Fu'ád Zakariyyá, criticizing the advocates of Shari'ah criminal law, says that the appeal to mass popular support does not make the case valid, since such appeal involves political manipulation, and that is not how you decide truth in Islam. See Ibrahim M. Abu-Rabi', *Intellectual Origins of Islamic Resurgence in the Modern Arab World*, Albany: State University of New York Press, 1996, 252.

³⁹ Abdullahi Ahmed An-Na'im, a Sudanese legal scholar has written about human rights as a basis for proper religious practice and qualified state jurisdiction. See his *Toward an Islamic Reformation: Civil Liberties, Human Rights and International Law*, Syracuse: Syracuse University Press, 1990.

⁴⁰ Kobina Sekyi, *The Parting of the Ways*, reproduced in J. Ayodele Langley, editor, *Ideologies of Liberation in Black Africa, 1856-1970*, London: Rex Collings Publisher, 1979, 251-252.

⁴¹ Cited in F.L. Bartels, *The Roots of Ghana Methodism*, Accra: Methodist Book Depot; London: Cambridge University Press, 1965, 241-242.

⁴² See the relevant quote in Eghosa E. Osaghae, *Crippled Giant: Nigeria Since Independence*, Bloomington: Indiana University Press, 1998, 7-8.

⁴³ See Simeon O. Ilesanmi, *Religious Pluralism and the Nigerian State*, Athens, Ohio: Center for International Studies, 1997, 159.

⁴⁴ Ilesanmi, 1997, 159.

⁴⁵ On secular monism and its religious challenge there is the old but still relevant article of John Courtney Murray, "The Church and Totalitarian Democracy," *Theological Studies*, 13, December, 1952.

⁴⁶ Ilesanmi, 1997, 195-196.

⁴⁷ See the detailed discussion in Ann Elizabeth Mayer, *Islam and Human Rights: Tradition and Politics*, Denver: Westview Press, 1991.

⁴⁸ Ibn Khaldún, *al-Muqaddimah, An Introduction to History*, vol. I, edited and translated by Franz Rosenthal, Bollingen Series 43, 2nd edition, Princeton: Princeton University Press, 1967, 427.