

## CHAPTER ONE

### INTRODUCTION

#### 1.1. Background to the Study

It is the view of some scholars and authors like Danjibo (2012), that in the middle years of the twentieth century, it was assumed that secularism would make religion irrelevant in the politics of mankind. This is because human beings were expected to be more rational which would make them have no further need for religion. Similarly, great social thinkers such as Nietzsche and Hume have postulated the “death” of religion in the face of philosophy, economy and improved standard of living condition of human beings. In the eighteenth and nineteenth centuries, religious movements began to rebel against what they considered secularist hegemony and religion once again became a force that nobody or government could safely ignore (p.5). One of the results of this awakening is the modern dimension of religious militancy known as jihad which possessed its own fundamentalist activities. By the nineteenth century, this religious flavour had hit Nigeria, Africa and the entire world badly.

The militant dimension of this religious awakening took place in Northern Nigeria with the expedition carried out in 1804 by an Islamic scholar, Usman dan Fodio. According to Sulaiman (1986), the armies of Usman dan Fodio met at Gurdam-a lake known as Tabkin Kwatto, on Thursday, 21<sup>st</sup> June, 1804 (*12 Rabi al-Awwal* 1219) and drew up their swords against the king of Gobir, Yunfa and his armies. The war arose probably because Usman dan Fodio and his followers had considered the king of Gobir, Yunfa and his armies as their enemies and oppressors. It was an expedition undertaken with the intension to free themselves from the oppressors and ensure the people’s liberty. The war made the late nineteenth century Hausa land

witness a remarkable event that has come to be a point of reference for many generations after. Anyanele (1987) said that before the 1804 jihad, which instituted the Fulani emirates and laid the foundation for the Fulani Empires, there were about fourteen independent kingdoms under the rule of Hausa kingdom. After the war, Usman dan Fodio created many emirate councils with their political and religious headquarters at Gwandu and Sokoto respectively (p.29). According to Abiola (1984), Usman dan Fodio replaced all the conquered kingdoms in the northern Nigeria and beyond with Fulani emirs (p.107).

Meanwhile, Tamuno (1999) notes that a remarkable event occurred in the world's history in the year 1914 when Lord Frederick Lugard, who was the colonial Governor in the northern protectorate muddled up a marriage between the Northern and the Southern parts of Nigeria. It was a marriage that took the shape and resemblance of a pair of shears so joined that it appears inseparable. The marriage often moves in opposite directions yet manages to remember its essential unity. Nevertheless, on 1<sup>st</sup> October, 1960, the union took another memorable dimension when the country got her political independence from the British amidst high hope of one common society. He elucidates that before October, 1960, especially in that memorable midnight when the Union Jack (British Flag) was being lowered and Nigerian flag hoisted, Nigerians were full of greater expectations of a nation where nobody should be oppressed, a nation where peace and abundant economic prosperity would determine its dancing tune (p.2).

The events under review took place over fifty-five years ago and regrettably, all the expectations and dreams of sustaining the amalgamation have seems to be on its way to destructive collision. This is because just like Usman dan Fodio took up arms against the king of Gobir and the entire Hausa land in 1804, that has been how other deadly movements have arisen with the claims of fighting against evils of some people in the society. Abiodun (2009) argues

that the offshoots of the Usman dan Fodio's 1804 jihad began notably with the Maitaisine's militancy in the 1980s, down to the period from 1999 and until date. He said that all these movements have witnessed a dramatic turn of events in their quest to enforce Sharia in the northern states of the country but the deadly group among them, *Jama'atu Ahlil Sunna Lidawati wal Jihad* known as Boko Haram has through their jihadist activities unleashed unbearable terrors on Nigerians (p.47). Perhaps the dizzy heights of these misgivings were recorded on 30th May, 1967, when Odimegwu Ojukwu, the then military Governor of the Eastern Region declared the independence of Biafra, the then Eastern Region from Nigeria. According to Ojukwu (1969), the main reason for taking up that secessionist move was because the Hausa Muslims have gruesomely massacred over fifty thousand Igbo Christians living in northern Nigeria and it was followed by the gruesome Civil War (p.28). As if the civil war was not enough, other crises which arguably look more deadly than civil war have arisen and notably among them has been the incessant moves to enthrone Sharia on the heterogeneous Nigerian state. These crises have resulted in the maiming, looting and psychologically wounding of Nigerian state and her citizenry.

In these seemingly colossal frustrations, many people and groups have sharply criticized the amalgamation of Nigeria as a country. Many other groups and individuals have had causes to question Nigeria's Sovereignty. Some of them continue to agitate for a review of the terms that bound the country. Indeed, a deeply worrying trend emerging from this ugly situation is that a pervasive cynicism is beginning to set in especially when some sections of the country rise in the midst of this cacophony of agitations to declare self-rule or political autonomy and theocratic caliphates. Amidst all these quagmires, Akinwale and Oyeleke (2012) state that in 2006, the Central Intelligence Agency (CIA), an American Military spy group made a disturbing

prediction that Nigeria risks disintegration by 2015 (p.4). In the same way Olusola (2012) reports that two former Nigerian Military Heads of State, Generals Olusegun Obasanjo and Ibrahim Badamosi Babangida joined many other Nigerians to express anxiety over the degeneration of Nigerian Statehood. They decried the unabated spate of violence, insecurity and ethnic clashes which are already threatening the century-old aspirations of the country's founding fathers (p.10). Indeed the internecine crises are raging unabated with its damaging consequences on the social, political and economic lives of the country. In that process, unbearable loss of innocent lives and untold hardships are often meted out to the citizens.

Currently, the country is gripped with an atmosphere of fear and uncertainty that virtually all citizens have found it difficult to go about their normal day-to-day lives without great anxiety and trepidation because of the insurgency in northern Nigeria. These are unsavoury developments for Nigeria as this state of affairs portends great danger for a country that has been at war with itself over matters of even sovereignty. In spite of the abundant natural, economic and human resources in the country, her religio-political economy leaves more people despaired than hopeful. Majority of these crises are occasioned by the agitations of some groups to enthrone Sharia above the Nigerian constitution. This despair often manifests in some acts of killings currently ravaging the country. Hence, Nigerians continue to suffer economically, politically and socially.

The developments and emergence of these jihadists and sharia driven militant piety are terribly shocking. While there may not be an officially authentic number of dead people from the violence, the popular belief is that millions of Nigerians have been killed in the war of jihad aimed at the enthronement of sharia. This is because worshippers are today gunned down in the mosques and churches, reputable scholars, responsible and productive segment of the populace

are killed in the name of religion. Worship places of other religious traditions are lit and razed down with fire. The war is largely waged against followers of other religions and this has put a strong doubt on the peaceful roles of religion that advocates peaceful social existence. Hence, the researcher is worried about this sorry state of affairs and tries to analyze these problems and challenges with the view of finding out how they are linked to the 1804 Usman dan Fodio's jihad. The study will also proffer suggestions on the ways forward.

## **1.2. Statement of the Problem**

Arguably, religion took a far-reaching dimension in the public domain in the wake of the 21<sup>st</sup> century, especially with the dastardly bombing of American Pentagon and World Trade Center on 11<sup>th</sup> September, 2001. The force of that event caught reactions in virtually every parts of the world. Iwe (2000) succinctly asserts that, "intolerance of religious fanaticism has often led to religious totalitarianism which seeks to impose religious conformity and uniformity on the society by force and other questionable means". He argues that "the Reformation era in Europe is a classical example of the devastating consequences of the fanatical desire by force of religious homogeneity, uniformity and totalitarianism" (p.34). In the case of Islamic jihad, Bonner (2006) posits that many Islamic scholars and thinkers are of the view that jihadist form of war may be waged though as a last resort against enemies who rebel against a constituted Muslim authority (pp.14-24). The questions of jihad and sharia have continued to engage discourses of Muslim jurists who reiterate, redefine and refine the criteria for engaging on Jihad. They are repeatedly confronted with several underlying questions about jihad especially "who is the enemy?" If jihad is supposed to be primarily seen as an organized military warfare against external opponents, then who precisely are these opponents? How and under what conditions must jihad be waged

against them? What is to be done with them once they have been defeated? Questions as these have predominated many juridical debates about the application of jihad even from the early and formative centuries of Islam.

Meanwhile, in the light of the above arguments, the effects of waging the war of jihad and the implementation of sharia have been terribly disastrous in a multi religious and cultural Nigerian state. This is because of the wave of deadly violence associated with the incessant moves to enthrone sharia in Nigeria through Jihad right from 1804 by Usman dan Fodio until today. For example, there was a new and controversial interpretation of the Constitution of the Federal Republic of Nigeria Amended in 1999 which according to Oloyede (2000), most of the northern states led by Zamfara state made some laws, repealed some and amended some others. In this way, they established Sharia courts and vested them with not only the entirety of civil but also criminal jurisdictions (p.131). Oraegbunam (2010) asserts that in that order, the law provides for the establishment, composition, jurisdiction and grades of Sharia courts and makes general provision for the administration and implementation of Islamic law in these states. The law provides for the jurisdiction of Sharia Court of Appeal of these states to hear and entertain appeals from the decisions of the Sharia courts in both civil and criminal matters decided on Islamic law. It repealed the Area Courts Law in the state and makes transitional provisions for the establishment of Sharia courts with substantive Sharia Penal Law and the criminal law to be applied in these states (p.15).

Considering the fact that Nigeria is a heterogeneous society that operates a single constitution that upholds freedom of worship and movement, the challenges of implementing Sharia in the multi-religious, pluralistic, heterogenic and secularist Nigeria are terribly daunting and massive

threats to her corporate existence. It is more challenging to a government that is sworn-in under one constitution. For the fact that Christianity and Islam dominate Nigeria, any attempt to enforce one faith on the generality of the people will cause division, squabbles, acrimony, crisis and loss of lives and property as it has been the Nigeria's lot in the recent times. Social scientists and politicians are struggling to understand the implications of these horrible developments. This is because the ease with which blood is spilled right from the Usman dan Fodio's Jihad era and the subsequent movements that arose with the aim of enthroning sharia in Nigeria has disquieted every right minded person. For instance, Idowu (2015) quotes the governor of Bornu State, Shetima as having said that "Nigeria has lost a generation to the Boko Haram killings" (p.8).

Apart from the massive death of millions of Nigerians, the agitations of these jihadists' movements have led to the loss of national cohesion and integration. Aniefiok (2013) posits that one of the aims of sustaining the amalgamation of Nigeria was to have a nation state like other progressive nations of the world, where every avenue shall be exploited in making it an economically strong and virile nation. He argues that if it were not these aims, the union would have been quashed at independence (p.72). The Nigerian Independence National Anthem acknowledged and reflected this fact when it said, "Nigeria we hail thee, our own dear native land, though tribe and tongue may differ, in brotherhood we stand..." It was a dream that was upheld in spite of the Nigerian civil war and was reechoed in the preface of the Nigerian 1999 Constitution as amended (2011) which says, "we the people of the Federal Republic of Nigeria having firmly and solemnly resolved to live in unity and harmony as one indivisible and indissoluble sovereign nation under God" (p.19).

But the sectarian crises and instabilities occasioned by the incessant and deadly religious violence, spurred by the insatiable demands for sharia implementation have shattered these

dreams. For instance, the Maitaisine's onslaughts of the 1980s, the Izala crises, the Fourth Republic Sharia crises, Fulani herdsmen's massacres and the current Boko Haram's atomic assaults on the Nigerian state have repeatedly defied and wasted the chances of the country becoming the cohesive nation of her dream. In the heat of the sharia crises in Nigeria, Modupe (2000) remarks that, the secretary of the northern council of *Ulama*, Dr Ibrahim Datti Ahmed warned that anybody who was uncomfortable with sharia in the northern states should leave the states (p.50). Today, the mass relocations of people from the northern parts of Nigeria to the southern parts because of the Boko Haram's outrageous killings had confirmed his stand. Ironically, this has worked contrary to the lofty aims of the 1999 Constitution of the Federal Republic of Nigeria as amended (2011). The constitution foresaw this danger and perhaps desired to nip it at the bud when it states in Section (41) subsection (1) that "every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof, and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereto or exit therefrom" (p.45).

The situation has also made Nigeria lose corporate spirit and tolerance thereby instituting retaliatory and bad blood among the citizenry-all because of the activities of these jihadists. Agande (2013) reports that in the heat of the Boko Haram's deadly upsurges in the north, the southern part militia group-the Movement for the Emancipation of the Niger Delta (MEND) threatened to avenge the Boko Haram's killings with reprisal attacks. They threatened to bomb mosques, hajj camps, Islamic institutions, large congregations of Islamic events and assassination of clerics that propagate doctrines of hate as the core mission of their crusade. They harped the crusade on the move to save Christianity in Nigeria from annihilation (p.8). It is difficult to have a society where people will not hurt one another hence the obvious need for



tolerance and forgiving spirit. However, instead of forgiveness, many people are ready to retaliate. The inescapable truth is that an eye for an eye attitude will make the whole world go blind.

Furthermore, the activities of these jihadists have brought about so much lawlessness that Nigeria is almost turning into a failed state because of lawlessness and social instabilities. Usigbe and Oderemi (2013) deciphered this from former President Jonathan's address, while declaring State of Emergency on three northern states:

These terrorists and insurgents seem determined to establish control and authority over parts of our beloved nation and to progressively overwhelm the rest of the country. In many places, they have destroyed the Nigerian flag and other symbols of state authority and in their place, hoisted strange flags suggesting the exercise of alternative sovereignty. They have attacked government buildings and facilities. They have murdered innocent citizens and state officials. They have set houses ablaze, and taken women and children as hostages. These actions amount to a declaration of war and a deliberate attempt to undermine the authority of the Nigerian state and threaten her territorial integrity...Previously, we adopted a multi-track approach to the resolution of this problem through actions which included persuasion, dialogue and widespread consultation with the political, religious and community leaders in the affected states. We exercised restraint to allow for all efforts by both state governors and well-meaning Nigerians to stop the repeated cases of mindless violence. Yet, the insurgents and terrorists seek to prevent government from fulfilling its constitutional obligations to the people as they pursue their fanatical agenda of mayhem, mass murder, division and separatism.... (p.3)

The danger associated with waging the war of jihad and the quests for the implementation of sharia in Nigeria can be grouped into physical, social, psychological, spiritual and economical. Physically, many people have been brutally wounded and others rendered physically challenged because of the uprisings carried out in the name of religion. Physiologically, what many people have passed through and the traumatic experiences of that time are unimaginable. For instance, Maiduguri which is considered the headquarters of Boko Haram sect has been deserted by people especially those who are not from northern Nigeria because the level of killings and destructions

by this sect are unimaginable and unprintable. The move to enthrone sharia in a multi cultural and religious Nigerian state has also led to the loss of the value and sanctity of human life. It has bred religious, tribal and communal conflicts which have become seriously dangerous with their attendant unwanted activities that work towards the destruction of Nigeria as a country. Saharareporters (2016) warn that unless Muhammadu Buhari's government rose to the occasion, a politically-motivated religious crisis was underway which might end the existence of Nigeria. They maintain that credible sources within Nigeria's intelligence community who comprised top investigators and surveillance operatives expressed concern over the lack of proactive action by the government to tame the danger which is said to be at the instance of certain interests in Nigeria gave the warning. They identified the Federal Capital Territory, Niger, Kaduna, Kano, Nasarawa, Plateau and Benue States as being at high risk. They gave as reasons such as the murder on 29<sup>th</sup> May 2016, in Niger State of a 24-year old man and three security personnel, the killing of a pastor's wife in Kano on 2<sup>nd</sup> June 2016, the attack of a man in Kaduna over eating during the fasting period on 9<sup>th</sup> June 2016. The killing by attackers suspected to be Fulani herdsmen of a clergyman of the Evangelical Church Winning All (ECWA) Reverend Zakariya in Obi LGA of Nasarawa State and a female preacher in Abuja on 9<sup>th</sup> July, 2016 to mention but a few. In what has been tagged a "religious hatred-motivated murder, Obalonye, Itua and Obasi (2016) state that in the wake of the cold-blooded murder of Mrs. Eunice Olawale, a pastor of the Redeemed Christian Church of God (RCCG) while she was preaching around Gbazango-West area of Kubwa in the Bwari Area Council of the Federal Capital Territory (FCT) on Saturday 9<sup>th</sup> July, 2016, the leadership of the Christian Association of Nigeria (CAN) has charged Christians across the country to defend themselves against any form of attacks just as they describe Nigeria

as dancing a macabre dance of death both for the nation and for its citizens. CAN threatened that it could no longer fold its hands while Christians were daily hacked to death (p.6).

When the estimates of human, financial and economic resources are considered, it is certain that the effects of jihad and sharia are unquantifiable. The implication is that the sanctity of life has lost its mystique and the essence of human life is swallowed up by religious violence that stokes the various arson and killings. This ugly development has ran contrary to Section (33) subsection (1) of the 1999 Nigerian Constitution as amended in (2011) which says, “every person has a right to life and no one shall be deprived intentionally of his, save in execution of a sentence of a court in respect to criminal offence of which he has been found guilty in Nigeria” (p.38). In this regard Blackmar (2001) warns that,

The effect of war in depopulating countries has proved a detriment to civilization by disturbing economic and social development and by destroying thousands of lives. Looking back over the track which the human race has made in its persistent advance, it is easy to see that the ravages of war are terrible. While ethical considerations have entered into warfare and made its effects less terrible, it still is [sic] deplorable. It is not a necessity to modern civilization for the development of intellectual or physical strength, nor for the development of either patriotism or courage. Modern warfare is a relic of barbarism, and the sooner we can avoid it the better. Social progress means the checking of war in every way and the development of the arts of peace. (p.125)

We are living in a world where jihad, radicalism and fundamentalism make the news every day through suicide bombings, wars, terrorism, injustice and reckless violence in the name of God. The Nigerian version of the movement has gone beyond religion; therefore, it has become irrational, retrogressive, offensive, divisive and destructive and has grown into ethnic cleansing. These events silence conscience, breed series of persecution, promote the abuse of Human Rights and inflict pitiable injustice on the poor and innocent people. Economically, many sources of livelihood to the people have been adroitly shattered. According to Elendu and

Oluwole (2012), property worth billions of naira have been lost in the religious uprisings and about sixty thousand lives have been lost so far-a record generally agreed to be massively under-reported. People who are seriously relocating to other parts of the country are losing their hard-earned property to another section of the country or disposing them of their belongings. This situation has terribly cast aspersion on the 1999 Constitution of the Federal Republic of Nigeria as amended in (2011) Section (43) that provides that “every citizen of Nigeria shall have the right to acquire and own immovable property anywhere in Nigeria” (p.46). Hence, a Yoruba, Hausa or Igbo person’s property will be well secured in foreign countries such as Zambia, Ghana and Dubai while those who acquire properties in states such as Adamawa, Yobe, Kano, Bornu, Abia, Lagos and other states in Nigeria are stolen, destroyed and vandalized. In this instance, there is little or no hope for any country or society where these types of challenges are going on.

### **1.3 Purpose of the Study:**

Almost everything in this life is driven by a purpose and aim. Therefore, the study is aimed at the following:

One of the major challenges in Nigeria and perhaps in other global circles, is that there is a high level of suspicions among the multi religious and cultural components of the country. Many people are ready to suspect every action and inaction taken by others. Hence the concept of jihads is often seen from the lenses of the quests for killings, looting and other negativities. Therefore, this study will try to create objective awareness with critical insights into the concepts of *jihadism* and the unbridled quests for the implementation of sharia in Nigeria.

Wars, crises or conflicts hardly occur by accidents. According to Aghamelu and Udumaga (2016), conflict is a universal feature of human society. It takes its origins in economic differentiations, social change, cultural formation, psychological development and political

organization all of which are inherently conflictual and becomes overt through the formation of conflict parties which come to have or are perceived to have mutually incompatible goal (p.138). There are factors that laid the foundation for the remote and immediate causes of every war. Arguably, until the factors that cause the war are analyzed and lessons learnt, there is the possibility that wars will keep reoccurring. In that case, the study shall investigate the causes of the 1804 Usman dan Fodio's Jihad and the incessant quests for the implementation of sharia in Nigeria.

The concepts of war and peace are not new to man. Many people have different views on the idea of war. There are many people, schools of thought and groups who believe that the sure way to peace is the path of war. For example, Igwe (as cited by Aja 2008) argues that wars have liberated people from alien powers, freed underlings from the evil clutches of local tyrants and established system of justice and equality in the place of a cruel and impious social order (p.20). But Nmah (2012) stresses that war in most African countries has pauperized many people, communities and nations because, to organize a war involves both human and material resources. He argues that war affects the economic conditions of these countries involved in warfare. The study aims at articulating the dangers and challenges of the 1804 Usman dan Fodio's jihad to the multi-cultural and religious Nigerian state.

It is a truism that the only thing constant in life is change. Change is synonymous with life. It could account for why nothing lasts the same forever. For example, when a person is borne, the person is bound to experience changes if did not occur in the names, ideas or mission of the individual, it must occur in his/her size, stature and status. While most of these changes are not positive, others are desirable. This same change also caught up with the 1804 Usman dan Fodio's jihad. It is in this context that the study seeks to investigate the unwanted changes in the

forms of names, nomenclatures, measures and patterns which the 1804 Usman dan Fodio's jihad had taken in Nigeria.

To an average non Islamic adherent who heard the terms "jihad or sharia" will likely believe that they are instruments of violence, war, crises and crises. Many are not well informed of some of the impacts these religious concepts have made to the human history. Even though, their impacts have been controversial, the undeniable fact is that whatever carries negativity has a way of indirectly contributing to some positivity to mankind. In view of this fact, the study seeks To highlight the social, spiritual, physical and national impacts of "Jihadism" and Sharia implementation on the pluralistic Nigerian society.

Arguably, leadership in any multi religious and ethnic society is often faced with the herculean task of how to ensure that there are mutual understanding, cooperation, unity, peace, equity, justice and carrying along everybody. Many thinkers and analysts are of the view that religion has caused more division and other negative tendencies. Even though he subscribes to some negative activities of religion in a multi religious and ethnic society, Kaigama (2006) avers that religion has equally played the roles of brotherly love among diverse people, unity and social developments in many societies including Nigeria (pp 6-7). It is in the light of this unitary and developmental roles of religion that this research work seeks to proffer ways in which religion can help restore and actualize the dreams of upholding and sustaining the "One-Nigerian Project".

Historically, at the end of the 1804 jihad, Usman dan Fodio introduced sharia in the ancient Hausa land and it was not abolished but modified at the amalgamation of Nigeria in 1914. The modified version continued to be in operation in the northern Nigeria. In 1980, a

group of Islamic adherents under the leadership Muhammad Marwa with their jihadist activities initiated another move for the implementation of sharia. At the restoration of civilian rule in 1999, Ahmed Sanni Yerima introduced another version of Sharia in Zamfara state which was later variedly copied by other northern Governors. After huge loss of lives and properties for about five years, the heat of the introduction seemed to have quieted down. Around 2009, another group of Islamic militias came up with other quests for the implementation of another version of sharia in Nigeria. All these repeated agitations show that many things are not rightly observed in these incessant quests. Therefore, the study seeks to suggest possible means of addressing the incessant demand for the implementation of sharia and jihad in Nigeria.

#### **1.4. Significance of the Study**

The following categories of people are expected to benefit immensely from this study. It will serve as good and useful research materials to scholars who might in the future desire to embark on similar study. This is because, most times, many researchers are bereft of requisite materials and information that can enhance their studies.

All the religious leaders and their adherents will also find this research very beneficial. This is because many scholars have attributed the unwanted rise of religious-induced violence especially in places like Nigeria to the inability of the religious leaders and the adherents to grasp lofty and sophisticated teachings and injunctions of the religious texts which have in the course of centuries been subjected to systematic analyses and interpretations. Therefore, the religious leaders with their followers will find this study very beneficial in understanding the peacefulness and lovely roles of religions to human being and its subsequent applications.

Many of our educational institutions irrespective of their levels will as well find this study useful. This takes cognizance of the fact that qualitative and affordable education is the heart and foundation of any progressive nation because it is a place for good character formation. Therefore, this study will be of help in imparting morals and knowledge to pupils and students as well.

Government owned organizations like National Orientation Agency (NOA) will appreciate this research especially now that the government is beclouded with incessant socio-religious crises. The crises have caused the leaders of thought to clamor for global peace, national cohesion, unity, progress and tolerance. Militant religious fundamentalists, insurgents, political scientists and opinion leaders will find the research thought provoking which create proper understanding thereby ensuring peace in the country.

Finally, every right-minded person in Nigeria and anywhere will definitely find this research profitable. This is because any society that adheres to truth, transparency, sincerity of purpose and issue based ideologies will minimally allow religious intolerance. When religious tolerance is inculcated, meaningful development and general growth will be achieved. Unarguably, it is an undeniable fact that no society can survive without peace which is supposed to be the product of religion.

### **1.5. Scope of the Study**

The study covers the Islamic doctrine of jihad with special emphasis on the 1804 Usman dan Fodio's jihad and the implementation of sharia in a multi-religious cultural society like Nigeria with more emphases on the controversial moves to enthrone sharia in the Nigerian fourth Republic. The Nigerian state where these issues took place can be understood in the opinion of Akani (1999) as a country where five hundred and ten (510) languages are spoken, people of



different persuasions, religions, languages, cultural backgrounds and socio-economic areas (p.61). According to the African Encyclopedia (1967), Nigeria has an area of about 924000 km<sup>2</sup>, with the largest population in Africa (p.367). Geographically, in the view of Udo (1984), Nigeria lies between latitudes and longitudes of 40N and 140N-150E and 30E. It is located within the Equator and the Tropic of Cancer. The latitude of Nigeria falls within the tropical and bounded in the North by the Sahara desert and in the South by the Gulf of Guinea-an arm of the Atlantic Ocean (p.1).

Meek (1925) posits that Nigeria is a name given by Flora Shaw, who later became the wife of Lord Lugard, the first Nigerian Colonial Governor-General (p.59). Before the amalgamation, Nigerians lived to some degree independently of others as there was an early contact mostly through trade but in 1914, these independent entities were amalgamated into one country. Between 1914 and 1946, the country operated on the Southern and Northern Protectorate basis, 1946 and 1967, the country was grouped on the regional basis while between 1967 and 2011; the country has been divided into thirty-six States with a Federal Capital Territory, seven hundred and seventy-four Local Governments Areas and six geopolitical zones.

## **1.6. Methodology**

In order to make the study very educative, informative and academically sound, the primary and secondary sources were employed in gathering data for the work. The primary sources include personal communication with some religious leaders and scholars in some universities from the northern part of Nigeria. The study in the employment of the secondary sources consults and reviews good number of books, journals and newspapers.

In analyzing the data and findings of the work, the study adopts the Functionalist Interactionism and Conflict theories as well as Historical approach. According to Pals (1996), Functionalist theory is developed by many thinkers such as Durkheim, Weber and Karl Marx. For instance, Karl Marx argues that religion is like other social institutions because it is dependent upon the material and economic realities in a given society (p.157). Functionalist theory stresses the interdependence of the patterns and institutions of a society with their interactions in maintaining cultural and social unity. Just like the functionalist theory, interactionist theory is a useful social theory which Crossman (2016) said to be a major framework of sociological theory because people develop and rely upon it in the process of social interactions (p.13). Ahamefula and Nnajieta (2005) state that interactionism is largely influenced by the works of early sociologists and philosophers such as George Simmel, Charles Cooley, George Herbert Mead and Erving Goffman. Therefore, interactionism is a theoretical perspective that derives social processes such as conflict, cooperation and identity formation from human interaction (p.14). Barret (1991) asserts that Conflict theory has strong affiliation with Karl Marx, who sees religion as an illusion that eases the pain produced by exploitation and oppression. He sees religion as series of myths that justify and legitimize subordination of the subject class and the domination and privilege of the ruling class. The Conflict theory states that society or an organization functions so that each individual participant and its groups struggle to maximize their benefits which inevitably contribute to social change (p.13). Ani (2012) avers that conflict manifests as products of interactions amongst human beings and groups (p.158). This theory shows that conflict is often generated by the quest to protect one's identity and interest.

Madu (2002) describes Historical approach as an approach that asks question about what was. Thus from the basic question, the historical approach seeks to make an excursus into the past to know how religion originated, its founder, circumstances that favoured the spread, doctrine and liturgy. From the past, the present situation of religion is evaluated and future projection can be made (p.148). Nze (2009) said that historical approach emphasizes the systemic collection and objective evaluation of data related to the past occurrences in order to test hypothesis concerning causes, effects or trends of these events that may help explain events and anticipate future events (p.83). Ejizu (2013) avers that historical approach is essentially diachronic in nature, as it assists the students' attempts to contextualize belief; practices, object, institution in space and time and to unfold their dynamic evolution of realities over time and space (p.25). Therefore, these methodologies make strong statement in understanding the unwanted metamorphoses of 1804 Usman dan Fodio's jihad and sharia implementation in the Nigerian state.

This study may not begin the discourse on religious violence anew, but only recognizes the fact that as a recurrent phenomenon it is worth being explored further. One acknowledges that a study of this nature can best be substantiated by a practical field experience since it spanned across the country. That is why in this study, efforts were made to analyze the retrogressive activities of religious fundamentalism, violence, killings, crises and insurgency orchestrated by jihadists and sharia promoters in Nigeria.

## CHAPTER TWO

### LITERATURE REVIEW

In this section, the study reviews some scholarly works in this area. It will articulate overviews of what scholars have said, who the key writers are and the prevailing hypotheses or theories they used. This will be done under the conceptual, theoretical and empirical studies on the subject matter of the study.

#### 2.1. Conceptual Framework

At this point, effort was made to articulate the conceptual (elucidated meaning) and historical derivations of unwanted, metamorphoses, jihad and sharia. The idea is to organize and distinguish the concepts employed in the analyses of unwanted, metamorphoses, jihad and sharia. An adequate understanding of wider meanings of these concepts would further reveal the need for specific characterizations in the study of these concepts.

#### **Unwanted**

The term, “Unwanted” is an adjective form of some negative words such as needless, unnecessary and according to the Hornby (2010), “Unwanted” is defined as “not wanted” (p.1638). It means anything that is not desired, wished, not needed, irrelevant and generally not beneficial and needful. Nathanson and Berg (2012) describe “Unwanted” as originally culled from the excessive sound that can have deleterious effects on human health and environmental. The unwanted noise pollution is commonly generated inside many industrial facilities and some other workplaces, from highway, railway, airplane traffic and outdoor construction activities (p.23). Balinsky (2014) affirms that the concept of “Unwanted” is also connected with symptoms

expressed in the limbs and trunk which may indicate neurological diseases such as weakness and wasting of muscles, clumsiness and unwanted movements (p.2). In other words, unwanted means anything that weakens and destroys any other thing—mostly things that are desirable, loved, cherished, helpful and in a nutshell, any positive something. In the context of this research work, the term “unwanted” is used in the negative dimensions to analyze the deadly activities of some groups that spring up at the inspiration of Usman dan Fodio’s 1804 jihad unleashed against the Nigerian state.

### **Metamorphosis**

Lapedes (1976) sees “metamorphoses” as the plural form of the word “metamorphosis” which means “a marked structural change” (p.78). Encarta (1999) maintains that metamorphoses means changes in physical form, a complete or marked change of physical form, structure or substance, change of appearance or character (p.1188). Etymologically, according to Shorter (2002), metamorphoses is derived from the Latin words but originally from the two Greek terms: *meta* meaning *trans* and *morphoun* meaning *form* and when the two words are added together, they mean transformation or the process of changing in form, shape and substance (p.382). “Metamorphoses”—the plural word of metamorphosis is defined by Butani (2006) as “marked change of something, form or abrupt transition of one stage of life cycle into another which some living beings undergo during their growth (p.45). The New Britannica (2006) defines “metamorphoses” as a striking change of form or structure in an individual after hatching or birth (p.568).

But Wigglesworth (1966) avers that it is almost generally agreed that insect metamorphosis evolved as adult insects gradually adopted different modes of life from those of larvae. The characters of larva and adult became genetically independent and in response to

natural selection, each was able to evolve independently of the other. It seems quite probable that the development of metamorphosis occurred more than once during the evolution of insects. Insects did not evolve in a constant environment. Throughout geological time, there were prodigious changes in climate; in addition, evolution was continuous among all other animals and plants. Geologically the selection pressures among insects were changing continuously. Evolution is occurring among present-day insects. Changes within a species may occur progressively over a large geographical area. Such a progressive genetic change is termed a “cline” and in some cases, insects at the extremes of the cline are so unlike that they are taken as separate species and may be infertile when crossed (pp.23-34).

Balinsky (2014) maintains that metamorphosis is the transformation of the larva into an adult. It is more or less a complicated process depending on the degree of difference between the two forms. The transformation may be gradual, extend over a long period and involve a number of intermediate stages. A good illustration of the distinction between gradual and abrupt metamorphosis occurs among the insects (p.21). Therefore, metamorphosis is all about the gradual growth of something which often takes different shapes, forms, names, sizes, structures but the same mission to accomplish. For the sake of this study, the term “metamorphoses” denotes the changes in names, nomenclatures, forms, designs, dimensions and moves which some groups and movements that took after Usman dan Fodio’s 1804 jihad have taken. It is used in this study to highlight the newer names these movements have taken even when the mission is still the same.

## **Jihad**

No Islamic principle has invoked debates today more often than Jihad and Sharia. The duo is often understood as the very heart of contemporary radical Islamist ideology. Therefore, in order to have adequate understanding on these issues, it is pertinent to cruise past some authorities on jihad and sharia. Etymologically, according to Ayatullah (1984), jihad is an Arabic word meaning different things but basically imply to strive, to struggle and the use of force in the defence of Islam and its propagation as applied in the Quran (p.39). Ali (1986) posits that jihad is a tool of fighting for survival hence that among the Arabs, raiding was a means of freeing oneself from want (p.63). Nzomiwu (1989) traces this tool of fighting for survival (jihad) to Medina when Mohammad welded his followers together into a vital community and a military power and united the *Umma* into a coherent politico-religious group. However, Mohammad was faced with economic problems of how to adequately settle the *Muhajirin* (the Meccan emigrants) in spite of the goodwill of *Ansars*. Amidst this situation, these emigrants were reduced to extreme needs of adequate shelter, food, employment among others necessary needs of human beings. In a bid to survive that harsh situation, most of them took to doing menial jobs for the people of Medina. But because the people of Mecca lived on the caravan trade between Yemen and Syria, Mohammad and his people could not do any of the agricultural jobs needed in Medina at that time. It got to a point that weeks could pass without Mohammad and his family lightening fire because they had nothing to cook. Many people in Medina were not happy with the arrival of Mohammad to their land especially seeing him become a master at the place. Then they agreed that something drastic must be done and the Koriesh group was in the forefront of this move (pp.19-20).

In historicizing and situating the concept of jihad within the Arabia, Copper and Maxwell (2003) note that there was a great corpus of pre-Islamic poetry which may serve as a clearer and extensive source of information about Arabia on the eve of Islam. Some of the poetries were devoted entirely to the joys and travails of fighting, especially in the poems collected afterwards under the rubric of *hamasa* known as “valor” (p.136). Nzomiwu (1989) again states that the practice was so common that the Arabs had a mutual agreement which made raiding unlawful during certain months of the year. This was done so as to allow the caravan travel safely during these months. Mohammad sent out a small patrol in the holy month of Radjab to spy on a caravans bound for Mecca. In a letter which he gave to the military leader of the group, Mohammad left the idea of attacking the caravan at the discretion of the leader. But as the leader of the patrol, Abudullah Ibn Jahsh suddenly came upon some Koriesh travelers at Nakhla, he successfully captured the caravans and returned to Medina with its rich booty. The leader of the caravan, Amr bin Hazarmi fell into the skirmish and that engagement created a storm of protest in Medina because Mohammed and his followers have violated the sacred truce. In response, Mohammad calmed them down by stating that “sedition was a greater sin than slaughter” Nzomiwu continues,

The expedition was so successful that when Mohammad announced another raids in the month of Ramadan in 623A.D. he did not only secure the services of the Muhajirun but also the Ansar applied to join in the war. Other battles that were fought by Mohammad and his group which some of them are often remembered historically as: the battle of Badr (A.D. 624) where he fought with 314 men, 70 camels and two horses against the Meccan mercenaries comprising one hundred horsemen, seven and fifty camel riders with sophisticated weapons of swords, spears, bows and arrows. (pp.19-21)

Kilani (1997) states that the following year, Mohammad and his group engaged in another war-the battle of Uhud without success (A.D. 625). He had an unsuccessful one in A.D 627 at Ditch (Khandaq) leading to the Treaty of Hudaibiyah A.D.628. Mecca was conquered in A.D. 630. At his death, other caliphs after him continued with the struggles. For example, Caliph



Abu Bakr fought the battles of Yamamah in December, 632 and January 633 to make sure the people were subjugated. Having secured the internal stability, he devoted himself to external affairs. He announced a programme of expansion especially to the north (pp.29-30). Wendy (1999) defines jihad as fighting or striving—a key doctrine which calls upon Islamic believers to devote themselves to combating the enemies of the Islamic religion. These enemies can be both human and psychological. Therefore, it is an obligation of a Muslim even if it means sacrificing one's own material comforts and life (p.1234).

At the death of Prophet Mohammad in 632, Ergun (2002) notes that in 633 and 634 Abu Bakar, a father-in-law to Mohammad, became the Caliph and successor to Mohammad. The intimate companionship he had with Mohammad enabled him carry out offensive jihad achieving three main goals. These goals include; Islam secured the Arabian Peninsula, Mohammad's message was eternally preserved through the first written version of the Quran and a conquest to fulfill Mohammad's commands that: "no two religions are to exist in the Arab peninsula" (It could be said to be the foundation of the notion of religious exclusivity in Islam). The second caliph, Umar took the mantle of the war and extended Muslim Empire. He overran Hira and Syria and defeated the Byzantine Empire (p.68).

Many scholars are of the view that *jihad* as an Arabic word that has a number of meanings. In that case, Doi (1984) posits that there are other Arabic words that are closely related to Jihad and they include *ribat*, which implies pious activity, warfare and in many contexts, it seems to constitute a defensive aspect of activity rather than offensive activity. *Ribat* also refers to a type of building where this sort of defensive warfare can take place: a fortified place where garrisons of volunteers reside for extended periods of time while holding Islamic territory against the enemy (p.437). Clarke and Laden (1982) and Firestone (2002) identify the

use of other terms such as *ghazwa* and *ghaza* which have to do with raiding and *Qital* meaning “fighting,” though at times the latter conveys something similar to jihad. The other is *harb* which means “war” or “fighting” (p.101). Ergun (2002) maintains that the Arabic word Jihad is often translated as “holy war” but in a purely linguistic sense, the “word” Jihad means struggling or striving. The Arabic word for war is *al-harb* and in a religious sense, as described by the Quran and teachings of the Prophet Muhammad, Jihad has many meanings (p.106). Bonner (2006) posits that the Arabic word *jihad* does not mean “holy war” or “just war” rather it literally means “striving”. When followed by the modifying phrase *fisabil* Allah meaning “in the path of God,” or when, as often used, the phrase jihad has the specific sense of fighting for the sake of God (p.83). In view of these complex meanings, the classification of jihad is needful.

Furthermore, Doi (1984) highlights the classification of jihad from the point when Prophet Mohammed told his followers as they were returning from a military campaign: “This day, we have returned from the minor jihad to the major jihad,” which he later meant to be returning from armed battle different from the peaceful battle for self-control. There exists also the external and internal Jihad and most accounts of the jihad agree that it has both an external and an internal aspect. The external jihad is an activity in the world, involving physical combat against real enemies. The internal jihad, sometimes called the “greater jihad,” is a struggle against the self, in which adherents should suppress their own base desires, purify themselves and then rise to the contemplation of higher truth. He posits that there is the real jihad and mere fighting-because in the Hadith as well as in some other sources, a distinction is often made between militant activities usually called jihad and *ribat* which implies “pious activity”. He said that some people act in accordance with jihad while others fight only for the sake of worldly things such as glory, plunder and power. He argues that this warfare may be holy when it fulfills

religious objectives of protecting and where possible, expanding Islamic community. On the other hand, there can be the individuals who volunteer to participate in this activity and these ones are carrying out divine commands. They receive a religious reward for their activity and their motivation is often a source of concern (pp.443-444). Ayatullah (1984) affirms that jihad could be collective or individual and this is a central issue in the classical doctrine of jihad. It is central because it corresponded to the real problems that confronted Islamic governments, rulers and military commanders together with a wide array of individuals who in their quests for salvation and religious merit have become involved in the activities of the Jihad. This warfare requires resources and organization on a scale that only the state can provide. There exists also the intra denominational jihad (p.54). Bonner (2006) concurs with Nzomiwu (1989) and classified jihad into various categories, types and kinds but they agree with this basic or popular four kinds of jihad and they are “Jihad by the heart; Jihad by the tongue; Jihad by the hand and Jihad by the sword. The “jihad of the heart” denotes struggle against one’s own sinful inclinations. The “jihad of the tongue” requires speaking on behalf of what is good and forbidding what is evil. The “jihad of the sword” (*al-saif*) -known as “the struggle of the sword” and it is often referred to simply as *Jihad*. Balogun (2001) argues that there is one form of Jihad that is usually overlooked in today’s pursuit of newsworthy headlines (pp.67-78). Akintola (2001) describes the overlooked jihad as the jihad of presenting the message of Islam known as *dawah* (p.7).

Ayuttallah (1984) identifies the following as the features of Jihad: Defence-this means that it is duty bound on Muslims to defend the existence and sanctity of Islam against the enemies whose aim is to demolish Islam and replace it with Christianity, Judaism, Magianism and host of other non-Islamic religions. Propagation-it is the duty of every Muslim to carry the

message of Islam to all unbelievers wherever they are and win them over. Resistance: it means fighting against the enemies who transgress on the life and property of Muslims. To highlight more on the significance of jihad in Islam, he argues that there are decisive and powerful tones of the records of four hundred and four (404) verses of Jihad in the Quran. He asserts that their threat and deliberate emphasis are indicative of the unique importance and significance of jihad (p.43).

Doi (1984) avers that similar to *hijra*, jihad is a perpetual obligation on Muslims as long as there are domains of evil from which a Muslim is obliged to perform *hijra*, jihad will remain obligatory. Polytheism, being an enemy which must be completely uprooted because it is equated with oppression, also received a vehement opposition in Islam. The struggle should not merely seek to sweep the polytheists from power but should establish the rule of Islam. Thus Muslims should carry on with their struggle “until there is no war with the polytheists because their power has gone and until “nobody except Muslims or those in covenant with Muslims are left in the land” (p.438). Ayutullah (1984) affirms that whenever the monotheistic became powerful and felt capable of overpowering their enemies, Islam should take up arms in order to achieve the goals of divine prophet, to the level of true knowledge of God and to remove all barriers from its way. It aims at a situation in which ‘all religions must perish except Islam’. It means that Muslims are obliged to continue to put pressure upon unbelievers until their false life is weakened beyond recovery and to defend Islam against the inroads of corruption and disorder (p.41). Audu (2011) argues that the closest warrant for any religiously motivated violence in Islam is implied in the teaching about jihad. The concept of jihad has been employed since the establishment of Islam by Prophet Mohammad to mean both a struggle for personal salvation as

well as political redemption. It is sometimes referred to as the sixth pillar of Islam especially among the Shiites (p.96).

Apart from all these goals, there is another aim and desire for a paradise. This “paradise” according to Ergun (2002), is a place where there are many virgins with abundance of feasting waiting for all the martyrs. Mohammed himself said that he had looked at the paradise and saw rivers flowing underneath rivers of honey, milk and wine containing varieties of fruits in which believers were swimming as well as drinking. The palaces were made of crystal, sapphire and diamond with seventy couches made of gold and emerald on which lay virgins untouched by any man prepared for the bridegrooms. When his disciples heard it they asked him, whether sexual intercourse was permitted in heaven. Were there female angels whom God had prepared for that purpose? “Oh messenger of god, do we have sexual intercourse in paradise?” Mohammed replied in extravagant words indicating the intensity and total preoccupation with sexual expression. He added, “There is no bachelor in paradise” when another asked him how one man could have strength to be (intimate with) seventy girls in one day, he responded, “He would be given the strength of one hundred men!” Ergun however itemizes other features of Jihad to include that it requires that scales are balanced, required the pledge of life, it is required for those within the *fatwa*, it encouraged fighting to death and it is the highest call of life (pp.192-195).

Balogun (2001) submits that the foundation of jihad is *da’wah*-Islamic propagation which means a constant and continuous striving in the way of God (p.78). It can then be argued that Islamic jihad is not a tool for a forced conversion and there may be no debate about the fact that the pre-Islamic Arabia was a misguided society dominated by tribalism and a blind obedience to customs. In contrast, the clarity of Islam and its emphasis on reason and rational

proofs excluded any need to impose it by force. There are some verses from the Quran that strictly oppose the use of compulsion in religious faith.

Similarly, Kabbani and Hendricks (2009) agree with Olagunju (1993) that an Islamic scholar, Ibn Nujaym, taught, “it is not permitted for there to be more than one state leader at a time. There may be many judges in one state or community but the leader should be one.” Another reputable scholar Al-Bahjouri said “it is an obligation to obey the leader even if he is not fair or trustworthy or even if he committed sins or mistakes”. The account of Hudhaifa bin al-Yaman as narrated in the Hadith thus:

The Prophet said, ‘there will be after me leaders who do not follow my guidance and do not follow my sunna, and there will be among them men whose hearts are like those of satan in the body of a human being.’ And I asked the Prophet (saws), ‘What I should do at that time if I reach it?’ He said, ‘listen and obey the ruler, even if he lashed your back and took your money, listen and obey (pp.45-76).

Abbas (2000) asserts that Bukhari and Muslim narratives from Abdullah ibn al-Abbas says, “if someone dislikes his ruler, he must be patient, because if he comes against the ruler in a rebellious or destructive manner by only a handspan and dies, he dies in a state of pre-Islamic ignorance (jahiliyyah) and sin” (p.18). These accounts are clear evidences that whoever lives under a particular government must obey the ruler and live peacefully. Adherents are prohibited from taking up arms against their rulers. Uprising or violence by any group against the ruler is completely rejected and was prohibited by the Prophet. According to Abubakar (1999), Usman dan Fodio adopted the same measure when he reminded the vassal emirs that they must obey constituted authority (p.325).

Meanwhile, the Quran did not foreclose the avenues of ensuring peace even in the midst of jihads. According to Doi (1984), Mohammad said after he had established the Islamic state in

Medina that no single group can autonomously declare war, fight or can any one group make peace by itself but the entire Muslim nation must make peace. A peace treaty can be made by the nations' leader and all subjects of the nation are bound by that decision, regardless of whether the leader was appointed or elected (p.446).

Doi (1984) said that the conditions for jihad involving armed struggle are clearly specified in the Quran. The picture that emerges hitherto is that the command to fight should be given in relation to specific conditions. Thus, the declaration of war should not be an arbitrary act (p.448). Ergun (2002) notes that a further implication as the Hanafi School argues is that war should be declared by the Prophet as the head of the Islamic nation and as such no one else can legitimately declare Jihad except a ruler who is head of an Islamic state. The duty lies squarely with the religious/political leadership to determine whether the conditions for Jihad exist and to give the appropriate judgment. In Islamic religion, the rulers and the Imams are completely answerable to Allah, the Islamic community and their legal apparatus. Similarly, they have the power to ratify peace treaties if they are consistent with the interests of the Muslims (p.186).

Nevertheless, Ayutullah (1984) asserts that if military jihad is required to protect the faith against others, it can be performed using anything from legal, diplomatic and economic to political means. If there is no peaceful alternative, Islam also allows the use of force but there are strict rules of engagement (p.39). Zeidan (2003) affirms that the position of the law is that only at such a time when it can be reasonably proven that there are aggressive designs against Islam and there are concerted efforts to eject Muslims from their legally acquired property, then military campaigns can be launched to eradicate the enemies. At such a time, the ruler can declare and execute the provisions of Jihad and it is not permissible for them to fight without an Imam's pronouncements" (p.88). In the same way, Audu (2011) states that while there have been

*mujtahids* (Islamic scholars) like Khan, who argued that jihad is not supposed to include aggressive warfare, he observes that many others have used it to legitimize violence.

Nevertheless, he maintains that

The concept of jihad which means “struggle in the path of God” allows some form of violence only under the following conditions: When Muslims are not allowed to practice their faith, that is, when freedom of religion is threatened. When people are oppressed or subjugated, when people’s land is forcibly taken from them. In these circumstances, as can be deduced, Islam allows a range of responses such as one can forgive the oppressors or one can respond with force. (p.97)

Sulaiman (1986) posits that the duty to undertake jihad revolves around the person of the Commander of the Faithful but if there is none, then on the community as a whole can initiate it (p.88). Regarding the eligibility of the fighter, Doi (1984) maintains that those that should fight in the war must be Muslims, males, sane, somebody who have reached puberty and a man who has sufficient means to maintain his family until he returns from Jihad. A blind man, an old man, non Muslim, sick person and women should not engage in Jihad though women can render their services in the course of jihad by giving water to the warriors, bandaging and nursing the wounded ones (p.442). Ergun (2002) states that another condition, methods and yardsticks for conscription in the event of jihad being declared. The conditions are: it has to be confined to young men, it has to be people with sound health and on the condition that they must have their parental permission to engage in combat. There is an exception to these conditions and it has to do with a situation where enemies have already entered the borders of a Muslim state and at that point jihad becomes unconditionally incumbent on every able man. He affirms that the rules of engagement in jihad stipulates that the innocents-such as women, children or invalid men and those who care for the elderly- must never be harmed and any peaceful overtures from the enemy must be accepted (pp.88-104).



Abdalati (1977) believes that the semantic meaning of the Arabic term *jihad* has no relation to holy war or even war (p.153). Esposito (1998) affirms that jihad literally means “struggle” and specifically a means to improve oneself or society or to do the will of God which may not necessarily be for religious reasons (p.93). Contrastingly, Sulaiman (1986) points out that jihad is an actual armed struggle but in its wider sense it embraces the spiritual struggle of a person against the promptings and insinuations of the devil and other social evil (p.109). This is where jihad is raising serious unwanted controversies. While Muhammad is not to be worshiped in Islam, he is certainly a model. His actions represent what a good human being and spiritual leader should be. If these actions are critically and objectively looked into, it means that the double tones of the Quran needs further and mature explanations. Jihad can then be described as all manner of wars undertaken by Muslims in the name of defending the cause of Allah. Similarly, Usman dan Fodio’s 1804 jihad in the view of Kukah (1993) is a war launched with the aim of establishing Islamic state based on sharia (p.115). Nwanaju (2008) agrees that one of the characteristics of the early jihads was the consolidation of Islam by the rigid enforcement of the law and the strengthening of the Sufi orders (p.59). Jihad therefore is all about a complex Islamic war launch for various aims and reasons but it often carries religious colouration. Doi (1984) has earlier submitted that it was when Mohammed ran away with his companions from Mecca to Medina that the quranic verses about jihad were revealed to the Prophet. This was because the enemies did not want them to know peace at Medina in spite of the fact that they have ran away from them (p.438). Murky (2006) notes that Mohammad and his group saw raids as a retaliatory measure against their sufferings in exile just as they had lost their property to the Koriesh in Mecca (p.145). Sulaiman (1986) sums jihad thus,

Jihad is an actual armed struggle, but in its wider sense it embraces the spiritual struggle of a person against the promptings and insinuations of the devil; a person’s protest

against corruption, injustice and evil in society; a leader's war against evil, or corruption or disorder in society aimed at reform and justice; and even the hatred which a person nurses in his heart towards unbelief or corruption, when he is too weak to raise an armed revolt. Jihad is an ideological war between a believer and an unbeliever, or between a Muslim nation and an unbelieving power, with the sole purpose, from the Muslim's perspective, of either preserving the order of Islam or establishing it. (pp.89-104)

In view of this study, the concept of "jihad" though highly controversial, is used as the struggles or conflicts undertaken by some vested material interest leaders, Islamic adherents and some groups that have been inspired by Usman dan Fodio's jihad against the Nigerian state.

## **Sharia**

Just like jihad, Gibb and Kramer (1953) aver that Sharia is "the road to the watering place, the clear path to be followed and being a technical term, it can be known as the canon law of Islam" (p.524). According to Clarke (1982), it is described as the golden age of Islam because the caliphs were the "rightly guided Caliphs". These political-religious rulers known as caliphs continued to develop Islamic law with their own pronouncements and decisions (p.7). Ali (1986) asserts that the historical derivative of sharia could be traced to the life and actions of Prophet Mohammed. This is because before Islam, the nomadic tribes inhabiting the Arabian Peninsula worshiped idols. These tribes frequently fought with one another. Each tribe had its own customs governing every of its activity and living ranging from marriage, hospitality and revenge. Crimes against persons were answered with personal retribution or sometimes resolved by an arbitrator and Muhammad introduced a new religion into this chaotic world (p.59). But following Muhammad's death in A.D. 632, his companions ruled Arabia for about thirty years. It is the law of Allah as given to Mohammad. Aziz-Us-Samad (n.d.) defines "Sharia" as the law founded on the words of Allah as revealed through Angel Gabriel in the Quran and traditions (Hadith) gathered from the life of Prophet Mohammad. "Sharia" therefore, from this idea or account is a

path which every Muslim must go in order to worship Allah as it governs every facet of a Muslim's life. There are two basic sources to the Sharia and they include the precepts set forth in the Quran and the example set by the Muhammad in the Sunna (p.129). Etymologically, according to Wendy (1999), sharia is derived from the Arabic word meaning "the way or the path". It is known to many students of Islamic religion as the divine ordinance or legal system given by Allah to all Muslims for their well-being in this world and the system that one receives the mercy of the creator hereafter (p.1348). Nwanaju (2008) defines sharia as that law which defines crimes and punishments, regulates contractual relationship and provides guidance as well as a legal framework for relationships with non-Muslims within its jurisdiction and relations with societies and states beyond its jurisdiction (p.199).

Meanwhile, Doi (1984) agrees that Sharia is an Arabic word meaning "path to be followed and it is the path that does not only lead to Allah the Most High but the path believed by all Muslims to be the path shown by Allah the Creator Himself" (p.1). According to Kassis (1983), the word "sharia" just like the jihad is found in the Quran (5:48; 45:18). The three-letter root of Sharia is "sh-r" and its verb form can mean among other things, "to lay down law, to ordain and to enact a law" In its two noun forms-Sharia and Shirah imply "an open way, a clear way, a right way, a divine law and an access" (p.142). Omar (2003) adds that the verb and noun forms of sharia mean "to establish a law, appoint a religion or institution prescribed by God (p.287).

Expounding on the sacredness and sanctity of sharia, Gibb and Kramer (1953) had earlier posited:

Allah's law is not to be penetrated by the intelligence ... i.e. man has to accept it without criticism, with its apparent inconsistencies and its incomprehensible decrees, as wisdom into which it is impossible to enquire. One must not look in it for causes in our sense, nor for principles; it is based on the will of Allah which is bound by no principles, therefore

evasions are considered as a permissible use of means put at one's disposal by Allah himself.... A modest enquiry into the meaning of the divine laws so far as Allah himself has indicated the path of enquiry is, however, not prohibited. There is therefore frequent reference to the deeper meaning and suitability ... of a law. But one must always guard against placing too much stress on such theoretical considerations. For this very reason, the (sharia) is not "law" in the modern sense of the word, any more than it is on account of its subject matter. It comprises, without restriction, as an infallible doctrine of duties the whole of the religious, political, social, domestic and private life of those who profess Islam, and the activities of the tolerated members of other faiths so far as they may not be detrimental to Islam. (pp.525-624)

Kenny (1986) and Ubaka, (2000) agree that Sharia is an Arabic word that literally means a drinking place or a path leading to a watering hole. The implication is that since water is understood to be a source of life, Muslims claim that Sharia is not only an earthly fountain but also the eternal life. Esposito (2004) observes that there are two words used in referring to law in Islam and they are Sharia and *fiqh*. Sharia refers to God's law as contained in the Quran and the Hadith. The *fiqh* refers to the scholarly efforts of the jurists to elaborate the details of Sharia through investigation and debate. Muslims understand Sharia to be an unchanging revelation while *fiqh*, as a human endeavor. *Fiqh* is open for debate, reinterpretation, change and it can be explored further in order to find the most suitable ruling and interpretation. But Islamic scholars must not totally rely on theory or reason because Sharia comprises all areas of life and society including adherents of other faiths if they did not pose threat to Islam (pp.23-24). But Johnson (2009) said that Sharia is inspired not only by Islam and Quran but also by Arabic traditions and early Islamic scholars" (p.124).

On the values of sharia to Islam, Zeidan (2003) argues from the premise that Islam cannot exist solely as a creed or faith in people's hearts rather by its very nature, it demands an outward expression in a society and a state. It must take shape in actual political and social system that ensures that sovereignty-*hakimiyya* is God's alone and the Sharia supervises people's lives in all

their details. The concept of *hakimiyya* meaning sovereignty belonging to God alone means that individuals and states must totally submit to God's sovereign rule by fully implementing Sharia. All laws, rules and judgments must be derived from revealed Sharia and from nothing else, either by being based on an authoritative text (*nass*) where one exists or by means of *ijtihad*-within the bounds of general interpretative principles when there is the lack of authoritative texts. Anything less is *jahiliyya*, meaning the state of ignorance which is similar to the pre-Islamic pagan Arabia. The implementation of Sharia in this case becomes the sole criterion of legitimacy. For a true Islamic system to be realized in a state and society, the divinity of God (S) must be realized on earth as this divinity is realized in heaven; it must be realized through submission to His Sharia and command just as it is realized through his foreordaining and determining events. This is the source of the incessant demand for the full implementation of Sharia in many Islamic States and the pronouncement of present regimes as pagan (*tafir*) and therefore, liable to opposition by force of jihad and radicalism (pp.97-98). Therefore, the value of sharia to Islam can be compared to the value of water in the existence of human being. Sharia gives meaning and adds values to Islamic religion.

Kenny (1986) said that at the death of Mohammed, Islamic law grew together with the expansion of Islamic Empires (p.30). For instance, Haynes (1994) adds that the caliphs of Umayyad dynasty, who took control of the empire extended Islam into conquered territories outside Arabia including Iraq, Syria, Palestine, Persia and Egypt. As a result, elements of Jewish, Greek, Roman, Persian and Christian church law also influenced the development of the Sharia and Jihad (pp.45-47). Gibb and Kramer (1953) had averred that the Umayyads appointed Islamic judges, *qadis*, to decide cases involving Muslims though non-Muslims kept their own legal

system. Being knowledgeable about the Quran and the teachings of Muhammad, *qadis* decided cases in all areas of the law (p.13).

However, the application of sharia over the first two centuries after Muhammad's death in A.D. 632, led to the founding of many schools. According to Khuri (1990), these schools arose in relation to the harmonization of the interpretation of Sharia but only four main Sunni schools of *fiqh* survived. These survived schools were led by scholars such as: Malik, Abu Hanifah, Shafi and Ibn Hanbal (pp.43-48). Copper and Maxwell (2003) note that

Hanafi school is the largest school making its influence in India, Pakistan, Turkey, Syria, Jordan, Iraq, Lebanon and Afghanistan. The Maliki School is the second largest taking over countries such as Morocco, Algeria, Tunisia, Egypt, West Africa and Kuwait. The Shafi School on its own, being the third largest, is found in the Middle East, Lower Egypt, East Africa, Malaysia and Indonesia. The last being Hanbali is found majorly in Saudi Arabia and Qatar. They, in turn, had students who added their own opinions to those of their teachers even many generations after the founding jurists lived. In other words, *fiqh* is open to interpretation, and it is not necessarily binding outside of a court of law. (p.135)

Kabbani and Hendricks (2009) asserts that to early Muslim Jurists, Shariah consists of two main divisions. The first division known as Ibadat (acts of worship) deals with a Muslim's relationship with his creator and regulates the matters of unity of Allah (Tauhid), prayers (Salat), fasting (sawm), pilgrimage (Hajj) and payment of due tax to the needy (Zakat). The second division known as muamalat (human acts) is further divided into rites and transactions to regulate acts between persons such as marriage, contracts, kindred institutions or acts dealing with property as in sales and rents. Man's various societal systems like legal (both civil and criminal), political and economic systems will find a place in this latter division (pp.34-36).

Therefore, sharia is a law that is derived from the actions and words of Mohammed, known as Sunna and the Quran which he authored. Islam affirms only one true God and it demands that believers obey God's will and laws. During his lifetime, Muhammad helped clarify

the law by interpreting provisions in the Quran and acting as a judge in its legal cases. Thus, Sharia became an integral part of the Muslim religion. Therefore, it can be said that Sharia is an Islamic law derived from the Quran and the hadith which are the accounts of the life of prophet Mohammed. With these two sources, it is believed by many Muslim jurists and average Muslims that sharia is divine. In this research work, “sharia” just like jihad means the religious law of Islamic which must govern all aspects of a Muslim’s life in Nigeria. But the workability and practicability of sharia and any other law has been a thorny issue on the Nigerian state.

There is the nexus between jihad and sharia and in the view of Yahya (1993), “jihad was instrumental in reorganizing the administration of justice as it re-established the supremacy of the Sharia” (p.160). Adeniyi (1993) asserts that the Usman dan Fodio’s Jihad of 1804 facilitated the enforcement of Sharia in Hausa land and its environs (p.101). Murky (2006) emphatically submits that the ultimate purpose of jihad is to impose Sharia, or the commands of Allah upon all nations as Mohammed commanded (p.138). Nwanaju (2008) confirms that contrary to the promise made by Lugard to the northern emirs that he would not interfere with the practice of sharia provided it was carried out without corruption, but the establishment of eight native courts of justice for the northern region in 1904 became a breach of the trust in the sight of many northern Muslims. It is viewed as an anti-climax of what Usman dan Fodio had attained with the 1804 Jihad (p. 64). Doi (1984) maintains that sharia that guides the Jihad (p.448). Therefore, the nexus between Jihad and sharia is that while Jihad fights for the enthronement of sharia, the latter determines the righteousness of the former.

In the last two centuries and for about four decades now, Nigeria has experienced civil disturbances, tensions, violence, crises and killings so much that if it is not between Christians and Muslims, it is between communities and ethnic groups. These uprisings are not unconnected

with the complex nature of the multi-religious, tribal and cultural relationships which have taken a wide dimension often presented in the form of religious fundamentalism, militancy, extremism, jihadism, fanaticism and political violence. In all these, the unbridled quests for Sharia implementation with the idea of implementing it by violence and force is a phenomenon the country is yet to be fully rationalized.

On the Contrary, Nwanaju (2008) said that Nigeria is usually credited with being the most religious people in the world (p.234). This could have been evidenced in how churches and mosques are erected on a daily basis which to many people, underscores Nigerian religiosity. But beyond the shore of Nigeria, religious activities at different levels are mostly mentioned in negative terms and historical events linked to religion tilt more towards its negative than its positive contributions to the Nigerian state. The Jihad, the civil war propaganda, the sharia law controversies, the tensions provoked by the Nigerian membership of the Organization of Islamic Cooperation (OIC) and the incessant religious crises that have engulfed mainly the Northern parts of the country largely indicate that religion cannot be ignored or wished away in the Nigerian political and social development. Several religious crises which have occurred in Nigeria have been as well documented especially as academic dissertations.

In the context of this study, “the Unwanted Metamorphoses of Usman dan Fodio’s jihad and sharia implementation in Nigerian” shall be understood as the evidential ugly, destructive and regrettable offshoots of that war undertaken by Usman dan Fodio in 1804 to the present Nigerian religious and socio political existence. It means the avoidable crises, the loss of uncountable innocent lives and invaluable property, the structural injustice, social decimation, religious intolerance, politicized religiosity and other experiential destructive changes the war initiated over two hundred years have meted on Nigeria as a country.



## **2.2. Theoretical Framework**

The study adopts theories and this is because theories are formulated to explain, analyze, predict and understand phenomena. Theories are also thought out to challenge any existing knowledge within the limits of critical boundary of assumption. Therefore, this section of the Literature Review focuses on theories that will greatly analyze, interpret and understand the study. Through the provision of a lens of analysis, it will help explain the meaning, nature, features, classes, types of jihad and sharia in relation to the 1804 Usman dan Fodio's jihad and sharia implementation as the Nigerian unwanted metamorphoses.

### **2.2.1 Functionalist, Conflict and Interactionist Theories**

#### **Functionalist Theory**

According to Pals (1986), functionalist theory has strong affiliation with, Durkheim, Weber and Karl Marx who favoured sociological enquiries. For instance, Karl Marx argues that religion is like other social institutions because it is dependent upon the material and economic realities in a given society. Freud's explanation of religion followed the Ludwig Feuerbach's theory and both of them were centered on the "essence of religion". The theory could not make longer impact until Karl Marx came up with the "functional projectionist theory of religion". Pals goes on to add that Durkheim sees functionalism as extremely important in explaining "religious behaviours" (p.282). Iheanacho (2013) argues that just as the name implies, the functionalist theory is found often in social sciences and it is a theory that is based on the premise that all aspects of social institutions with its norms serve a purpose. All these aspects of the society are indispensable for the long-term survival of the society itself. The approach gained prominence in the works of 19th-century sociologists such as Emil Durkheim and Karl Marx

(p.45). Iruonagbe (2013) avers that Durkheim believes that social life is impossible without the shared values and moral beliefs that form the collective conscience. The absence of the aforementioned threatens social order, social control, social solidarity or cooperation and the unity of the people (p.5). According to Wendy (1999), a prominent functionalist, Robert Merton proposed a number of important distinctions to avoid potential weaknesses and clarify ambiguities in the basic perspective. First, he distinguishes between the manifest and the latent functions. These functions include those which are recognized and intended by actors in the social system and may represent motives for their actions and those which are unrecognized. Those which are not recognized are unintended by the actors. Secondly, he distinguishes between consequences that are positively functional, those which are dysfunctional for the society and those which are neither. Functionalism emphasizes that order and balance are the normal state of a society and a disruption in one part of the system will certainly disrupt the other parts (p.362). This theory is employed in this study because society is like human body which is made up of many parts performing different activities in order to keep the body functioning. Any part that refuses to perform will directly and indirectly affect other parts. Religion is one of the factors that a society needs to properly function. Therefore, the society will be in danger if religion refuses to perform or functions positively. It is used to highlight the dangers of having a dysfunctional religion can retard the growth and progress of the Nigerian state.

### **Interactionist Theory**

Similar to the Functionalist theory, Interactionist theory is another veritable social theory and it needs to be noted that interactionism is not a unified perspective and actually has many different intellectual strands. Alix (1995) propounded the symbolic, exchange and dramaturgical

dimensions of the interactionist theory. Ahamefula and Nnajiето (2005) said that the symbolic dimension of the interactionist theory has to do with how people attach values to rituals, language how people mutually emits and interpret each other's gestures. The exchange type of the interactionist theory is all about the calculation of the amount of pleasure or pain associated with a given interaction based on people's previous tolerance while dramaturgical interactionist theory implies the use of metaphor in explaining the people as actors fulfilling their roles in every stage of life (pp.14-17). The strand adopted in this context is that of interpretive aspect that ensures the engagement of people through mutual understanding and responsive dialogue. Crossman (2016) asserts that this dimension of interactionism is a major framework of sociological theory because people develop and rely upon it in the process of social interactions. Thus, society is thought to be socially constructed through human interpretation. People interpret one another's behaviour and these interpretations form the social bond (p.13).

Interactionism is a theoretical perspective in which a society is thought to be a product of the everyday social interactions among millions of people. Instead of looking at a social system on a larger scale, it focuses on the way that people act, or make conscious choices regarding people's behaviour and that proceed from how these situations are interpreted. In other words, human beings are not simply reacting to social stimuli, people are reacting to individual stimuli. This is because sociology, according to Ahamefula and Nnajiето (2005), views society as a product of everyday social interactions of individuals (p.19). Mooney, Knox and Schacht (2007) state that interactionism is largely influenced by the works of early sociologists and philosophers such as George Simmel, Charles Cooley, George Herbert Mead and Erving Goffman. Therefore, interactionism is a theoretical perspective that derives social processes such as conflict, cooperation and identity formation from human interaction. It is the study of how individuals act

within society. It is a social interaction of face-to-face process consisting of actions, reactions, and mutual adaptation between two or more individuals (p.14). The researcher adopts interactionists theory because it is a way of seeking to understand each individual and how people act within a given society. Moreso, being one of the sociological theories, it helps to explain and predict the social world in which people live. It does not generalize that everyone from one social class thinks in one way instead it advocates that people should understand that everyone has different attitudes, values, culture and beliefs in any given society. Therefore, in relation to the concept of jihad and sharia, interactionist theory examines how people of different faiths interact on daily basis and arrives at shared understandings of themselves, situations and mutual respect for one another.

### **Conflict Theory**

Coser (1956), one of the disciples of the foremost originator of the conflict theory, Karl Marx, said that conflict is a struggle over values and claims to scarce status, power and resources in which aims of the opponents are to neutralize, injure or eliminate their rivals (p.3). Barret (1991) opines that conflict theory has strong affiliation with Marxism. It states that a society or an organization functions so that each individual participant and its groups struggle to maximize their benefits which inevitably contributes to social change (p.13). Ani (2012) avers that conflict manifests as products of interactions amongst human beings and groups who plot to outwit others (p.158). This theory implies that conflict is generated by the quests to protect one's identity and maximize interest. The theory is employed in this study because jihad and sharia are religious tenets of Islamic groups and their quest to adopt them in a multi religious society like Nigeria is to their interest. Taken that other religious groups within Nigerian have their own

religious tenets which if they wish to enforce just like their Islamic counterparts will lead to nothing but crises. The practice of jihad and sharia in Nigeria is matter of conflict and conflict theory will explain it better.

The functionalist and interactionist theories lay strong emphases on the positive contributions of religion to the society. It is preoccupied with the harmonious, integrative and solidarity in the society. Beyer (1994) argues that society is a system of interrelated parts, a change in any part affecting all the others. Institutional spheres cluster around particular kinds of social communication or action on the basis of relatively autonomous functional instrumentalities. These subsystems include polity, art, law, economy, science, religion, education health and the family. The autonomous that each of them exhibits is real enough but it is heavily conditioned by the fact that other systems are also operating in the same social milieu (p.79). While the conflict theory which fundamentally takes to the opposite of the duo, implies disquietedness generated by the quests to protect one's identity and maximize interest and Nigeria being a heterogeneous state, the launching of Jihad and the quests to implement Sharia in the country have been sources of conflict. The defensive and offensive reactions based on the protection of faith together with religious onslaughts carried out in Nigeria have created socio-cultural, economic and psychological problems for the populace.

It is in the light of the above fact, the functionalist, interactionist and conflict theories are employed in this study because every phenomenon in a social system has its origin and is assumed to have a functional unity where all parts of the system work together with some degree of internal consistency. Therefore, these theories are very significant in understanding the 1804 Usman dan Fodio's Jihad and Sharia implementation as the Nigerian Unwanted Metamorphoses.

The functionalist and interactionist theories try to analyze the role of religious phenomenon being aspects of the society and works to the solidarity, unitary composition of the society. Conflict theory goes with divisiveness dimension of religious issue in a society. They are multidisciplinary and interdisciplinary because they employ other disciplines like history to achieve social institutional ends.

### **2.3. Empirical Studies**

In this section, efforts are made on the derived knowledge from actual experience of the unwanted activities of jihad and sharia in Nigeria. Ahamefula and Nnaji (2005) assert that an empirical study means studies that employ observations and facts for its data rather than speculations or supernatural revelation (p.96). Iwueze (2009) argues that empirical studies are referred to as interventions because the researcher goes beyond just observing the object (p.61). Some of the questions begging for urgent and sincere answers in the Nigerian context are: is Jihad in Nigeria an ideology that favours violence? Is it a political means of mass mobilization against a state? Does it mean a spiritual principle of motivation for individuals? Certain philosophical writers have tried to distinguish between Jihad which they understood to be a part of the divine law of Islam and the phenomenon of warfare which has occurred throughout history in all places inhabited by humans. Therefore, the review shall be divided into some groups so as to make the study more coherent. The groupings are those scholars who write on the backgrounds, the causes, the justification, the methods, the paradoxes, the success, the negative and the positive impacts of the jihad and sharia implementation in the Nigerian state.

Therefore, in this section, the study will serially review some literary works on the subject matter-1804 Usman dan Fodio's jihad and Sharia implementation: the Nigerian unwanted

metamorphoses. Hence, Abiola (1984) asserts that many factors combined to make the Fulani people take up arms against the Hausa states. The aim of reforming Islam from its fast fading fame and glory, the political interest of wresting power from the Hausa rulers who they could not imagine lording policies over them. Usman dan Fodio viewed Hausa rulers as primitive and irreligious who would not dictate for him and his people. The economy played another part in the launching of the 1804 jihad. The Fulani group wanted to become economically independent and could not take the exorbitant taxations the Hausa lords imposed on the land where they were rearing their herds. The Fulani group put also their eyes on the Caravan routes across the Sahara Dessert which the Hausa kings controlled as they knew this route would fetch them a lot of money if they take charge. Tribalism was the other reason that caused the rise of the jihads. He notes,

So far all things being said in favour of the jihad,... one of these was its complete failure to improve the social conditions of the oppressed ones in the Hausa states. One may remember that the Jihad was declared for this objective...but it was unfortunate that the conditions of these unfortunate people (women and children) were in no way better than they were under the Hausa regime. In fact they seemed to be worse...for under the Fulani rule the practice of making women “purdah” still continued unabated,...this unfortunate laxity in the Fulani regime which continues even up till today to make the present-day northern Nigeria look as backward area despite all efforts to change this situation. Another effect was the fall of Oyo Empire...in their irrevocable bid to dip the Quran into the Atlantic Ocean in Lagos...they did not even consider the fact that they were aiding a pagan rebel against the government of Oyo Empire. Sincere and true Jihadists who were not after political empire would not have committed this unpardonable religious blunder. From all indications it could be seen that far from being purely a religious war, the Sokoto jihad was fought on other reasons. In short, it was a war based on religious fanaticism, political adventurism, economic opportunism and of course, tribal parochialism (pp.109-111).

Similarly, Sulaiman (1986) identifies the background, causes, successes, methods, effects, justifications and legacies of 1804 Usman dan Fodio’s jihad. He is of the view that there was a ceaseless interplay between the forces of decay and regeneration in Hausa land before the jihad which officially took place on Thursday, 12 *Rabi al-Awwal* 1219 (June 21, 1804). He

asserts that another factor that brought success to the jihad was because Allah was involved in the fight. In a bid to win his war against the followers of Usman dan Fodio, the king of Gobir sent messages asking for the supports and assistance of fellow kings in Hausa land especially those of Katsina, Kano and Zazzau who gave their blessing and support. The king was said to have invited the armies of Nubians and Tuaregs, some Fulani warlords and other men of war were with him but Allah was not with Usman dan Fodio. The Gobir forces were efficiently organized and well equipped while Usman dan Fodio's men were ill prepared under his brother, Abdullahi as its commander. Apart from their weakness in numbers and equipments, the *mujahidin* had one major cause for concern and that was because they lacked food and water but they loved Allah. But they received a boost when some of the Gobir army defected to Usman dan Fodio's side and boost was made more pronounced when Sheikh Agale and the son of Sheikh Jibril ibn Umar, Usman dan Fodio's teacher joined them. The responses of Usman dan Fodio to all the situations added advantage of his cause. For example, in his first encounter with the ruler, Usman dan Fodio merely advised the king to uphold Islam and to rule with justice. Usman dan Fodio showed neither enmity nor harshness to him and he did not seek to antagonize him. He argues that if Usman dan Fodio had been hostile from the beginning, it would have been prejudicial to his cause notwithstanding the justness of the cause. In his second encounter with the ruler, his followers had grown strong and numerous, Usman dan Fodio spoke as a public figure worthy of recognition. The nature of his demands showed and proved the quality of his cause. This demand was specific to himself and his followers, as he demanded for the release of prisoners and the abolition of all unjust taxes.

Eventually, according to Sulaiman, some of those released were not Muslims but most of them were considerable number of victims of unjust taxes and arbitrary rule in the Hausa states.



The other factor has to do with the nature of Usman dan Fodio's sense of appeal and organization. The nature of his appeal made it possible for numerous numbers of non-Muslims to accept Islam and transferred their allegiance from a tyrannical system to an Islamic order. The intellectual factor which ensured that he himself or Abdullahi and others wrote on practically every matter that was of importance to the *Jamaa* in particular and to society as a whole. The third category is the stage where delegations came to him to pay their allegiance. In justifying the jihad, Sulaiman notes that the war was against the unbelievers, *fard al-kifaya*, which included unbelievers by origin, inheritance and apostates. The war against armed gangs' intent on disrupting the Islamic order, against those Muslims who chose to support unbelievers, consciously reside with them and fight on their side. To him, the war is obligatory and it is a jihad in Islam. Otherwise, there was the possibility that the enemy might one day surprise Muslims in their homes and overwhelm them. Sulaiman argues that the 1804 Usman dan Fodio's jihad left several legacies. For instance, it witnessed several years of a complete victory for Muslims which gave them a nation, a social order and a political power of their own. From the start of the jihad to the establishment of the caliphate and to the handing over of responsibilities to trusted scholars and administrators, Usman dan Fodio himself, underwent a transformation. Considerably, Usman dan Fodio's tone had changed, he was no longer the aggressive revolutionary rather he became more of a father, a guide and a model and millions still adore him. Jihad of 1804, as the Shehu saw it, is .the fighting of a Muslim against an unbeliever who has no covenant (with the Muslims), in order to make Allah's law supreme (pp.90-106).

Arguing from the point of the philosophy of *Tajdid*, Sulaiman (1986) maintains the idea that revolution is ingrained in Islamic thought and is perpetuated as a living tradition in all Muslim societies. This is because of the ceaseless conflict between good and evil, right and

wrong, justice and injustice. All these vices make revolution a continuous and unavoidable reality in every society. He notes that the concept of prophet-hood is synonymous with the philosophy of revolution (*tajdid*). In other words, it means that human society should not be left in darkness and corruption but be guided to righteousness. Injustice should not be allowed to frustrate the divine purpose for mankind, which is essentially geared towards the establishment of justice on earth and man has an obligation to overthrow systems of injustice. Concerning sharia, he avers that at the beginning of the Sokoto Caliphate, the works of the triumvirate: the Usman dan Fodio, Abdulahi and Mohammed Bello formed the main course for constitution throughout the caliphate (pp. 107-109).

Abubakar (1999) avers that the Usman dan Fodio's jihad began in 1804 and came to an end in 1809 but the fighting for the establishment of emirates as part of wider Caliphate continued in many places throughout the first half of the 19<sup>th</sup> century. The eventual polity that emerged under the Caliph comprised two capitals: Sokoto and Gwandu. These capitals were founded over the former Hausa states of Gobir, Zamfara and parts of Kebbi as well as other twenty emirates. The caliphate was formed after the present federating Nigerian states and it consisted of autonomous emirates with their various governments. He acknowledges that relationships between Usman dan Fodio and his vassal emirates were relatively cordial and the reason was that his primary purpose was to appoint the candidates of the masses as the *emirs* except in Fombina when Lamido died in 1872 and was followed by a succession dispute. The kingmakers in Yola who preferred Umaru Sanda rejected the candidate anointed by Sokoto. However, the premature death of Hamidu-the anointed Sokoto candidate averted a confrontation between Sokoto and Yola. There was another case in the emirate of Nuri where Burba succeeded to the throne through bribery and combination of forces but was allowed to rule. He notes that

these emirates sent tributes to the Caliph. For instance, the emir of Kano sent to the Caliph about five million cowries annually, while the emir of Katsina sent to him close to three million cowries annually. These were not part of the gifts-*kyauta* and other obligatory booty obtained from jihad as well as *irith* derived from the property of deceased officials. But he is quick to note that,

The Usman dan Fodio's jihads adoption of Hausa socio-political structures did not make it un-Islamic. He argues that the functions of the Caliph were not merely to appoint and depose emirs, as the supreme judge of Sharia. He had to supervise the working of the emirate systems, arbitration in disputes within and between the emirates and he was expected to issue *fatwa* on legal issues. The caliphate experienced series of internal conflicts such as Buhari rebellion 1850-1863, the Talata-Anka revolt of 1891, the Bassa civil war 1894-1896 and host of others. These conflicts were aided by the caliphate which the caliphate in return witnessed external threats. But after the jihad, the emirs were faced with the task of integrating the wide areas. The new government sought to win the support of the people with religion. (pp.301-326)

It is not convincing why religion was used to win their support when the initial approach and strategies were militant, violence, killing in the form of modern terrorism. In that case, Afigbo (1999) affirms that the 19<sup>th</sup> century revolutions recorded in the Western Sudan were of many-sided movements which historians are yet to agree on their chief causes. But what cannot be ruled out in any revolution in human history is that revolutions are usually protests against specific conditions in the society in which they occurred. He agrees that the religious situation in Hausa land then was a confused one. This is because majority of the Sudanese people followed their ancestral religion which was not an "aggressive proselytisation". These people were practicing their traditional religion together with Islam but there were some fanatical Muslims who looked back to the golden days of Islam in Songhay especially under emperor, Askia Mohammed. These fanatics believed that these unserious adherents must be converted to true Islam and where not possible through proselytisation, force must be applied. He states that there exists another factor which has to do with how Usman dan Fodio released his kinsmen who were

slaves under the Gobir rulership against the king's wish. The authorities were not comfortable with that action. The popularity of Usman dan Fodio among the populace was a threat the Kings of Gobir could not come to terms with hence Yumfa attempted to seize Usman dan Fodio and punish him. The latter escaped and ran to Gudu on 21<sup>st</sup> January, 1804. He asserts that the Hausa states proceeded to attack every Fulani element within and outside Hausa land. Thus, the Fulani group rallied round their kinsman, Usman dan Fodio who initiated the war. He finally pointed out that the poor coordination of Hausa military also led to the victory of the jihad. The effect of the jihad was the overthrowing of Hausa government and institution of Fulani aristocracy. He argues that the leadership prowess of Usman dan Fodio, the unflinching belief of the Fulani in the jihad which said that a good Muslim must fight jihad at least once in a life time, the determination of the jihadists to survive were the motivating factors for the success of the jihad.

Abubakar (2003) said that Usman dan Fodio was born in 1754, in Gobir, a state in Northern Hausa states. Like the previous scholars, he posits that the violence was caused by a confluence of factors. For instance, the state of Hausa land prior to 1804-one of crisis and in social disarray led to the declaration of Usman dan Fodio's jihad. The Fulbe and the Hausa groups were engaged in long-standing ethnic and religious hostilities which spurred the desire for political independence and supremacy. The emergence of Usman dan Fodio as a credible Islamic leader and his ability to organize the resistance are the powerful factors in the cause and success of the jihad. The first attempt to stop his rise to power had not only left him alive and free but also greatly increased his influence. Usman dan Fodio was an important figure in the revolutions not just because of his political and scholarly talent but because of his mystical experiences. His authority was based on series of visions where he claimed to have been visited by the Prophet Mohammed as well as Abd al-Aqir al Jilani, founder of the mystical Qadiriyya

order to which he belonged. In 1794, he said they gave him “The Sword of Truth” and a mission to fight the enemies of Islam. These factors combined elevated him to someone of far more significance than a mere scholar. He was not only just a learned man but also a holy man with a divine mission. This is what ultimately gave him the authority to declare jihad. For example, Usman dan Fodio raised an army that released all Muslim captives. In the war with the ruler, Yunfa ordered Hausa leaders to kill all the *Fulbe* people who fled to Usman dan Fodio for protection. The official motivation for the Jihad was the necessity of establishing a caliphate to rule over Muslims. However, while Usman dan Fodio led the Jihad, his followers have various reasons for joining in the jihad. For instance, Abdulsalami, one of the heroes of the Gimabana humiliation though unlike most of the movement leaders was not a Fulbe, he got into a dispute over division of spoils and ultimately declared his own jihad against the Sokoto Caliphate. Abukakar notes that Usman dan Fodio later stepped down from his position as caliph and returned to a life of scholarship. He maintains that Usman dan Fodio’s Jihad is the best known of the Western Africa as the most successful and the first in the area to officially be declared as a jihad. He argues that as long as the rulers continue to pride in injustice, oppression and selfishness, the people will always look for a way to free themselves which can often be by force of violence. Corruption was widespread in the Hausa government to the extent that appointments into offices were based on bribes, rather than merit. Therefore, he sees jihad as obligatory for all Muslims to struggle for righteousness. He argues that unlike the earlier movements, the Usman dan Fodio’s jihad was framed in scholarly religious terms and great pains were taken to ensure doctrinal justification. Abubakar sums it up thus, “jihad literally means “struggle” and was already a part of established Islamic doctrine, it means struggle to improve self or society or to do the will of God not necessarily for religious reasons alone” (pp.2-10). It can be argued that

this shows some degree of the motives for powers, loots and ethnicity as the brains behind the jihad and other subsequent jihads.

Kaura (2004) also, coming from the dimensions of background, methodologies, the paradoxes, the effects of the jihad situates the background of the jihad to the life and person of its leader, Usman dan Fodio. He sees the introduction of Islam into Africa as a factor that led the Sufi order to find itself in an environment where mal-administration and misuse of political powers was rampant. He notes that Usman dan Fodio's background as a member of Sufi Order and the Quardiriya group was the major inspiration behind the jihad because the Sufi Order strives for the purification of Islam. He agrees that the actual cause of the jihad was the discontentment among the common people against the ruling elites in Hausa land. He argues that originally, Sufi Order hardly engage in political leadership but the impunity and injustice carried out by the rulers in Hausa land could not be ignored by Usman dan Fodio alongside other two principal figures in the persons of Abdulahi and Bello who carried out the jihad. Kaura attributes the success of the jihad to many factors such as: the wise counsel of Abdulkadir Kelani who advised Usman dan Fodio not to carry out his first attempted *hijira* to *Iname*. He asked Usman dan Fodio to wait at the right time which the latter obliged. Then Abdulkadir Kelani asked him to migrate to *Gudu* with his followers. This advice was valuable in the timing of the jihad. Ironically, he notes that in addition to the discontentment among the common people against the ruling elites in Hausa land, another factor for the success of the jihad was because many individuals fought for ulterior motives. For instance, Mallam Nakabara (a Quadiriyya Sufi Order leader in Kano) did not physically participate in the war but he helped in recruiting supporters for the jihadists on the platform of Sufi Order. Scholars from Bornu who settled in Unguwar Kona, Zazzau influenced Zazzau Jatau to support the jihad. There was another unpredictable group

known as the *Turegs*. Occasionally the *Turegs* aligned with the Hausa rulers and other times with the *Mujahidum*. They have a leader in the person of Mohammad Baqir, the Sultan of Ahir, who visited Usman dan Fodio and received his blessing. Baqir then pledged to support the jihadists in fighting against the Hausa rulers and Usman dan Fodio helped him in fighting against his neighbouring opponents. Conclusively he argues thus,

Unlike the rulers who the jihadists toppled, jihad leaders fought the battles and established the caliphate not for the sake of power in itself but to demonstrate the pure Islamic form of leadership that was lacking in Hausa land...unlike the case of *Habe* rulers, jihad leaders were against showing meekness in the presence of rulers especially if they are worldly minded. This they hinged on a saying that whoever humbles himself in front of a king has lost three quarters of his religion. Additionally, the jihad leaders refrained from perpetrating the atrocities perpetrated by the *Habe* rulers such as enslavement of innocent people and handing down of judgment according to their whims and caprices. Instead they moderated their life-style in conformity with prophet Muhammad's modesty (pp.3-11).

These accounts though educating, contradict the accounts of Abubakar (1999), the current sultan of Sokoto. He states that Usman dan Fodio received annual tributary from other emirates especially the exorbitant taxations from the emir of Kano, who must cough out five million cowries annually and the emirs of Zaria and Katsina who sent as much as two million cowries to Usman dan Fodio every year. Owing to these, the caliphate was faced with internal and external crises, coups and counter coups to mention but a few (pp.306-309). To the researcher, these were the taxations and treatments that Usman dan Fodio claimed prompted the jihad and for him to introduce them into the caliphate supposedly ruled by the Allah's law (sharia) cast serious doubt on the genuineness and sincerity of the jihad.

Aremu (2011) writing from the perspectives of backgrounds, causes, methodologies, success and the general impacts of the jihad argues that the whole episode of the Fulani Jihad revolves around the life and teachings of Usman dan Fodio who was believed to have been born in 1754 in Marata, Gobir, to the Toronkawa tribe of Fulani descent. He states that the causes of

Usman dan Fodio's Jihad have continued to generate controversies among scholars. While some have advanced religious reasons for the outbreak of the "holy war", others have identified other causes such as political, socio-economic as well as the influence of Islamic jihad elsewhere in West Africa. Like the assertions of previous works reviewed earlier, he acknowledges the charisma of Usman dan Fodio as the chief factor in the success. Being a learned theologian and a pious Sufi, Usman dan Fodio had all the makings of a charismatic leader. His towering personality rightly explains the success with which he coordinated the scattered *jamaa* (people) across Hausa land. Another important factor for the success of the jihad was the issue of ideology. The basic doctrine which Usman dan Fodio explained and elaborated upon in his numerous pamphlets and books is as follows:

A Muslim should not willingly dwell in a land of unbelief, but if he has the means at his disposal, should migrate from it to the abode of Islam, should wage the jihad against those in the Abode of war (the unbelievers). This is the more urgent if the unbelievers are making pretence of Islam which may lead others astray or are claiming their actions to be in the name of Islam while in fact they contradict the law of Islam. Furthermore, Muslims should come to the aid of other Muslims who are being attacked or oppressed by unbelievers (pp.7-12).

Aremu argues that the flags Usman dan Fodio gave to his chieftains as symbols of authority also served to unite the jihadists in spirit. The flag signified the protection of Usman dan Fodio and his authority. It went to a very large extent to develop in the flag-bearers and their adherents a sense of *esprit de corps*, which provided the much-needed cohesion for the jihad forces across the whole of Hausa land. There was a state of disunity among the Hausa states and it greatly enabled the jihadists run over the states without much resistance. Given the enabling environment in which the jihadists operated, success of the war became a matter of forgone conclusion. He notes that the jihad has effects on the inter-group relations in Nigeria. According to him, it marks a milestone in the history of Nigeria. The impact of the Jihad which officially



came to an end between 1809 and 1810 is still being felt in the nation's socio-political life. It is said to be at the root of the infamous north-south dichotomy impeding the cohesion, unity and stability of the Nigerian polity. He argues that perhaps the greatest impact of the Jihad was the creation of the vast religio-political edifice known as the Sokoto Caliphate which embraced most of the Hausa states and parts of the Bornu Empire. The dichotomy between Muslims and non-Muslims which is noticed considerably in the North-Middle Belt relations could be said to have its roots in the Jihad of 1804. Its negative impact on inter-group relations in Nigeria continues to linger on. He submits that the middle belt region suffered a great deal of depopulation occasioned by incessant slave raids by the emirates of Sokoto caliphate. The jihad created a system of exploitation as payment of tributes in form of slaves was instituted. This became part of the obligations of the emirs to the caliph. It initiates the challenges of ethnicity. For instance, the non-Muslim people of the middle-belt were in essence under constant attack as enslavement of fellow Muslims was forbidden. It leads to noticeable depopulation and displacement of other peoples. This is said to be responsible for the uneasy peace that reigns between the North and Middle Belt regions of Nigeria today. It is important to stress the impact of the Jihad on Yoruba land. The end result of Ilorin imperial activities in the 19th century was the spread of Islam to Yoruba land. But much more than that, Ilorin, a one-time province of the Old Oyo Empire became part of the Sokoto caliphate. According to him, this is creating tension in Ilorin today with respect to political classification. Going by these observations, it may be argued that the jihadists needed only a little awakening to take up arms in the eventual outbreak of war as they were already indoctrinated for such an action (pp.12-18). Historicizing the views of scholars on the political, racial, economic and religious origins of the 1804 Usman dan Fodio's jihad, Mohammed and Osuala (2014) sums it up thus,

No matter the motives deduced by scholars in the origin of the Jihad of Uthman Dan Fodio, we strongly believe that it was on the basis of the integrating force of the Islamic ideology of the Ummah (Community of Muslims) that the Caliphate was established and sustained. Yet large-scale political, social and tribal integration was part of the consequences of the Jihad: unforeseen and therefore, not specifically prepared for by the leaders of the reform movement. (p.420)

As regards the modern day Nigerian sharia debate and crises, Oloyede (2000) argues that criminal law might have existed in different ways in different communities prior to the annexations of Lagos by the British in 1861 and northern Nigeria by 1900. In Northern Nigeria, the dominant system of the law was the Sharia being the offshoot of the Usman dan Fodio's jihad. By the Northern Nigeria Order in Council of 1899, Northern Nigeria was to be ruled by proclamation. In 1900, the Native Courts Proclamation allows the application of the Sharia in both criminal and civil cases. But after the amalgamation, another law made in 1916 allowed for the application of Sharia in the Northern Nigeria and the British law in the southern Nigeria. Up till to the introduction of the 1933 Criminal Code, Sharia was still applicable to all aspects of laws in the Northern Nigeria. After the amendment of the Code in 1933, exemption granted to the Native Court was removed so that appeals from the Sharia courts were to lie to the British courts except on laws of personal status. Appeals from Muslim Courts continued to lie to Supreme Court and the West African Court of Appeal until the experience and protest of the minorities in the north which led to the enactment of the Penal Code for Northern Nigeria in 1960 and Criminal Procedures Code for the Southern Nigeria. In order to appease the North, some elements of Sharia were incorporated into the Penal Code (pp.133-155).

Clarke and Linden (1982) assert that the level of the "great sharia debate" in Nigeria took place in Nigeria from the second half of 1970s. In 1976 Constitution Drafting Committee, the issue of Sharia courts which has existed only in the Northern States after independence proved a

difficult and a hard kernel for the committee to crack. When the proposals of establishing a Federal Sharia Court could not scale through in that prolonged and heated arguments, the Muslims' political leaders including Shehu Shagari who later became the Nigerian President staged a walkout. The quibble is concerned whether or not constitutional provisions should be made for the establishment of a Federal Sharia Court of Appeal and the creation of Sharia Court in those states of the federation where they did not already exist. The debate contained within it the ingredients of much wider issues involving the nature and extent of religious freedom, Nigerian federation, Nigerian judicial and legislative systems and other issues like working days and week and all these led to constitutional crises. However, a sub-committee was set up by Justice Udo Udoma and it was headed by Chief Simeon Adebo. The Committee arrived at a consensus that, "whenever there was a Sharia case on appeal, the Federal Court of Appeal would be constituted by three judges learned in Islamic law to handle the case" Hence, the northern Muslims boycott strategy paid off and one expects that this would bring solution but the agitation has continued. Surprisingly, in addition to the majority of the Christians, some progressive Muslims who were in opposition to the Sharia in Nigeria gave unexpected support to the Christians. These Muslims formed Muslim Committee for a Progressive Nigeria, (MCPN). With other socialist associations formed, they described Sharia as the most backward Muslim religious laws which were customary instruments in the hands of minority feudal lords and emirs who used it for keeping the majority of the people in poverty, oppressed, confused and blind. When the people are confused, these politicians and their allies are given the opportunity to loot Nigerian commonwealth, drain and exploit the people. They state that the debate continued in preparation for the next Constitutive Assembly of 1989 and in a debate conducted by the New Nigerian Newspaper of 16 January, 1986 on the introduction of Sharia into the Nigerian

Constitution met the resistance of Christians in the North. Those Christians had argued that Sharia Courts could be sponsored and financed with the public funds and since these courts controlled land matters, Muslims would build mosques anywhere and then harass and deny Christians lands to build churches. Perhaps sensing the danger it portend to the country, the then acclaimed General Ibrahim Babangida removed from the Assembly's Jurisdiction to handle the issue of Sharia and decreed the maintenance of the status-quo (pp.90-109).

Clarke (1982) notes that in Zuru town of Kebbi State, in North-western Nigeria, there was a serious violence between the Derika and Izala sects over the control of the market and central mosque which occurred in 1987 and it led to the closure of the mosque for several years. The two sects have separate mosques where they worship (p.124). Olupona (1991) avers that the *yan izala* which was formed in 1979 by Mallam Idris Ismaila in Jos, Plateau State, was instrumental in the removal of several Imams believed to be members of *Tariqa* sect in Islam. This is because they claimed they were out to purify Islam and considered other Islamic sect as *kafir*-unbelievers (p.36). Nwanaju (2008) also cites incidents where some discontented sects in Islam reoriented themselves and engaged themselves in series of wars especially between the Tijaniya and Qadiriya sects who even fought over mosques across the northern Nigeria (p.239).

Meanwhile, Oloyede (2000) argues that the decision to expand the sharia into the Nigerian legal system was a legitimate move. Therefore, it was unnecessary to reopen a sustained hostility because other eleven northern states led by Zamfara made some certain laws, repealed some and amended some others. In this way, they established Sharia courts and vested them with not only the entirety of civil but also criminal jurisdictions. For instance, Zamfara state enforced the Sharia through these five laws which two of them are:(a) Sharia Court

(Administration of Justice and Certain Consequential Changes) Law No. 5, 1999; (b) Sharia Court of Appeal (Amendment) Law No. 6, 1999. The action by Zamfara state received the spontaneous and “vivolic” attack and opposition by many southerners. Many queried the legality of the laws, some construed it as pluralizing criminal law system which was uniform before Nigeria began thus becoming a violation against the Nigerian constitution.

Oraegbunam (2010) concurs with Oloyede that the first law provides for the establishment, composition and jurisdiction and grades of Sharia courts in these sharia-implementing states. It makes also general provision for the administration and implementation of Islamic law in these states. The second provides for the jurisdiction of Sharia Courts of Appeal in various states to hear and entertain appeals from the decisions of the Sharia courts, in both civil and criminal matters are to be decided based on Islamic law. The third legislation repealed the Area Courts Law in those states and made transitional provisions for the take off of Sharia courts. The fourth makes provision for the substantive Sharia Penal Law and the criminal law to be applied in the state. In other words, the law codifies the offences in their classifications along with the punishments stipulated therefor. The last one being the fifth provides for the rules of practice and procedure to be followed and applied by the Sharia courts established in the state in their exercise of criminal jurisdictions and in the enforcement of Sharia Penal Code Law. He observes that it has been serious challenges to the Nigerian state (pp.12-18).

Sayed (2000) argues that the need for the sharia in the Nigerian judiciary is imperative because it will ensure the right on the freedom of worship for the Muslims. Sharia governs every aspect of the life of all Muslims because it is the embodiment of the will of Allah. Since sharia is Islam and Islam sharia, it is as old as Nigeria and its courts should not be limited in the northern

Nigeria. The colonial administrations acknowledged its importance to the Hausa states at their arrival. Dual legal system is not a strange phenomenon. The British which bequeathed Common Law to Nigeria practiced dual legal system with Scotland. Litigations between muslim and non Muslims cannot constitute a problem because Islam does not impose sharia on non Muslims. Sharia is not peculiar to Nigeria because some African countries such as South Africa, Kenya, Tanzania, Island of Zanzibar, Uganda and the Gambia have Sharia courts. In summary he notes as follows:

One criticism made by the antagonists of sharia is the mischievous suggestion that a sharia provision in the constitution is tantamount to an attempt to make Islam a state religion. But the Sharia provision adopted by Zamfara State Government clearly shows that no non Muslim is required to go to Sharia court for litigation. Despite the identification of common law with Christianity, no one has suggested that Nigeria has become a Christian state....Man's quest for justice without recourse to divine help and failure to find it, is the most persistent and tragic themes of human history. For justice, an ideal deeply cherished, ardently, desired and ceaselessly pursued by mankind can never be practiced truly unless it is rooted in the belief of one Allah. Sharia is an integrated whole, once one understands its basic concepts, objectives and framework, one cannot but conclude that it is capable of creating the most humane and just society (pp.155-165).

However, Oloyede (2000) asserts that Muslims in the southern part of Nigeria have not enjoyed the fruits of Sharia even when their Christian counterparts enjoy their own personal protection of the law especially the Statutory Marriage Acts of Nigeria. He observes,

One should not be surprised that thieves and adulterers whose preoccupation is corruption would see in the Sharia only in the cutting of hand and stoning to death. It is genuine fear for an unrepentant criminal. He who is not corrupt would be in a position to dispassionately appraise the sharia (p.135).

Akintola (2001), a staunch adherent of Islamic religion and lecturer of the same religion at the Lagos State University, argues that the introduction of Sharia in Nigeria by the Zamfara state government and other states in the North between 1999 and 2001 was their constitutional rights as enshrined in the section 38 subsection 1 of the 1999 constitution. In order to drive home his

point, he argues that amputation or any other punishment considered harsh is not always the case with Sharia. He believes that the detractors of Islam deliberately falsify the fact about Islamic legal system. For instance, when a thief is caught under the sharia, he is brought straight to the Al-Qadi. There must be no delay before the Al-Qadi will deliver judgment because justice delayed is justice denied. Hence the judge must investigate the case with a view to ascertaining the veracity of the allegation. If the crime is confirmed, he still cannot be punished until it has been established beyond doubt that the accused is gainfully employed otherwise he must be set free and provision made for his wellbeing. He notes that actions governed by sharia are classified as obligatory (*fard*), voluntary but meritorious (*musbah*), commendable (*mustahab*), permissible (*halal*), reprehensible (*makruh*) and forbidden (*haram*). The Quran commands Muslims to practice sharia and those who oppose the application are interfering with the affairs of Islam. He reluctantly agrees that sharia has brought about unnecessary crises in the Nigerian socio political system. It is in the light of the above observations that many opinion leaders in Nigeria expressed apprehensions towards the Sharia implementation in a heterogeneous Nigeria like Nigeria especially in the Fourth Republic of Nigerian political history. Sharia has an eschatological implication on the Muslims Sharia is found in all the chapters of the Old Testament section of the bible. He posits that Sharia will eliminate police brutality, guarantees security, commands breast milk for children, removes barriers to health services, gives priority to women, allows married women to retain their maiden names, modest dressing for men and women, guards against child abuse, protects privacy, gives effective leadership, eliminates incidences of corruption in Nigeria, promotes equality before the law, ensures speedy economic growth and development just to mention but a few. Having made the above observations and arguments, he acknowledges that,

It is a well known fact that in Nigeria today that Nigerians now take laws into their hands in a bid to mete out satisfactory punishment to thieves. This is because they no longer have confidence in the Nigeria system. Common law has failed woefully. The existing punishments in common law no longer deter criminals. This is why Nigerians now burn armed robbers and thieves to ashes (pp.216-218).

However, Abiodun (2009) also affirms that sharia controversies attained huge prominence in the Second Republic history of Nigeria when Muslims tried to impose it on the nation. But the period from 1999 till date witnessed a dramatic turn of events in the enforcement of Sharia in the eleven northern states led by Zamfara state. Swerving from the apologetic point of view, he notes that in 2002, some politicians hiding under Sharia in the Northern Nigeria complained bitterly about the Miss World Beauty Pageant being hosted in Nigeria. It took an article from ThisDay reporter, Isioma Daniel, to give them the needed opportunity to incite the army of uneducated, unemployed and hungry youths who went on rampage and as usual, Nigeria caught fire as Isioma's article which was seen as being disrespectful to the Prophet Muhammad led to another attack on non Muslims even up to the Federal Capital Territory Abuja and resulted into another massive bloodshed. These jihadists' activities with the introduction of sharia have brought about unwanted issues the country cannot contend especially in the area of lawlessness, Human Right abuse, sectarianism, crises, wanton destruction of lives and property. For instance, he avers that Abubakar Aliyu, was alleged to have made love to a mad woman and he was given one hundred (100) lashes and one year imprisonment. Bello Ahmed and Ahmed Binji got eighty (80) lashes each for consuming alcohol while Sani Muhammed also known as Dan'ashana, received twenty-four (24) strokes in addition to one year imprisonment for selling carcasses of animals to pepper soup and food sellers in Sokoto. Amina Abubakar, a housewife in Zamfara State received one hundred (100) strokes of the cane for engaging in extra-marital affairs. The order for her flogging was given by a Sharia court in Gusau. While Amina Abubakar waited the



execution of the sentence, the court did not say anything in respect of her male counterpart with whom the act was committed. In Sokoto State, Muhammad Jabbi Shuni, the Sokoto State director of National Orientation Agency (NOA) and Isa Abdullahi, an accountant with the same NOA were publicly given forty (40) strokes of cane each with the order to pay seven thousand naira (N7,000) each and to spend eighteen months in prison for stealing. In his judgment, Bawa Sahabi Tambawal, the Sharia judge, said the verdict was based on the charges made against them under section 178 of the Sharia penal code, (SPC). The renewed spate of jihadists violence in Nigeria according to Abiodun in Nigeria has claimed over sixty thousand lives and Ezigbo (2015) quotes the United Nations as saying that Nigeria has the highest number of internally displaced persons (IDPs) in the world numbering 1.5 million (p.13). In support of the above, Nwanaju (2011) said that Sheik ElZakzaky termed the Fourth Republic Sharia implementation a “political sharia.” ElZakzaky argued that politicians adopted sharia for selfish reasons and finally accused them of abysmally looting the public treasury only to turn around to amputate poor people’s hands for stealing peanuts (p.412).

Abbas (2000) observes that there exist countless individuals and groups who label their rulers or their governments as apostates or unbelievers and have declared war against them. They argue that these leaders do not rule by what was revealed to Mohammed. They go further to terrorize and kill government officers, members of the armed forces, lecturers, traders and public servants. These groups such as Maitatsine, Yan Izalla and Boko Haram among others use militant Islamic ideology to justify such actions (p.94). For instance, a daring move by one of these groups was the condition they gave to the former President Goodluck Jonathan. According to Usigbe (2012), the BokoHaram sect demanded that Goodluck Jonathan should be converted to Islam or resign as a panacea for laying down their arms. Jonathan’s silence about the demand

made their bombings to go off on alarming rate (p.1). The resultant effect of all these is that those who are innocent of any crime and struggling to earn a living become the targets of these extremist ideologies.

Pérouse (2014) asserts that Boko Haram was initially inspired by the Salafi doctrine of the Izala movement, Mohammed Yusuf was very vocal against the African “perversion” of Islamic practices by the Sufi brotherhoods. He attacked the Tijaniyya, who were more popular than the Qadiriyya. Mohammed Yusuf also condemned the corruption of traditional elders and emirs just as he continued to pay respect to Usman dan Fodio and the jihad of 1804. At the end of the 1990s, Mohammed Yusuf first used the regional networks of Izala to extend his influence outside of Borno and his home state Yobe. This took him and his supporters towards neighbouring countries like Chad and the Republic of Niger, where the Nigerian Izala had begun to preach in the mid 1980s, launching their own organization, *dini*-Islam, in Niamey in 1993 (p.7). The empirical studies have highlighted the negative activities of movements and groups that took the form of the Usman dan Fodio’s jihad against the progress and total development of the Nigerian state and with these highlight the study move to summarize the review of literature.

#### **2.4. Summary on the Literature Review**

Basing on one of the theories employed in the study (conflict theory), the study locates the origin of jihad and traces its evolution as a response to the changes affecting the new Islamic community in its transition from ancient Arabian culture to the religious civilization of Islam. It is understood that Islam arose in a unified form from an environment where warfare at any rate, armed violence with some degree of organization and planning was the definition of everyday life. Later, different strands with various religious ideologies began to emerge from the new

religion. Owing to these divisions with their attendant emergences, these groups grew and began to understand, interpret, adopt and apply different dimensions and versions of religious beliefs and practices such as jihad and sharia. Many theologians, Islamic leaders, authors and thinkers have shed diverse views on the concepts of jihad and sharia. These divergent views range from the extent to which they can be applied, to whom they should be applied, how and when they should be applied. For example, some of these groups stress that jihad does not involve arm struggles and fighting with the swords, many believe that jihad must be fought with arms while others argue that both the spiritual and sword jihad should be adopted.

In view of these divergent views, many diverse groups continue to spring up from the religion and these groups adopt positions and practices that suit their beliefs and aspirations. The same arguments have trailed the 1804 Usman dan Fodio's jihad as well as the quests for the incessant implementation of sharia in Nigeria. Usman dan Fodio's Jihad gained momentum around 21<sup>st</sup> February, 1804 and swept almost all the Hausa land, in fact, like wildfire from Gobir to Katsina, Kano, Daura, Zamfara, Kebbi, Zaria, Nupe lands and the Northern fringes of the old Oyo Empire. It was the same momentum between 1999 and 2000 that another jihad and Sharia wars (the second jihad) were garnered and they swept through northern to some southern Nigeria with the similar ideology. The launching of that jihad in 1804 has been given diverse interpretations on the motives behind it. Many believe that it has political undertone, some argue that it has economic connotations, few are of the opinion that it is religious while some people believe that it has racial alignments.

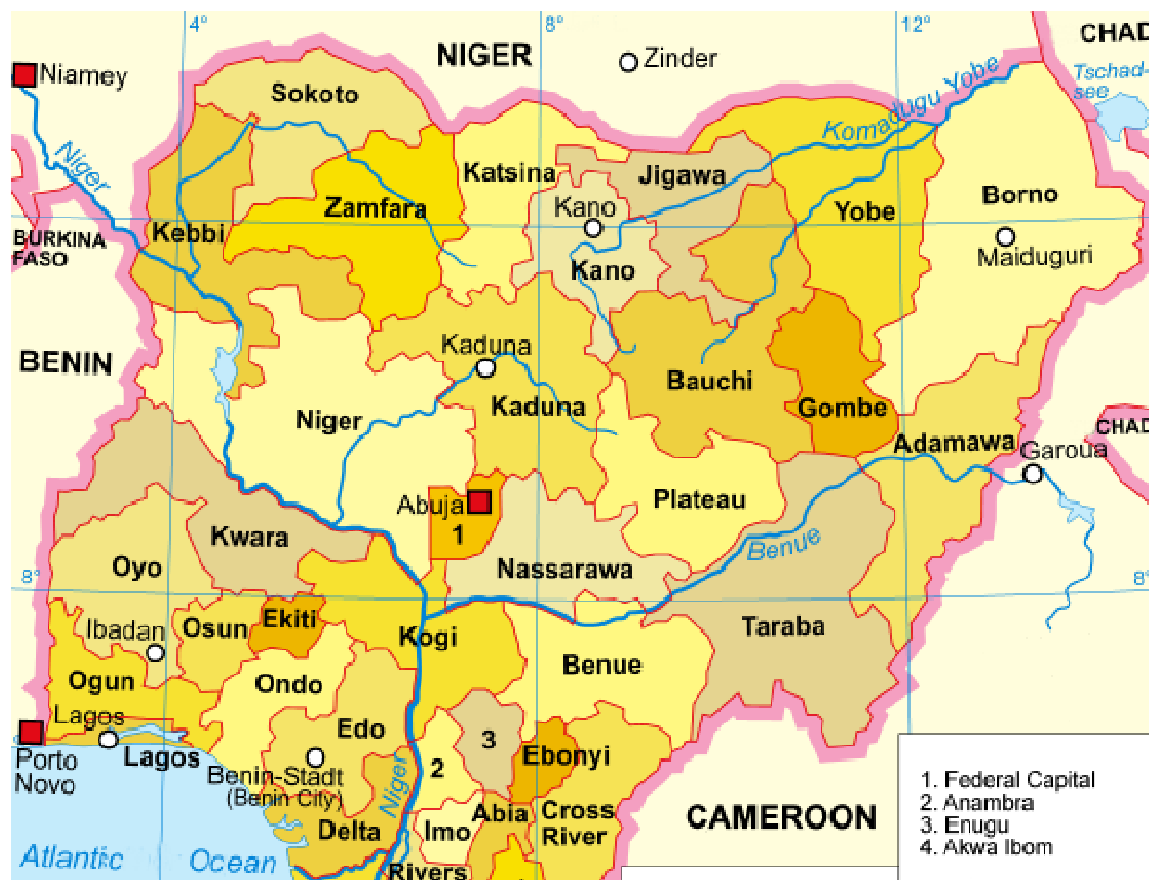
Historically, jihad and sharia have multiple meanings hence many political and religious groups have hijacked the concepts of Jihad and Sharia over the ages to justify their forms of violence. In most cases, Islamic splinter groups invoked the principles of jihad to fight against

the established Islamic order and this abuse of jihad no doubt contradicts Islam. It can be adduced from the study that jihad is a war aimed at the enforcement of sharia. It has taken about two centuries since Usman dan Fodio's war sparked off in Gobir land, however, the patterns with which the Maitatsine killings, Izala, Shiites, Fourth Republic's sharia revolution and Boko Haram onslaughts are typical of the Usman dan Fodio's 1804 Jihad. In view of the heterogeneous compositions of Nigerian state, the emergence of these violent movements or groups in the likes, forms and mission of Usman dan Fodio's jihad have been alarmingly deadly. As such, they have not been the desired option for the development of Nigerian state.

## CHAPTER THREE

### NIGERIA IN HISTORY AND THE PRESENCE OF ISLAM IN NIGERIA

A map exhibiting the 36 states of Nigeria and the Federal Capital Territory.



**Pix 1 map showing the map of Nigeria. Sourced from:**

<http://www.Nigeriasite.Com/Images/Nigeriamap2.Jpg>. Accessed 14th February, 2016.

In this section, the study discusses briefly the history of Nigeria where the 1804 Usman dan Fodio's Jihad and the subsequent campaigns for the implementation of Sharia have been taking place. The study succinctly looks at the Nigerian history from the pre-colonial, colonial and post colonial existence of the country.

It highlights the pre-Islamic Hausaland, the history and coming of Islam in Nigeria, factors responsible for the spread of Islam in Nigeria, strands in Nigerian Islam and the impacts of Islam to the Nigerian society.

### **3.1. Pre-Colonial Nigeria**

Abiola (1984) states that between the eleventh century and the European colonial conquest in the nineteenth century, the area known as Nigeria today was homes of sophisticated kingdoms and societies (p.153). Afigbo (1980) states that Nri myth gives the popular history of the people in the present day Southeastern Nigeria (p.42). Lawal (1982) affirms that the southwestern Nigeria was notable with the Oyo Empire (p.67). Anyaele (1987) writes that the south-southern parts were notably for the Benin Empire, Ibibio, Efik and host of others (p.65). Lawal (1982) avers that the North-eastern part is majorly known with the Kanem-Bornu Empire (p.74). Nwanaju (2008) notes that there were kingdoms such as Katsina, Kano, Zaria and Gobir in the ancient Hausa cities (p.34).

Economically, in the Pre-colonial era, Okeke (2005) said that Nigerian societies were not static. This is because the contacts they had with neighbouring communities through trade and migration brought about changes in production techniques and the levels of production. These interactions gave rise to some form of societal transformation (p.43). According to Alagoa (1999), in the political sphere, most of the Hausa- Fulani states, Kanuri, Nupe, Igalla, Jukun, Chamba, Yoruba, Efik, Edo, Itshekiri and a few others have well established monarchical systems before the coming of the British. They were other ethnic groups such as those places in Igbo land, Idoma, Urhobo, Tiv, Ibibio, Annang, Kamperi, Kuba, Ebira and the majority of other smaller nationalities that operated along segmentary or stateless societies (p.61). Culturally,

before the Colonial time Nigeria had an eventful history. For instance, Nwanaju (2008) posits that the Igbo and the NOK cultures had exciting history as they worked on iron and produced sophisticated terracotta sculptures (p.30). Ifeka and Stride (1982) assert that there is evidence to suggest that culture of borrowing and emulation was common in the Pre-colonial Nigeria. For example, the Tiv and Chamba were influenced by the Jukun group. The Tivs began to adopt Jukun institutional symbols like drums as well as organizing themselves into small kindred while the rulers of Akoko and Ekiti were influenced by the title and insignia of the Benin monarchy (p.112).

Achebe (1958) records that security was relatively tight during that time because in many places like Igbo land, the age grade associations served as agents of policing, socialization and mobilization. They propelled community efforts in developmental projects and in the case of war, they served as defense (p.109). Onwubiko (1985) notes that many measures were adopted to police the society mostly from the rather stratified dimensions such as the Secret societies in form of Ogboni, Ekpe and masquerade cults that served as the instrument of execution of judicial decisions (p.19). Masquerades were said to be earthly representations of the gods and this could be because of the degree of preparations or rituals performed before they appear. They appear also occasionally and some in the night while some appear annually. They served in many cases, as sources of entertainment and corrective measures like collection of levies or fines from defaulters and offenders against the law of the land.

Medically, Bourdillon (1991) asserts that there were no advanced facilities like the ones we have today but their herbs were very efficacious. Besides, there were medicine men or shaman who were said to have the knowledge of life and evil to whom the people consulted for their problems. Meanwhile, people ate natural food without additives and because there were no

refrigerators, their food was taken fresh and no doubt these fresh meals would have positive result on the people's health (p.145). It was the Pre-colonial times that laid the foundation for the Colonial era.

### **3.2. Colonial Nigeria**

This is the era when the European merchants and the missionaries came into Nigeria. Abiola (1984) said that following the Napoleonic Wars and the Industrial Revolution in the eighteenth century, the British expanded trade with many countries of Africa especially the Nigerian interiors. In 1885, the Berlin Conference ceded the West African Coasts through partitioning to the British- a Western sphere of influence that received international recognition and the following years, the Royal Niger Company was chartered under the leadership of Sir George Taubman Goldie (p.151). Adigwe (1979) said that the Sokoto Caliphate was conquered in 1903 and after the conquests the British were able to create the Northern Nigerian protectorate. Lugard went full blast and created what was to be known as the Protectorate of Northern Nigeria. In 1906, the colony of Lagos and the Protectorate of Southern Nigeria which included the former Niger Coast Protectorates that were hitherto administered separately were merged and became the Southern Protectorates. Lugard who had gone to Hong Kong as a Governor for six years later returned to Nigeria in 1912, to achieve the merger of the Northern and Southern Protectorates. Two years later, the amalgamation was done and beginning from January 1914 onwards, the newly united Colony was presided over by a Proconsul, who was given the title of a Governor-General of Nigeria (p.170).

Olusanya (1999) notes that Nigeria had its first Constitution in 1922, usually regarded as the Clifford Constitution and its Committee comprised fifteen un-official members nominated by



the government, three unofficial members representing Lagos, Calabar Municipal and the East as well as thirty official members (p.544). According to Salmone (1991), the Emirs settled more and more into their roles as reliable agents of Indirect Rule and Colonial authorities were contented to maintain the status quo particularly on religious matters. Christian Missionaries were barred from entering the north and the limited government efforts in education were harmonized with Islamic Institutions but the Indirect Rule failed in the East (p.55). From the account of Anyaele (1987), it can be adduced that the Nigeria's demand for independence can be grouped at least, into two great periods and they are the era of troubles which spanned between 1930 and 1949 and the era of cooperation which could be dated between 1951 and 1957. The era of cooperation commenced with the devolution of power courtesy of the Macpherson's Constitution of 1951. Britain agreed then to share power and responsibility with Nigerian politicians though on representative institutions only. This was also captured and in the new Constitution.

### **3.3. Post Colonial Nigeria**

Nigeria was granted independence on 1<sup>st</sup> October, 1960 under a constitution that provided for a parliamentary system of government. It gave a substantial measure of self-government for the country's already created three regions. According to Abogurin, (1999), the major political parties in the early Republic had emerged in the late 1940s and early 1950s as regional parties whose main agenda was to control power in the regions. Later, other opposition parties like Northern Element Progressive Union (NEPU) which opposed the NPC sprang up with series of demands among which included a demand for separate States (p.86).

Tanko (2003) argues that at independence, even when the departing Colonialists favoured the NPC's view above other political parties, none of them could form enough strong party to control the national government. Therefore, a coalition was adopted which provided a measure of North-South consensus that would be the case if the country became a Republic in 1963. Interestingly, the coalition produced Tafawa Belewa as the Prime Minister while Nnamdi Azikiwe became the Governor-General and later the President after the Republic in 1963. The Regional Premiers were Ahmadu Bello for the Northern (NPC), Samuel Akintola for the Western Region under AG. Michael Okpara took over the Eastern Region while the Mid-west led Denis Osadebe (p.6).

The Military was seen on the scene on 15th January 1966, when Major Nzeogwu and five other majors staged a coup-d'état that claimed the lives of many people including Ahmadu Bello, Tafawa Belewa, Col. Unegbe and others. Uwechue (2003) said that the coup of 1966, though, later turned sour, brought in Major General Aguiyi Ironsi as the ruler between January and June 1966. When Ironsi took over in 1966, he appointed Military Governors for the four regions and they were: Lt Col. Odimegwu Ojukwu, for the Eastern Region, Hassan Usman, Katsina for the Northern Region, F.A. Fajuyi, for the Western Region while D.A. Ejoor, was in charge of the Mid-western Region. He appointed Brigadier Ogundikpe, Chief of Army Staff Headquarters, Commodore J.E.A Wey as the head of Nigerian Navy and Lt. Col. Kurubo George as head of the Nigerian Air force. It was these men that made up the members of the Supreme Military Council (SMC). The northern coup leaders accused Ironsi of an inability to quiet ethnic tensions and the failure to produce a Constitution acceptable to all sections of the country. In fact, his efforts to abolish the Federal structure greatly raised tensions and led to another coup staged by the northern soldiers in July of the same year and it claimed the life of Ironsi (pp.34-64).

Ademolekum (1985) maintains that at the exit of Ironsi's regime came the era of Gowon who divided the four regions into twelve States. The Eastern Region under Lt Colonel Ojukwu rejected the move (p.11). Oyewole and Lucas (2000) note that Ojukwu's demand that the most senior Military Officer in the Army being Brigadier Ogundikpe should succeed Ironsi instead of Lt Col. Gowon but Ojukwu's demand was rejected by T.Y. Danjuma, Murtala Mohamed, Martin Adamu and other northern groups who carried out the mutiny. With this and other factors like killing of the Igbo people in the north and Gowon's inability to abide by the Aburi Accord, led Lt Colonel Odimegwu Ojukwu to declare the independence of Biafra hence the Nigerian civil war (p.401). Modupe (2000) maintains that the often mentioned Aburi Accord was held in Aburi of Accra in Ghana with the aim of averting the impending Nigerian Civil war (p.35). The war ensued with bitter and bloody ending in the defeat of Biafra in 1970. Ademolekum (1985) adds that Colonel Ojukwu, the Biafran leader was granted political Asylum into Ivory Coast, by Felix Houphoet Boigny, who had on 14th May, 1968 recognized the Biafra Republic. Ojukwu handed over to his deputy, Phillip Effiong who in turn surrendered Biafra to the Federal Government on 12<sup>th</sup> January 1970, marking the end of the War (p.47). Anyaele (1987) affirms that one of the events that followed after the Civil War was the creation of three R's; Reconciliation, Rehabilitation and Reconstruction introduced by the Federal Military government. But Gowon's administration was knocked out of office after series of allegations such as corruption and inability to announce a realistic time for Civilian hand-over (p.301). According to Awosefo (2005), Gowon's regime came with nine point agenda and flimsy excuses of holding on to power before he was forcefully removed on 29th July 1975. Murtala Mohammed and his group took over the government with the reasons that Nigerians have shed much blood and the leaders were insensitive to their plights (p.136).

Ademolekum (1985) again maintains that though Murtala Mohammed's regime was very short, it was adjudged a square peg in a square hole. However, in a bloody coup of 13th Feb.1976, that claimed his life, his Second in-Command Obasanjo, completed his programme of Civilian rule that produced Shehu Shagari as the president in 1979 (p.22). Oyewole and Lucas (2000) affirm that there were six political parties that contested for the elections during the Shehu Shagari era and they were: the National Party of Nigeria (NPN); Nigerian People's Party (NPP), People's Redemption Party (PRP) United Party of Nigeria (UPN), Great Nigerian People's Party (GNPP) and Nigerian Advance Party (NAP) which was registered in 1981 (p.474).

In 1985, Mohammad Buhari took over the government from Shehu Shagari through a coup d'état. Oyewole and Lucas (2000) submit that Buhari in his address immediately charged Civilian politicians with economic mismanagement, wide spread corruption, electoral fraud and general lack of concern for the welfare and the problem of the country (p.153). However, Awosefo notes (2005) that Buhari's government was on 27<sup>th</sup> August 1985 overthrown through a bloodless Coup that produced Ibrahim Babangida who came up with another thought-out accusation. He alleged that the deposed regime failed to deal with the country's deepening economic crises. Babangida continued until in 1993, when he bowed to public pressure after the widely-talked about June 12th 1993, annulment of an election believed to have been won by late M.K.O Abiola. He inaugurated the Interim National Government headed by Shonekan and in his word "stepped aside". But on 17th November 1993, the then Defence Minister, late General Sani Abacha forced Shonekan to resign (pp.143-144).

Abogurin (1999) said that Sani Abacha set up a Constitution Review Committee which at one of its brainstorming sessions mid-wifed the birth of the idea of six geopolitical zones

structure that represents the basis for zoning and geographical spread in all the appointments both in political parties and Federal Government's parastatals. Abacha did not announce a date for Civilian administration until he stage-managed a process of returning himself as a life Civilian President billed for 1<sup>st</sup> October, 1998. But he died in office on 8th June, 1998 (p.11). Adamolekun (1999) argues that Abacha's regime was generally regarded as the dark days in the history of Nigeria's political life. The regime was the worst government in Nigerian history because corruption and reign of terror were the rulers of the day. He was succeeded upon his death by Abdusalami Abubakar, who handed over to a Civilian rule under Olusegun Obasanjo, on 29th May, 1999. Therefore, the death of Abacha and the transition agenda carried out by his successor, Abdulsalami brought about the Fourth Republic (p.24). Nigeria re-attained democracy on 29th May 1999, when it elected Olusegun Obasanjo. He handed over to Umar Yar'adua on 29<sup>th</sup> May, 2007. After prolonged illness, Yar'adua died on 5th May 2010. Then with the "doctrine of necessity" as propounded by the National Assembly, the Acting President, Goodluck Jonathan who acted as Vice President before then was on 6th May 2010, sworn in as the replacement for the late Yar'adua. Jonathan picked Namadi Sambo, the former Governor of Kaduna State to be his deputy. Both of them served until in the 2011 general elections where they were controversially returned to Power because of the deadly wave of violence that greeted their re-elections. Goodluck Jonathan and Namadi Sambo have both in 2015 vacated offices for General Mohammad Buhari (rtd) and Prof. Yemi Osinbajo respectively.

Summarily, it can be said that Nigeria is a country of different persuasions, religions, languages, cultural and socio-economic backgrounds. The pre-colonial period was the time before the Europeans came; colonial eras were the periods of formation for the captured colony;

the period of education, the inculcation of proper Colonial life style-in fact, the period of formation for the captured colony.

### **3.4. Islam in Nigeria**

#### **3.4.1. Pre-Islamic Hausa State**

According to Hunwick (1966), the Hausa in the pre Islamic era was largely pagan, while the Fulanis were predominantly Muslims. There were about fourteen independent kingdoms ruled by Hausa states before the arrival of Islam (p.293). In the same vein, Abiola (1984) and Kaura (2004) agree that the pre-Islamic Hausa state was that of religious syncretism, worship of lifeless objects as well as misadministration and misuse of powers.

#### **3.4. 2. The History and Coming of Islam in Nigeria**

The exact date when Islam came into Nigeria has been a matter of academic and historical debates and to an extent uncertain. But it is the view of many authors and historians such as Adeleye (1971a) and Kenny (2000) that Islam was introduced into Hausa land about the 14th century by foreign Mallams and merchants, such as Wagara Arabs and the Fulanis. Abubakre (1993) acknowledges that Islam came to Africa in its first decade of establishment. It came through Jafar ibn AbiTalib-a cousin of Prophet Mohammed who led other Islamic adherents to escape a sustained persecution from the Quraysh of Makah in 616CE. They migrated and got refuge under a just Christian ruler. Prior to Islam, though, Arabs were familiar with the North Africa because of trade that covered Egypt, Yemen and Syria (p.177).

Historically, Islam appeared to have reached the Sub-Saharan Africa including Nigeria as early as 9<sup>th</sup> century through Muslim traders and expeditions during the reign of Arab Conquerors.

Kenny (2004) is of the view that Islamic presence in Nigeria can conveniently be dated by its orientation first to the Sahara and North Africa, secondly to the Atlantic and lastly its ubiquitous orientation in the period of independence. The raids into the central Sahara by Uqba ibn-Nafi in 667 as told by Ibn-Abdihakam opened the route to Kanem and Bornu. In any kingdom he raided, Uqba imposed a tribute of about three hundred and sixty (360) slaves. From that time until the end of the 19<sup>th</sup> century, the central African trade route specialized in slaves taken from the vicinity of Bornu. Later, Uqba's grandson, Ubaydallah ibn al-Habhab made a raid across the Western Sahara and discovered gold. The demand for gold led to the emergence of the Ghana Empire and the predominance of gold in the western trans-Saharan trade up to the 11<sup>th</sup> century. He maintains that Islam came to Hausa land through the military expeditions across the Savanna. This was the result of the Murabit often known as the Almoravid movement among the Sanhaja Berbers, a religious-military movement which resulted in an empire stretching from Senegal to Spain (pp.5-7).

Nwanaju (2008) corroborates that Islam came to the Northern Nigeria-Kanem-Bornu in the 9<sup>th</sup> century and was introduced in Hausa land in 14<sup>th</sup> century. It came to Kanem Empire during the reign of 'Humme Jilmi' but the credit of its solidity goes to Mai Idris Aloomo who made it a state religion, introduced Islamic courts, erected mosques and set up a hostel in Mecca for the Islamic pilgrims (p.201). Like in the Hausa state, Amitabh (2013) argues that Islam came to Yoruba land during the reign of Mansa Musa's Mali Empire and that is why they colloquially referred to Islam as "Esin-Mali" which means "religion from Mali". Islam had spread to the countryside and towards the middle belt uplands in the 16th century (p.66). Akpeninor (2014) affirms that in Yoruba land Islam experienced setbacks in the first half of the nineteenth century but in the second half, two factors combined to widen and consolidate the Islamic presence

among the Yoruba people. One was the contributions of Muslims who were among the liberated slaves that returned from Europe via Sierra Leone popularly known as Muslim “Akus”. The second was the contributions of itinerant scholars together with the flag bearers from the Sokoto caliphate through the Emirates of Ilorin and Nupe land. All of them contributed to solidify Islamic presence in Yoruba land (p.551). Balogun (1980) however, identified three main stages of Islamic manifestations in Nigeria from its early advent to 1800. First, Islam came to Nigeria and began as a religion of the aliens and then become popular and accepted by the masses, it later turned out to be the religion of an influential elites’ group and finally became a militant religion (p. 220). Among the Igbo group, Nwanaju (2008) maintains that there was a realignment of ethnicity and religion-a change that occurred as a result of the gruesome Nigerian civil war. The post war Igbo society witnessed an inspired penetration of Islam into the Christian dominated southeast. Today there are some notable Igbo indigenes who are Muslims and mosques are found in some cities across Igbo land (p.85).

### **3.4.3. Factors Responsible for the Spread of Islam in Nigeria**

Clarke (1982) asserts that trade, returning of slaves, jihad, Almoravids movements and itinerant Muslims preachers are the major factors that spread Islam in Nigeria (p.28). According to Kenny (2000), Muslim preachers earlier tolerated though temporarily, a king who accepted Islam and at the same time continued to practice the traditional religion. Some kings saw Islam as a convenient support to their royal authority, since it was a unifying ideology bridging the gap between many tribes and presenting them with a wider brotherhood, citizenship and nationality. This produced the phenomenon of “state Islam”, whereby Islam was controlled and used to promote the interests of the rulers. Accepting Islam would also give the king legal immunity from attack by other Muslims (p.94). Raids by desert nomads upon the settled farmers were very



frequent and raids by Muslims upon unbelievers were encouraged by the religion. Abubakre (1993) had earlier added that the spread of Islam in Nigeria, especially Yoruba land, is occasioned by the dynamism of Islam to the appreciation of African culture like the permission of polygamy which Christianity abhors (p.177).

Nwanaju (2008) emphasizes that there are many figures who have played strong roles in the rapid and forceful spread of Islam in Nigeria. They are Idris Alooma, Mohammed Korau (Emir of Katsina), Mohammad Rabo (Emir of Zazau) and Mohammed Rumfa (Emir of Kano) Usman dan Fodio, Mohammad Marwa-Cameroonian, known as Maitatsine, Ahmadu-Bello, Sheiks El-Zakzaky, Abubakar Gumi among numerous others. He maintains that there are various organizations that have been established in the country which have worked and continues to propagate Islam in Nigeria and they include: Jam'atu Nasril Islam often known as the society for the support of Islam. It was founded in 1961 by the then premier of the Northern Region Ahmadu Bello immediately after Nigeria attained her independence. It serves as both missionary and educational organ of the *umma*. The Supreme Council for Islamic Affairs that was founded in 1973 has almost the same thing in connection with the Jam'at Nasril Islam. The Muslim Student Society (MSS)-comprised youthful organizations within Nigeria's campuses and colleges, is believed to be primarily concerned with the mission of carrying out sharia and jihad in Nigeria. The *Ja'ma'atu Izalatul bid'a Waikamatus Sunnah* known as *Yan Izala*. It was established in 1979 by Mallam Idris Samila with its headquarters at Jos Plateau state. Izala has been credited with series of militancy in its Islamic propagation agenda in Nigeria (pp.248-.250).

Abiodun (2009) concurs that there are other movements, such as the Anwar- ul Islam Movement of Nigeria which is formerly known as the *Ahmadiyya*, and it was founded in 1916, Nasrul-Lahi-L-Fatih Society of Nigeria, (NASFAT), ISLAHUDEEN, ANSARUDDEN,

NUWAIRUDDEN and so on. Concisely, Haynes (1994) said that the spread of Islam in Nigeria is dependent on two major factors and they are jihad and trade (p.28).

#### **3.4.4. Some Strands in Nigerian Islamic Religion**

The earliest known sects in Islam are perhaps the Sunni and the Shi'a (Shiites). Ergun (2002) traces the strands in Islam to the war between Uthman and Ali. Uthman, a Persian slave, murdered Umar and as the third successor of Prophet Muhammad, he was seen as a selfish ruler concerned only with his kinsmen. By the end of Uthman's reign, the followers of Islam were badly divided. Uthman was killed in his own home by rivals while he was reading the Quran and his body was left without burial for some days which is a grievous sin in Islam. But he was finally buried in his blood stained cloth signifying his martyrdom. At his death, his son-in-law, Ali bin Abu Taleb, Prophet Mohammad's cousin took over the office of caliph. Aisha the widow of the prophet Mohammad fought bitterly against Ali and his tribesmen. Muslims fought against Muslims in two major battles that ended without any victor. In 661 AD, Ali was assassinated and since that time, Islam has been divided between those who follow Ali known as the Shiites and traditional Muslims known as the Sunnis (pp.70-71). Khuri (1990) observes that whereas the Sunni believe in integrating religion and society by adopting a form of religion that takes to the state structures, the Shiites believe in what can be called a religious Puritanism. Secondly, there is also a controversy over the origin of the group. Whereas the Sunni have designated family roots that would always produce the caliphs or imams, the Shiites believe that the position of imam can even be earned by commoners who have excelled in religious teachings and traditions. Since the Sunni adopted religion to social structures, they also have accepted and respected political authority. Generally, Sunni leaders can function both as religious and political leaders hence the Emirate systems of administration is actually derived from the Sunni tradition (p.72).

Apart from the aforementioned, the Nigerian Islamic strands include the **Sunnis, Shiites, Muhammadiyya Izala, Qadiriyya and Tijaniyya**. Customarily, according to Abner (1969) the Islamic practice in Nigeria especially in the northeastern is dominated by the Sunni group. However, as in other parts of Northern Nigeria, Tijaniyya dominated Qadiriyya as the region's major Sunni sufi strands of Islam. Tijaniya Order was founded in South Africa towards the end of the eighteenth century and advanced into the century to many African countries including Hausa Fulani in 1950s where they were in constant rivalry to the traditional dominant qadiriya in Sokoto and kano states (pp.151-152). The Tijanis in the view of Olupona (1991) believe that *Salatul Fathi* is a crucial supplication offered by Sheikh Ahmad Tijani and they often see its repeated recitation as an act of devotion. It is easily distinguishes them from other Muslims. Scholars among them do not wear turban no matter the level of their status but a scarf may be worn around the neck (p.39). Abiodun (2009) notes that this group engages in regular *dhikr* sometimes by dancing thus attracting attention, emphasizes visitation to important Sheikhs, eulogizes Prophet Muhammad more often using the microphone, celebrates his birthday (maulud) as an important ritual and maintains regular contacts with Senegal, the birth place of Sheikh Ibrahim Nyass whom it reveres as *Qutb* (pp.6-7).

**Qadiriyya:** Although Qadiriyya has a long history and being the first Maliki Sufi order to arrive West Africa, Abner, (1969) asserts that its influence in the northeast region is not quite felt, so much so that many Muslims may not even think that they exist. The Khalwatiyya (a variant of Qadiriyya) was practiced by some Ulama in Bornu's former capital of Ngazargamu and much later but the practice later waned (p.153). Olupona (1991) believes that the Qadiriyya had association with the Sokoto Caliphate (p.39).

**Muhammadiyya:** Perhaps Muhammadiyya as a group is the smaller of the previous two discussed. According to Hosen (2004) and Abiodun (2009), the group is said to be confined to only Bajoga in Gombe State and Wiringile-Bajoga a small village of about 200-300 people in Shani LGA of Borno State where it first settled in 1986. Unlike other Sufi brotherhoods in Nigeria today, Muhammadiya has withdrawn itself into relative seclusion from the wider society since the village in which its members live is entirely homogenous, composed of only its adherents (pp. 147-179). The Izala and the Shiites groups are briefly discussed in chapter five but they are parts of the major strands in Nigerian Islam.

#### **3.4.5. The Impacts of Islam in Nigeria**

Abiola (1984) argues that Islamic religion has greatly affected generally the lives of the people of the states. In the first place, he argues that Islam replaced the traditional religion as well as its attendant practices. After the Hausa people have embraced Islam, they stopped offering sacrifices to lifeless objects such as trees, rivers and rocks. Islam ushered into the land both the eastern education and civilization. Most of the kings after their conversion made visits to the holy land where they did not only offer prayers but also studied Arabic education, the people's ways of life and mode of administration. On getting back to their various kingdoms, these kings began to introduce those things they learnt in their various kingdoms (pp.34-35).

Balogun (1999) maintains that they built mosques and schools where quranic education was taught to their children. In the administrative section, the learned Islamic scholars were employed to replace the traditional chiefs. In the judicial aspect of their various kingdoms, these kings made the Islamic laws to replace the traditional laws and customs which were formerly in vogue in the land. The resultant effect is that what used to be Hausa land has today become a Muslim state and the best buildings in the land are either mosques or quranic schools (pp.105-

135). Iwe (2000) also agrees that Islam has made impact on the socio-political life of the people through education, travelling to the developed parts of the world, through pilgrimages and the formation of brotherhoods (p.221). Abdullah (2003) succinctly outlines some of the specific contributions of Islamic Sharia to human society. These include the eradication of poverty and creation of conditions for full employment. High rate of economic growth through proper planning, building necessary physical and social infrastructures, the promotion of stability and the inculcation of real value of life as well as the maintenance of law and order. It also comprises ensuring social security and economic justice, fostering equitable distribution of income and wealth (p.6).

### **3.5. History of Jihad in Nigeria**

In this sub section, the study discusses the history of jihad in Nigeria, beginning with a succinct narratives on the life and teachings of Usman dan Fodio, the 1804 Usman dan Fodio's jihad, about the man Usman dan Fodio, Hausaland before the Usman dan Fodio's 1804 Jihad, the remote causes of Usman dan Fodio's 1804 jihad, the immediate causes of Usman dan Fodio's 1804 Jihad, factors that spurred the propagation of Jihad in Nigeria and the effects of Usman dan Fodio's 1804 jihad on inter-group relations in Nigeria.

#### **3.5.1. The Life and Teachings of Usman dan Fodio**

Everything about the 1804 jihad in Hausaland revolves around the life and teachings of Usman dan Fodio who was believed, according to Crowder and Abdullahi (1979), Milsome (1979) and Fage (1988) was born in 1754 in Marata, Gobir, to the Toronkawa tribe of Fulani origin. Sulaiman (1986) notes that shortly after his birth, his parents and the rest of the family moved to Degel, where he grew up. In the Timbuktu tradition, parents were invariably the first

teachers and Usman dan Fodio received most of his education from his parents and relatives. Usman dan Fodio's descent has been traced to one Mura Jakolo who had migrated to Gobir from Futa-Toro at around the 15th century. Usman dan Fodio's ancestors were also believed to have settled originally in Konni before they eventually migrated to Degel (p.109). The Toronkawa, described by Hunwick (1966) as a "missionary tribe" had an ancient tradition of Islamic learning and piety (p.293). According to Olupona (1991), the Toronkawa claimed descent from Prophet Mohammad and the first occupants of Gobir land (p.39). It is not surprising therefore that Usman dan Fodio himself was an erudite scholar who had undertaken a deep study of Islamic law, theology and mysticism. Milsome (1979) maintains that he received his first tutelage under his father, his uncles and later at Agades, north of Marata, at the feet of Jebril (p.19).

In the view of Cook (2011), Usman dan Fodio's life can be divided into two sections which are: his teaching phase and the active phase. During the first phase, he was closely linked with the Hausa rulers especially in a preaching and hortatory capacity, calling for the suppression of innovation. But after twenty years of his preaching ministry, in 1804 he performed hijra to a small town of Gudu (p.5). Isichei (1983) said that he started preaching at the tender age of twenty in the area around Degel (p.202).

### **3.5.2. The 1804 Usman dan Fodio's Jihad**

According to Hunwick (1966), the mixture of these migrated Fulanis and the inhabitants produced a high degree of cultural mix among the indigenes and the alien group. The Hausa people were largely pagan while the Fulani people were predominantly Muslims (p.293). Adeleye (1971a) observes that through the obvious ensuing admixture between the Islamic culture and the indigenous Hausa pagan culture, a gradual polarization of society along the lines

of two conflicting religio-political ideologies occurred. Usman dan Fodio embarked on preaching tours or missionary journeys to Kebbi, Zamfara and Gobir where he adroitly explained the tenets of Islam to the people. He employed the use of poems and pamphlets written in Arabic, Fulfude and Hausa languages in his missionary activities. He was able to spread his teachings to most parts of Northern Nigeria. As a reward for his zeal, he won a great number of admirers and followers across the whole of Hausa land. This was to play a decisive role in the success of the Jihad some years later. The leadership ability soon earned him wider credibility and recognition (p.560).

Sulaiman (1986) notes that by 1789, Usman dan Fodio had raised so many followers that Bawa Jan Garzo, King of Gobir, viewed him as a political threat. He feared the *Jamaa* or Muslim community was becoming highly organized and that could make his own leadership without influence and power (p.187). Many scholars like Afigbo (1999) seem to agree that the Usman dan Fodio's Jihad was a holy war declared and prosecuted with a view to establishing a purer form of Islam in a predominantly decadent pagan society. Milsome (1979) argues that Usman dan Fodio was sincere to his ideals of reviving Islam in Hausa land towards the orthodox line. The Fulanis accused the Hausa rulers of polytheism and other un-Islamic practices (p.12). As Adeleye (1971) affirms, it was circumstances such as these to which Muslims were radically opposed to that brought about the tension which precipitated the Jihad (p.599). Khalid (2012) affirms that in 1789 Usman dan Fodio was invited by Bawa the king of Gobir to celebrate Id al Kabir at Magami. It was planned that Usman dan Fodio would be killed but when he was accompanied by a thousand followers, the king quickly changed his mind and instead tried to win them over by offering them gifts. On accepting the gifts of which the greatest was of 500 *mithaqls* Usman dan Fodio made five demands from the king. These demands are: that the king

should allow him to preach the word of Allah in Gobir, to allow people to convert if they wish, to give respect to turbaned men (his followers), free all prisoners that were taken from Zamfara and not to burden the people with more taxes. These were accepted by the king since he realized how influential Usman dan Fodio had become (p.23).

Given the fact that the Muslim law provides a legal justification for jihad against a state where the ruler places obstacles in the way of practicing the Muslim faith or mixes Muslim and pagan practices, the declaration of the Jihad in February 1804 by Usman dan Fodio against the Sultan of Gobir could therefore be justified as a religious war. It was a clash of religious outlook between Muslims and pagans. Afigbo (1999) agrees that the Jihad was the most successful of all other Jihads carried out in the Western Africa (p.67).

### **3.5.3. Hausaland Before the 1804 Usman dan Fodio's Jihad.**

The conditions of Hausa land as noted by many scholars was that of seemingly unremitting darkness especially towards the end of the twelfth Islamic century. It did create the conditions necessary for an initiation of a process of rebirth. However, there have to be positive forces at work to provide the nourishment and the atmosphere for a sustained process of regeneration within the dark climate. Clarke (1982) confirms the fact that Hausa land before Islam was that of extortion and oppressive taxation (p.99). Abiola (1984) and Kaura (2004) agree that the pre-Islamic Hausa state was that of religious syncretism and worship of lifeless objects as well as misadministration and misuse of powers. Nwanaju (2008) says that the Pre Jihadist Hausa state was that of an environment where slave trade thrived. They raided their neighbours to the south and west for the acquisition of slaves. From the fourteenth to the sixteenth century, the use of human beings for slavery was very popular in Hausa land. He specifically notes that the Arungugu Fishing Festivals being celebrated up till today is a testimony of the religious



syncretism in the pre Hausa state (pp.24-25).

### **3.5.4. The Remote Causes of 1804 Usman dan Fodio's Jihad**

From the account of Abubakar (2003), it is evident that divisions on ethnic lines especially between the Fulbe people who were mostly nomadic herdsmen and the ruling agrarian Hausa people persisted. The groups did not only have different dominant occupations but also their societies were differently structured. The population was increasingly growing, making it increasingly difficult for the Fulbe to move their herds. This increased tensions over limited land and the migratory ability of the Fulbe group threatened their neighbours similar to the deadly Fulani herdsmen attacks today. Usman dan Fodio alleges that corruption was widespread in the Hausa government with appointments being based on bribes, rather than merit. Perhaps the most important remote factor that led to the Jihad was the need to purify Islam among the Habe states of Northern Nigeria (pp.11-12). Milsome (1979) notes:

It troubled him (Fodio) greatly that only lip service was paid to the Muslim faith in Gobir. Everywhere he went with Abdullahi, they saw how lax people were towards their religion. The Sarkin Gobir was deliberately discouraging people from observing their religion carefully. So angry was Usman dan Fodio at what he saw that he made up his mind to organize an uprising against Yunfa. (p.12)

The political factor that caused the outbreak of the Jihad has also been emphasized by many authors but Adeleye (1971) said that politically, the Fulanis had remained aliens in Hausa land despite the fact that they had lived there for centuries. Without any regard to the substantial number of learned men among the Fulanis, they suffered the disabilities of second-class citizens (p.578). Khalid (2012) said that Usman dan Fodio faced much opposition from all directions that feared him and he wished to maintain the status quo while being committed to the change. He was accused of hypocrisy, sedition, hearsay and misleading which gradually grew into unwarranted attacks and even persecution. His opposition came from the *ulama* who wished to

maintain the state of affairs to retain power and the charlatans who posed as sufi saints but were very ignorant and depended on mystical experience of transcendental knowledge. Usman dan Fodio had criticized these *ulama* for justifying political corruption, immorality, promotion of evil through local customs and culture and especially promoting slavery among Muslims. The mass followers Usman dan Fodio had attracted caused the kings to be afraid (p.16).

Lenshie and Ayokhai (2013) affirm that the repressive nature of Hausa people particularly Gobir rulers, by their actions showed them not to be Muslims. The land was used to be considered the land of Islam but the rulers' unbelief was shown by the way they followed certain unislamic practices such as veneration of rocks and trees, consultations with magicians and soothsayers, the imposition of taxes, the banning of wearing of veil for women among others. Usman dan Fodio took the advantage of the political misnomer and began to preach Islam, mobilizing the people against the state (p.4). These treatments became the remote causes of the Usman dan Fodio's 1804 Jihad. Khalid (2012) maintains that by 1795, the power was eroding the Gobir rulers and they tried to consolidate. This move increased their persecution of Usman dan Fodio and his *Jamaa*. It was around this period that Usman dan Fodio wrote a poem in praise of Sheikh Abdul Kadir Jilani. In the poem, he urged his *jamaa* to acquire arms to establish Islamic rule in Hausa land. To quell his insecurity, the King promulgated new laws which include: that no one was allowed to preach except Usman Dan Fodio, conversions were not allowed and those who were not born Muslims should revert back to their old religion, no man was allowed to wear the turban and no women a veil. This attempt to control the masses failed and provoked Muslims to become militant and amass arms. The failure of enforcing the policy forced desperate King Nafata to take Usman dan Fodio's family hostage and coerce him to discontinue his activities but this too failed and the king died in 1802. His son, Yunfa took

over the throne when Usman dan Fodio wrote on the theme of Hijra and Jihad in *Al-Masa'il al-Mu-himma*. Like his father, Yumfa made an attempt on Usman dan Fodio's life which again failed. By 1803, the situation was explosive and when Yumfa attacked Gimbana in Kebbie, Muslim property was robbed and Muslims were taken captive with many dead and villages destroyed. When the captives passed Degel, they were freed by other Muslims without Usman dan Fodio's permission but this made Yunfa to order him to leave his *jamaa* and go into exile. Usman dan Fodio refused to leave his *Jamaa* and instead left Gobir for Gudu (pp.19-21). Yunfa sensing mass exodus ordered him to stay back but the decision was made and the whole process was organized by his brother Abdullah, Aliyu Jedo, Abdusalam and Muhammad Bello his son. It was at this time that the famous pamphlet, *Wathiqat ahl al-Sudanwa-ila man Sha'Allah min al-Ikhwana fi al-buldan* was written as the manifesto of jihad. The write up was widely circulated as a declaration of the Jihad. It made it clear that the status of a state is the ruler and if Muslims have to fight the unbelievers so be it. Thus Usman dan Fodio and his party of *Jamaa* moved from Degel to Gudu marking it as the Hijrah in 1804.

All the respondents to the personal communications the researcher had with some Islamic adherents such as Alhaji Dalu Pindiga of the Emir's Palace in Pindiga District Alako L.G.A Gombe state, Hamza Abubakar, of Suleja in Niger state, Zubairu Isa Muhammad from Anguar Rimi in Kano State, Muhydden Idris of Mushin Lagos state, Saed Abubakar of the Masalaci Idi in Lokpa cattle market in Umunneochi L.G.A of Abia, Salisu Maigida, Bagudu Saleh, Bwari Mahmud and Sani Abdurahamn from Sohon Kasuwa in Keffi Nasarawa State, separately agreed that Usman dan Fodio had religious purification and the desire to liberate the oppressed as his aims of engaging in the jihad.

### 3.5.5. The Immediate Causes of Usman Dan Fodio's Jihad

Kaura (2004) observes that in the first place, there were high degrees of oppression and exploitation of the *talakawa* (commoners) by the *Masu sarauta* (rulers). The oppression and exploitation were perpetuated through the collection of numerous taxes and levies, occasional confiscation of peasant property, forced labour, compulsory military service and enslavement. The *Ulamas* (court judges) made matters worse as they were so pervasive in their judgments that it was impossible for the commoners to obtain justice or redress in the court. According to him, Usman dan Fodio had earlier contacted the king of Gobir, Bawa Jan Gwarzo concerning the evil activities and the social decadence prevalent in the area but the king paid no attention and it made Usman dan Fodio become more popular. As his popularity and activities increased, king Nafata, the successor of Bawa Jan Gwarzo felt threatened and got so worried that he sanctioned the Islamic community led by Usman dan Fodio and eventually asked them to leave Gobir. The king's sanction and other harsh treatment led Usman dan Fodio to leave Degel where Fodio's Islamic community was situated. He performed his *Hijra* similar to that of Mohammad at Gudu, a place where he became the *Amir al-muminin*-commander of the faithful (pp.7-9).

According to Crowder (1978), the persecution started from Bawa between 1789 and 1790, to Nafata who ruled between 1794 and 1801 and down to Yunfa in 1801. All these kings of Gobir attempted through series of legislations to restrict Usman dan Fodio's popularity and authority. They sought to restrict his preaching and curb the activities of his followers. This was to culminate in the threat to Usman dan Fodio's life by Yunfa and with Yunfa's attack on Abdulsalam, a reliable disciple of Usman dan Fodio who resided at Gimbassa in 1801, the stage thus became set for an open confrontation between Usman dan Fodio's followers and the king of Gobir (p.73). Kaura, (2004) affirms that the confrontation which ensued as Gobir's army

attempted in 1804 at wiping out the Islamic community at Gudu, led to the defeat of Gobir's army by the *mujahhidun* led by Abdullah the brother of Usman dan Fodio who was the *Amir al-Jaish*-commander of the armed forces (p.8). Lenshie and Ayokhai (2013) maintain that the attack and the persecution of Muslims by the Gobir ruler made the war a necessary end (p.4). Therefore, these attacks were the last straw that broke the Camel's back and the war was declared.

### **3.6. Factors that Spurred the Usman dan Fodio's Jihad: the Nigerian Experience**

The study at this point identifies some of the factors that gave rise to the jihad of Usman dan Fodio in 1804 vis-à-vis the Nigerian today's experience.

**3.6.1. Lack of Purposeful Leadership:** One of the things that must be noted from the study so far is that the Hausa kings were rulers who never cared about their subjects. They saw the people as slaves and people that deserved suppression through horrible taxations. Hook (1943) depicts a heroic leader, as one who makes things happen which ordinarily would not have happened (p.229). Clarke and Linden (1982) in this regard said that the widespread occurrence of fundamentalism in Nigeria is the result of people's disillusionment with political process and the role of westernized elites which seems common to all urban workers and farmers in impoverish rural areas (p.104). Considering the Nigerian situation vis-à-vis leadership problems, Achebe (1983) asserts that the trouble with Nigeria is simply and squarely a failure of leadership. He argues that there is nothing basically wrong with the Nigerian character, there is nothing wrong with the Nigerian land, Nigerian climate, Nigerian water, Nigerian air or anything else concerning Nigerian, but leadership (p.1). Leadership can be political, religious, traditional, intellectual, economical, ecclesiastical to mention but a few.

Iweh (1987) harps on the fact that leadership is to a society what an eye is to the body like a human body without a head (p.20). Hence According to Aworinde (2015) Kukah had argued that Nigerian roads are death traps, promotions are denied in various offices except where palms are greased, marks and awards are given to the highest bidders. Favouritism is becoming the lord of the country and that is why a gynecologist can be appointed a Minister of Nigerian economy while seasoned economists are ignored, juicy offices are often shared based on political and ethnic connections even to the detriment of merit because of bad leadership (p.12). These abnormalities on the part of leadership have given strength to the activities of Jihad and other religious fundamentalists who capitalize on the poor and failed leadership to create their own enclave and leadership.

**3.6.2. Failed State:** Even though like other concepts in the social sciences that have no singularly acceptable definition, nobody seems to know the true meaning of a failed state but definitional attempts abound and indicators are often taken as proxies for definition. Rotberg (2004) as cited by Oviasogie (2013) argues that civil war(s), disharmony between communities, loss of control over regions, growth of criminal violence, cessation or weak legislature and judiciary, informal privatization of social services, corruption, loss of legitimacy, declining per capita GDP, high population density, communal violence, brain drain, institutionalized political exclusion, drop in GNP, rise of private militias or guerrillas, higher poverty rates, human rights violations and fragmentation of ruling elite as the characteristics of a failed state (p.24).

Similarly, Okoro (2012) contends that the state emerged essentially to contain crime and criminality, to protect private property and its owners from the lustful eyes of the criminals. He cites Karl Marx who argues that the state's tactfulness in the monopolizing the means of physical violence confers it a legitimacy. Therefore, whenever a state fails to exercise full control of the

employment and use of physical violence, that state has lost essential aspect of its attribute as a state and this creates room for all kinds of criminal activities to thrive. He believes that the background to the emergence and thriving of terrorism in Nigeria remains the lapses in the Nigerian state (p.32).

Practically, Uzodike and Maiangwa (2012) point out the various conditions and features of a failed state. They believe, as it pertains to Nigeria, those symptoms range from the Failed States index such as terrorism and political mapping which ranked her fifth in the Human Development Index Trend. On these bases, they assert that the chaotic and anarchic situation in Nigeria exemplifies the characteristics of a failing or weak state. They cite the dangerous economic sabotages that are occurring on daily basis and these actions are committed by the citizens who feel they do not belong to the Nigerian project. These sabotages include breaking of oil pipelines to steal oil, cannibalization of vital infrastructure such as electricity, railways, bridges, kidnapping, insurgency and host of others (p.97). Adibe (2012) corroborates this by saying that the Nigerian state is regarded as the enemy not just by Boko Haram but by several Nigerians and groups who attack it with much ferocity as Boko Haram's bombs. They use whatever means at their disposal. What all these groups have in common with Boko Haram is that they believe that the premise on which they act is justifiable and that the Nigerian state is unfair to them, if not an outright enemy (p.98). In the context of this study, a failed state can be described as a society where the leadership of the state has failed in the discharge and delivery of what constitute a state.

During the time of Usman dan Fodio in Hausa land, the rulers relegated their responsibilities of providing security and other basic social demands to the people. In Nigeria, an

average Nigeria who is not holding any political office becomes police for himself, pays through his nose to pass through any level of the Nigerian schools, gives himself light, provides roads for himself, builds his own hospital, creates his own employment, in fact, he almost does everything he needs for himself. No doubt this type of situation is a fertile ground for jihadist activities to thrive. In this regard, Oviasogie (2013) warns that weak and failed states hold a lot of attractions for terrorists (p.22).

**3.6.3. Systemized Corruption:** Awajiusuk (2014) notes that corruption generally refers to anything that is debased, putrefied, degenerate from original value or state. It is the misuse and abuse of office and trust, using position or office to influence people for personal or group advantage. It is giving and taking of kickbacks, payoffs, palm greasing, bribery forgery and embezzlement. He identifies the categories of corruption to include political, electoral and bureaucratic corruption (p.131). Apart from all other factors, there were allegations of corruption which were rife against the governments of the Hausa land before the Usman dan Fodio's jihad. State officials perpetrated corruption in the giving and taking of bribes. The perversion of justice was also noted to have become the order of the day among judges because of bribery. Isichie (1983) makes the state of corruption in the pre-Jihad Habe states clearer when she quoted Usman dan Fodio as saying: "if you have an adversary in law and he precedes you to them (judges) and gives them some money, then your word will not be accepted by them, even though they know for certainty your truthfulness, unless you give them more (money) than your adversary" (p. 2003).

Given the untold hardship and cruelty meted on the people and the ostentatious way in which most of the chieftains of Gobir lived, the Jihad almost became a class struggle between the Hausa-Fulani commoners and their Habe rulers. Awajiusuk (2014) argues that corruption in



Nigeria is caused by extreme love for materialism, naked greed, over emphasis on paper qualification and other practices that have taken the place of honesty, norms and decorum (p.131). In the post Usman dan Fodio's jihadist Nigeria, corruption has eaten so deep that Nigeria is almost becoming synonymous with corruption. For instance, Oluwole (2012) maintains that there is massive corruption in the judiciary and the corruption has impugned its integrity. Hence, the former Chief Justice of Nigeria (CJN), Justice Maryam Aloma Mukhtar, laments that corruption is rampant among judiciary employees including secretaries, court registrars, process clerks and bailiffs nationwide (p.7).

Akinkuotu (2016) agrees with Ndahi (2013) that Nigerian courts have granted the Economic and Financial Crimes Commission (EFCC) permission to freeze many accounts and assets of corrupt individuals. For instance, thirty-three (33) billion worth of illicit assets allegedly acquired by two former Police Pension officials who were tried for alleged pension theft. Cecilia Ibru had forfeited hundreds of property across the world worth one hundred and ninety one (191) billion naira to the EFCC, following her six-month conviction in October 2010. Former Edo State governor, Lucky Igbinedion also surrendered property and funds worth billions of naira to the commission after he was convicted in 2011 for corruption. Yakubu Yusuf gave up thirty-two prime properties to the government for stealing the Police pension money (p.7-8). These and other assets forfeited to the government by suspects prosecuted by anti-corruption agencies such as the EFCC and the ICPC have been allegedly re-looted. Umoru and Shaibu (2012) said that the so-called fight against corruption is a jamboree because members of staff of the Economic and Finance Crimes Commission (EFCC) are corrupt. It took the confession of Lamorde, the former EFCC Chairman to expose the fact that the Commission set up to fight corruption was massively and strategically corrupt and swimming in the ocean of Nigerian corruption (p.18). Maybe that is

why they will make arrest and after sometimes in the Court, the suspects would feign ill to get back their seized passports and are whisked away to places of comfort and holiday in Europe. They can only return with smiles later when the dust must have been settled down and continue with their businesses. Owing to this, the looters believe they are inclined to loot the resources and used them defend themselves. The Senate of the Federal Republic, according to Soni, Umoru and Erunke (2015) has quizzed the former EFCC Chairman, Ibrahim Larmode for allegedly diverting over two trillion naira from the recoveries EFCC made from corrupt politicians (p.9). What it means is that Nigerian corruption has grown to where the fighters have turned to be the culprits.

It is evident however, that corruption has overshadowed the moral health of the Nigerian socio-economic and political life. The country appears to be a place ruled by criminals, thieves and people who believe in plundering and looting. The danger of corruption is worse than cancer. For example, Soniyi (2012) notes that the Global Financial Integrity revealed that between 2004 and 2015, the Nigerian rulers looted \$150 billion from the country while the United Nation Development Programme estimated that Nigerian rulers had stolen over \$400 billion from the country. It was also noted that Nigerian rulers and their cohorts steal two hundred and fifty thousand (250,000) barrels of crude oil daily from the country's oil reserve and this shows the height of corruption. Hence, Nigeria had lost over \$1 trillion that accrued to the country from the crude oil and specifically \$13.7 billion between 2009 and 2012. He argues that this is the reason why over 78.8 percent of the population lacked access to drinking water, roads and basic health care services just as the Unicef reports that sixty-four million Nigerians were illiterates. He maintains that over seventy percent of Nigerian population is thrown into abject poverty because of corruption. For instance, out of the \$150billion stolen from Nigeria the last

decade, the World Bank said that the country needed only \$100 billion to fix electricity to every nook and cranny of the country, which would in turn provide employments and development for the country. He wondered why the former president, Goodluck Jonathan under whose watch the ooze of corruption became Nigerian global celebrity would declare that “stealing is not corruption”. He argues that revitalizing productivity, development and job creation must begin with the war against corruption (p.9).

Ogunseye (2013) sums it up by alluding that almost all past state governors, Commissioners, Ministers and other political office holders have been questioned, docked or sentenced for corruption related cases both in and outside Nigeria (p.4). In the same vein, Adetayo (2012) adds that the Presidential Committee set up by the Federal Government on the security challenges in the North-East zone among other indictments came down hard on Nigerian judges for aiding the activities of Boko Haram by setting arrested members of the sect free on technical grounds (p.13). Such suspects are usually re-cycled back into the society to continue to unleash mayhem. For instance, the discharge of Mohammed Yusuf-the ferocious leader of Boko Haram on two occasions an Abuja court made a hero out of him. The reception accorded him upon his return was an avenue for him to attract additional membership into the sect.

Indeed, corruption is deadlier than any cancer because it promotes impunity, encourages laziness, kills system and fertilizes the ground for envy and the temptation for jihad to arise. If the battle against corruption is won, it will checkmate the incessant political, social and economic quests for jihad and sharia campaigns.

#### **3.6.4. Discrimination, Growth of Social Class Awareness and Desire for Equality:**

Collier (1986) defines discrimination as the systematic exclusion of a person or group from

participating in positions or activities of higher economic value (p.199). The isolation of the Fulani group was organized to demoralize them but according to Crowder (1978), it ended up creating cohesion among them. As they scattered in different localities in Hausa land and Bornu areas, they nursed deep feelings of resentment against existing governments. They resented at their total lack of political muscles and then viewed the Jihad as expression of Fulani nationalism than a religious confrontation (p.79). The idea of Social class awareness and consciousness can be understood as natural issue. According to Lesie (2009), a society where the middle and poor classes are in larger numbers with an equally small or smaller upper class is prone to dangerous conflict. Such a society is usually characterised by series of instabilities. This is because the lower class looks at the upper class with envy and often antagonism. The critical estimation of the upper class by the lower class is often occasioned by hardship, suffering and the desire to be upwardly mobile (p.181).

Discrimination comes from various ways and forms and one example is economic discrimination. Those who are worst afflicted with this type of feeling are those who have received some education and yet are bereft of a means of income. Inequality has the favourable depositions to produce bitterness and bitterness generates envy and hatred. The ethnic minorities who are often the victims of socio-economic and political discrimination often lead to the movements of terrorism and insurgency. Similar to what was obtained in the Hausa land prior to the jihad of Usman dan Fodio, Nigeria is a country where there exists a disconnection between the government and the people and there has not been a genuine and sustained effort at building the masses. Undoubtedly, this has resulted into confusion and unrest giving the militancy in the form of jihad to thrive.

**3.6.5. The Quest for a Nigerian Islamic State:** The quest for the total islamization of Nigeria under the sharia law has always been the strong motive behind various religious riots in Northern Nigeria dating back to the era of the Jihad of Usman dan Fodio. For instance, Hodgkin (1975) avers that the jihad of Usman Dan Fodio was “to make upon the heathen king who...make no profession of Islam, is obligatory by assent” (p.247). Adetoro (1982) affirms that islamization of the country had been the motive behind the Jihad of Usman Dan Fodio in 1804. He argues that it was only the Ibadan warriors who stopped the rampaging Fodio’s Jihadist conquest under the Jalumi war in 1878 around Ikirun-a south western Nigeria town. In the same way Clarke and Linden (1982) said that Fundamentalists, like Gumi believed that to adopt Islam as a state religion was the answers to the problems of the contemporary Nigerian society thus he rejected scientific socialism both as a philosophy and as an instrument of national policy (p.95). Another serious factor in the rise jihadist activities can be traced to the 1989 Abuja Declaration. Wijzen (1990) states that it is the outcome of a conference of the African countries of the OIC and in a communiqué, it launched announced the establishment of Islam in Africa Organization (IAO)-an initiative of the Organization of the Islamic Conference (OIC). The goals and strategies of the organization are,

To win the whole of Africa for Islam because Africa is the only continent with an Islamic majority. To ensure only Muslims are elected to all political posts of member nations, to eradicate in all its forms and ramifications all non-Muslim religions in member nations (such religions shall include Christianity, Ahmadiyya and other tribal modes of worship unacceptable to Muslim). To ensure the ultimate replacement of all western forms of legal and judicial systems with the sharia in all member nations before then next "Islam in Africa conference. To ensure the appointment of only Muslims into strategic national and international posts of member nations. (pp.2-4)

The overt and covert execution of this strategy in countries like Nigeria has led to heavy protests of Christians which have resulted in violence and bloodshed on both sides. Perhaps in

order to show Nigerian Islamic dominance, the government of Nigeria has donated twenty-one (21) billion US-dollar-as confirmed in IAO-communiqué as donation to “Islamic Development Fund”

Kukah (1993) emphatically notes that in order to make Islam a Nigerian state religion, Gumi would employ the state structures to hold Kaduna and other neighbouring northern cities bound especially every Friday with his religious-politically inciting messages aired through the New Nigeria Newspaper and the FRCN Kaduna aimed at turning Nigeria into an Islamic state (p.132). Ahmadu Bello was the Premier of the Northern Region before the Nigerian Independence and a great grandson of the eighteenth Century Jihadist, Usman dan Fodio. Nwanaju (2008) submits that he contributed to the revival of interest in the fundamentalists’ activities of the great nineteenth Century Jihad leaders. He was in the forefront of the campaign to attain the rapid *islamisation* of Nigeria especially through the use of the Sufi Brotherhood, the reformist Islamic group and the state Islam. To achieve this, he identified with the Islamic world and promoted Nigerian Islamic identity among the circle of Islamic countries and nations. Manifest relations were established with Kuwait, Egypt, and Saudi Arabia among others (p.170).

Suleiman (2011) avers that Boko Haram terrorist group in Maiduguri on April 24, 2011 said that their objectives were to abolish democracy and institute sharia law as they claimed to be fighting for justice and islamisation of Nigeria (p.50). The desire to dip the Koran into the lagoon, to make Islam the central, commanding and unchallenged religion in Nigeria has always made the religionists take to violence because it paid off to Usman dan Fodio in 1804 when he over ran Hausa land with jihad.

**3.6.6. Controversial and Rapacious Colonial Policy:** Long before the coming of the Europeans, Islam had penetrated several parts of the Nigerian society and as part of their

civilizing agenda, the Europeans introduced Christianity as an instrument of civilization. While the Southern part of Nigeria received Christianity with western system of education, the Northern part was predominantly Muslims and received Arabic education. But according to Salmone (1991), the colonial officers feared that missionary activities and their attitudes would rupture their dubious alliance with the Fulani rulers. Therefore, for political expediency, the British prevented European missionaries from operating in the Muslim-dominated North, where their Indirect Rule system was very efficient (p.54). Hence, Paden (1986), Coleman (1986) and Ohadike (1992) said that in 1964, the late Ahmadu Bello, the Sardauna of Sokoto and the Premier of Northern Nigeria boasted of establishing over two million quranic schools scattered in all parts of Northern Nigeria.

Therefore, it can be argued that the religious tension and dichotomy come to exist in Nigeria throughout the colonial period and thus laid the foundation of religious crises and the version of religious fundamentalism. Part of it is that the fundamentalists view their land as no-go area for other religious traditions but they feel they have the sole right to go out and launch out their religion in another land. Whenever this type of insecurity and mentality exist, they give rooms for the escalation of jihad.

**3.6.7. Religionised Politics and Politicised Religion-the Mixture of Religion and Politics in Nigeria:** According to Falola (1998), religion and politics have been bedfellows before and throughout Nigeria's history (p.1). Afe (2003) notes that the distributions of power after the Jihad lend credence to the political undertone of the Jihad (p.25). This is evidenced in the life and activities of Usman dan Fodio whose jihad claimed to be spiritual renewal but later turned political acquisition and expansion. It is often noted that religious issues usually carry political undertones and expressions. Political issues cannot go without religious affiliations. For

example, Omenka (2009) argues that the 1966 coup d'état in Nigeria was given a religious colouration via the press and radio. Some northern leaders set out to appeal to Islam's military traditions to take up Jihad against the Igbo people hence the handy term "Moslem North and Christian East". The terms were coined so as to ensure that the Jihad was launched against the Eastern indigenes. Omenka wondered how the Nigerian civil war could be said to be between Christian Igbo and Hausa Fulani Muslims when the composition of the army then showed that the Head of state was a Christian and son of a Methodist minister from overwhelming middle belt Christians (p.79).

The Nigerian state according to Clarke and Linden (1982), soon realized the deadly impact of religious issues on politics following the virulent and provocative debates it generated in the 1977–78 Constitutional Conference which gave birth to the Second Republic in 1979. The country then adopted a Constitution model of a secular state. The attendant politicization of religion has undoubtedly limited the effectiveness of the secular clause in this constitution because the Nigerian experience has shown that religion can hardly be separated from the state and its political life. It has got to the extent that people give serious considerations to religion when they are confronted with socio-economic and political issues and decisions (p.91). According to Nwanaju (2008), from the 1980s up to the rise of Abacha's regime, the political chaos spawned by religious ignorance and fanaticism brought Nigeria back to the rise of Yan-Izalla group which fought against the spread of the Maitatsine religious sect. The regime of Ibrahim Babangida found itself wobbling on a tight rope of ethnic imbalance on one hand and regional cooperation on the other (p.243). Onaiyekan (2000) affirms that some top-level politicians who want to pursue a particular cause often hire people to do the fighting for them under the guise of religious crises (p.76). Adetayo (2012) maintains that the Presidential



Committee set up by the Federal Government on the security challenges in the North-East zone recommended that the Federal Government should direct the security agencies to beam their searchlights on some politicians who sponsored, funded and used militia groups that later metamorphosed into Boko Haram and bring them to justice (p.13).

The danger of politicized religion is indeed unimaginable. For instance, the incursion of military into the Nigerian body polity as noted by Bako (1997) led to the high commercialization of religion because during that time, religion became a lucrative source of primitive accumulation and class formation due to primarily the political alliance between religiosity and militarism. During that time, there were increased rise of mosques, prophets, churches, fundamentalists, born-again movements and this elevated the religious movement from its previous status to legitimization of power and wealth of the principal contenders and actors in the political economy of the country (p.287). It can be said that some men hide under religion to recruit jobless and illiterate youths who they give peanuts in order to carry out mayhem just for political purposes. Sometimes when they fail politically, they colour their agitations with religion in order to attract followers. The violence in the garb of religion has always been a manipulation of the elite and the political class. There is a deliberate attempt by the Nigerian political elite to continue to pauperize the citizenry for political gains. Therefore, considering the heterogeneous nature of Nigeria, and as long as politicians mix their politics with religion, the militant form of religious jihadism will continue to be on the rise in Nigeria. The use of religion as a tool for achieving political goals has contributed vicariously to the problem of religious crises in Nigeria.

**3.6.8. Structured Injustice and the Culture of Impunity:** According to Milestone (1979), the socio-economic injustices prevalent in Hausa land prior to the 1804 Usman dan Fodio's Jihad together with the illegal and excessive taxation imposed on the poor masses by the

rulers of the Habe states gave rise to the Jihad (p.8). Afe (2003) notes that there were some other punitive taxes such as the cattle tax (*Jingali*), market tax, rent for the use of grazing lands imposed on the Fulanis and the collection of increased tributes from farmers. The extortions especially the cattle tax were vehemently resisted by the Fulani pastoralists. With that stiff opposition and the peasants who were already frustrated by heavy taxes and injustice in the land greatly contributed to the fall of Hausa royalty and this made Sharia come into the lime light (p.26).

Today the situation has not changed as virtually everything in Nigeria carries injustice. Olopade (2004) notes that injustice is highly structured to the point that it takes one to be a member of a ruling party or from a ruling family to acquire the muscle of securing justice. He blamed the ill organized and corrupt judiciary, brutal and corrupt Police force together with the near paralyzed Nigerian social system as the architect social injustice in Nigeria (p.6). Injustice and impunity are meted out through harassment, impunity and embarrassment from top government officials and the affluent of the society. The defenceless are dehumanized because they could not resist. All these and more deep worrying situations give the fertile ground for the rise of jihad activities because many people will see it as a way of venting out their anger.

**3.6.9. The claws of Poverty:** Poverty in many cases is not necessarily economical but according to Ogugua (2012) it can be intellectual, spiritual, social, mental and psychological (p.415). One of the reasons why the masses rallied behind the Usman dan Fodio's jihad was because most of them cannot fend for their families and when Usman dan Fodio gave them meals, they wholeheartedly followed him. Adeogun (2006) argues that poverty is the dominant factor in the rising trend of ethnic and religious conflicts in Nigeria. Poverty manifests in both unemployment and deterioration of social infrastructure. Many people are unemployed, many

functional factories are not working to full capacity and it has led to retrenchment of many workers. Those who escaped retrenchments find it increasingly difficult to receive their salaries. Some employers sometimes owe their workers' salaries amounting to many months or sometimes years (p.95). Analysts, Economists, Statisticians and authors like the current Nigerian Vice President, Prof Osinbajo, according to Adetayo (2015) said that statistics available to him showed that 110 million Nigerians are "extremely poor"(p.16).

The statement of the legal luminary and vice president means that one hundred and ten out of one hundred and sixty million Nigerians are "extremely poor". The implication is that leadership and Nigerian system have all failed in the midst of heavily endowed and enormous human and natural resources of the country. This is evident in the insatiable quests of these rulers to siphon the national patrimony which have beclouded their sense of responsibilities thus creating the avenue for uneven distribution of the nation's wealth. Many of these bourgeois build mansions and allowed cockroaches and weeds to inhabit them while the rest of masses live in squalor or without shelters. While most of the masses are living without meals, many of these economic and political rulers eat and throw their leftovers into the dustbin to show off their status. While many Nigerians are queuing for the problem-prone public transports to catch up with official appointments, these few big shots have all classes of vehicles and sometimes jets in their garages.

Most families find it difficult to feed themselves or cater for other essential needs such as food, shelter, clothing and healthcare. Due to this pathetic scenario, family norms and values have collapsed across the country. According to Clarke and Linden (1982), one of the reasons given by the Commission of Inquiry into the Maitatsine riots was that the economic situation of the country left millions of people, especially the youths, without jobs or any means to live a

decent life (p.107). Alechenu (2013) affirms that some kids released by military authorities in Maiduguri admitted that the Boko Haram sect paid them five thousand naira each to burn primary schools, spy on soldiers and set schools and offices ablaze with kegs of petrol (p.6). Marama (2014) notes that a young man, named, Ibrahim Tilitili was paid the sum of two thousand Naira (N2,000) to burn down few houses at Mandara Girau village in Biu local government area of Borno state. Some men were also given each two thousand five hundred naira (N2,500) to carry out the attack. It was gathered that the Boko Haram insurgents instructed them to drop the explosive at a specific place in Bachure suburb, near the Army Barracks mainly inhabited by retired military personnel (pp.7-9)

Most of the jihad activities in Nigeria are reactions against the ever-increasing unemployment, poverty, hardship and other social disequilibrium occasioned by poor Economic management. For example, a look at nations like Pakistan and Afghanistan where the Islamic fundamentalists and radicals are having the field day will prove a strong point. Omotseye (2011) argues that the descent into zealotry in Pakistan had less to do with spiritual than with material neglect. Afghanistan fell into the hands of the Taliban after the United State pulled out of the country when the Soviet conflict ended. The place lacked the beneficence of natural endowment and the people became desperately poor. In such an atmosphere, they became susceptible to the extremists' thought because of the seduction of all austere life as they became angry. Hence, Osama Bin-laden succeeded in Afghanistan instead of his hometown, Saudi Arabia where people are relatively comfortable (p.24). It can thus be argued that it is where people get bread and butter that their sense of human dignity is placed and restored. It is a place where their loyalty is devotedly surrendered even when they are ordered to kill, they will do that in order to please their masters.

In view of this, the teeming numbers of unemployed youths especially in the urban centres often take full advantage of the opportunities provided by these sectarian crises to wreck havoc on the economic institutions of the state. Among several other ills, poverty breeds anger, hatred, envy and conflict in any social system. The characteristics of poverty needs to be understood so as to appreciate the causal dynamics between it and the types of conflicts that may result in volatile social eruptions such as jihad, terrorism and insurgency. The implication is that the poor economic management, unequal distribution of the country's wealth among the people of Nigeria has aided the rise of deadly dimension of jihad. Kelly (1999) asserts that there is a direct correlation between poverty and crime (p.197). As long as the syndrome of the rich getting richer while the poor getting poorer is being pursued, people will have no other option than to be drunk in the wine of religion which will manifest in the form of jihad as a means of settling their challenges.

**3.6.10. The Religious Belief of Hereafter:** This looks less-observed and discussed but it is a serious factor in the rise of jihadist activities in Nigeria. The idea of *hereafter* as taught by various religious traditions have made these traditions to teach that paradise, *Aljana* and Nirvana could be attained if an adherent dies in the course of defending God. Kukah (1993) was apt when he quoted Major Halilu Akilu, an intelligent officer, who worked to tame the Maitatsine insurgent group. Akilu submitted that the tactics of these jihadists were so appalling that they were not trained to hit and run, but they were bolder than guerrillas fighting in Malaysia or jungles of East Asia. The spirit that drove them to fight is better summed up in the idea of “reincarnation and better life at death” (p. 154).

A lot of Muslims have been brainwashed to believe that dying in the course of defending Islam would make them earn the status of martyr and according to Ergun (2002), be in heaven

with about seventy virgins (p.79). Therefore, they are inclined to sacrifice their lives even through violent means. Many adherents have erroneously believed that life is better and richer when spent beyond the physical affairs. This type of belief is the breeding ground for the nurturing of jihad.

**3.6.11. External Stimuli's Factor:** Clarke and Linden (1982) agreed that the Maitatsine riot of 1980 was heavily linked to late Col. Mummar Gaddafi. Agencies like MOSSAID, the Israeli's intelligent agency, Iran, Pakistan and other foreign nationals have had hands in the riot (p.108). Haynes (2003) is of the view that Saudi Arabia, Kuwait and Libya's ability to influence her neighbour's domestic politics when the later declined with the fall of oil revenue in 1980s was another reason for the rise of religious violence in Nigeria. Otherwise, it took more than wrong interpretation of religious texts to cause that mayhem (p.132). Wakili (2013) affirms that Boko Haram has foreign links with other terrorists' organizations such as Al-Qaida and ISIS (p.11). The links the jihadists have with foreign sponsors make them better equipped and enhanced to unleash terror to Nigerians.

**3.6.12. Suspicion and Fear:** This is a factor often found among different ethnic and religious groups and it is another score to settle in the Nigerian version of Jihadism. Abiola (1984) argues that one of the reasons Usman dan Fodio took up arms in the name of jihad against the Hausa states was because his tribal men were afraid and felt insecure in the hands of the Hausa rulers (p.35). In the same way today, the fear of seeming domination between nationalities that make up the Nigerian entity has caused many people to appreciate the languages and activities of jihad, especially when they sensed that, their share of the so-called national cake could be grabbed by violence.

**3.6.13. Ignoring or Politicizing Early Warnings and signs:** Both the Maitatsine and the Boko Haram crises did not just occur out of the blues, security agents presented reports of their threatening activities before both crises broke out. According to Kukah (2010), when the activities of the Maitatsine group in the 80s was threatening the peace of the inhabitants of Kano, Alhaji Babayaro, a member of the State House of Assembly moved a motion on the floor of the House praying that Maitatsine and his group should be barred from public preaching. He did not receive the support of his colleagues who saw the activities of Maitatsine as a way of spreading and defending the cause of Islam (p.11).

Danjibo (2012) said that in April 1980, eight months before the crisis, the Secretary to the Kano Municipal Local Government advised the State government to take urgent steps against Marwa and his preaching activities before it got out of hand. The fanatics were armed with deadly weapons and have built an empire. On its part, the Police dispatched a telegram to Lagos, the then capital of Nigeria, to report the true situation of the activities of Marwa and his disciples so that the federal government could take decisive and drastic actions against those jihadists numbering about two thousand followers who occupied Yan Awaki Quarters in Kano city (p.15). According to Falola (1998), their members refused to honour Court summons. Kano Municipal Development Board served quit notices on them but they ignored the notices. Kano state House of Assembly summoned their leader, Muhammadu Marwa four times for discussion but he did not honour any of the summons. Two months before the Maitatsine riots broke out in Kano, the Nigerian Security Organization (NSO) now the State Security Service (SSS) reported that in spite of the public demand for the government to employ all reasonable force to dislodge the thugs and bring to book their leader but nothing was done (p.152).

Again Danjibo (2012) maintains that in the case of Boko Haram, Operation Sawdust carried out report in 2005 and arrested some Islamic jihadists whose activities posed a threat to the security of the Nigerian state. Among those arrested were Yusuf Mohammed, the leader of the Boko Haram sect and a host of others. These arrests provided the first hand facts about the links between the Jihadists and the Al-Qaeda terrorist group. Those arrested revealed that they had been trained in the act of terrorism in Afghanistan, Lebanon, Pakistan and Iraq. Items recovered during the operation included maps and diagrams of government establishments and of some specific buildings in Abuja. They were kept in prison custody until ex-President Obasanjo left office in 2007. When Musa Yar'Adua ascended to the Presidency, some Muslim Imams, scholars and elites lobbied for the release of these arrested Jihadists by persuading and convincing Yar'Adua that the jihadists were simply Islamic evangelists. Yar'Adua therefore, ordered the release of Yusuf and other members of the group. Danjibo insists that prior to the Boko Haram crises, the State Security Service (SSS) submitted fourteen reports to the government of Borno State, the Presidency and the Police Headquarters under Mike Okiro. Except for Governor Ali Modu Sherrif, both the Inspector General of Police and President Yar'Adua failed to take action against Yusuf and his activities. When Governor Sherrif received security reports revealing that the sect was making bombs, he ordered the security agencies to take action. The security agencies invaded the premise of the sect and dislodged them. It was during this raid that one of the bombs exploded and killed a member of the sect. That same explosion also triggered the violence that ravaged the six Northern states (pp.8-16). Indeed, the state's inability to act upon early security reports gives the jihadist the opportunity to regroup and breed militants.



Meanwhile, Ekobay Ernest, Pastors Nnanah Godwill, Jude Ukah, Dr. Chinedu David of Umuobiala Isuikwato L.G.A of Abia State, Dr Mary Nwubo, Prof. I.U Chiemeka from Okigwe in Imo State, Alhaji Dalu Pindiga of the Emir's Palace in Pindiga District Alako L.G.A Gombe state, Hamza Abubakar, of Suleja in Niger state, Zubairu Isa Muhammad from Anguar Rimi in Kano State, Muhydden Idris of Mushin Lagos state, Saed Abubakar of the Masalaci Idi in Lokpa cattle market in Umunneochi L.G.A of Abia, Salisu Maigida, Bagudu Saleh, Bwari Mahmud and Sani Abdurahamn from Sohon Kasuwa in Keffi Nasarawa State (personal communications 2<sup>nd</sup> December, 2015),separately agreed that all the factors enumerated above are some of the major factors responsible for the rise of jihad in Nigeria.

### **3.7. The Effects of the Usman dan Fodio's Jihad on Inter-Group Relations in Nigeria**

The Usman dan Fodio's 1804 Jihad no doubt marks a milestone in the history of Nigeria. The impact of the Jihad which officially came to an end between 1809 and 1810 is still being felt in the nation's socio-political life. Ikime (1985) affirms that the middle belt region suffered a great deal of depopulation occasioned by incessant slave raids by the emirates of Sokoto caliphate. The payment of tributes in form of slaves was part of the obligations of the emirs to the caliph and the non Muslim people of the middle-belt were in essence under constant attack as enslavement of fellow Muslims was forbidden (p.7). Aremu (2011) argues that noticeable depopulation and displacement became the lot of these peoples and this is said to be responsible for the uneasy peace that reigns between the North and Middle Belt regions of Nigeria today (p.314). Eriwuwo (1987) observes that the 1804 Usman Dan Fodio's Jihad made conscious effort in its attempt to impose Islamic culture on the inhabitants which affected mostly the post Jihad reforms. The Maitatsine's menace, the burning of churches in Kano, Ilorin, Ibadan and in all places and the O.I.C ruse since Nigerian independence are all the attempts to spread Islamic

culture and religion by force which was the culture of the 1804 Usman dan Fodio's Jihad (p.71). Nwanaju (2008) maintains that it is the root of the infamous north-south dichotomy impeding the cohesion, unity and stability of the Nigerian polity (p.59).

By way of summarizing this chapter, the pre-colonial, colonial and post colonial Nigeria has witnessed series of events that has not been for the harmonious growth and development of the country. Islam arrived in Nigeria even before the arrival of the Europeans but a crucial event occurred in 1804 when Usman dan Fodio and his followers took up arms against the Hausa states. There were many factors that actually made the Jihad to succeed and those factors have today given rise to the current spate of jihad which can be called "the second jihads".

## CHAPTER FOUR

### AN OVERVIEW OF SHARIA IN NIGERIA

At this juncture, the study analyzes an overview of Sharia in Nigeria with emphasis on the sources, codification and authority of Sharia. It looks at the contents, survey of sharia debate and agitations in Nigeria, the paradox of sharia in the Nigerian politics, matters arising from sharia and violence in Nigeria, the challenges sharia implementation posed on the Nigerian constitution, an appraisal of sharia and non Muslims in Nigeria and the ambiguities in the agitations and application of sharia in Nigeria.

#### **4.1. Sources, Codification and Authority of Sharia**

Nzomiwu (1989) asserts that as with other Semitic religions, Islam does not conceive law as a product or ordinance of human reason or intelligence, hence, it is adaptable to social needs and ideals. The Quran is understood to be the final revelation and as such contains the most perfect solution to every situation of man (p.116). Sambo (2003) agrees with Kilani (1997) that Sharia is a system of Islamic law based on four main sources. These sources include the Quran, the revelation Allah gave to the Prophet Muhammed; the Sunnah, the sayings and actions of Muhammad together with the actions of his companions approved by him, the *Qiyas*, the process of analogical reasoning based on understanding of the principles of the Quran and the Hadith and the *Ijma*, the consensus of opinion of the *Ulama*-Islamic scholars (p.34). The Quran is the sacred text of Islam and according to Emelike (2011), it means “proclamation or recitation”. It is believed to have been originated from Allah but was revealed to Mohammed by Angel Gabriel. A good number of the Quranic verses were written during the life time of Mohammed while others were written after his demise. Zaid, the adopted child of Mohammed

made collections from the written revelation and contributions of those still alive who memorized as Mohammed recited (p.243). D. Pingda (personal communication 19<sup>th</sup> Nov.2015) asserted that Allah alone is the giver of sharia. In the same vein, M. Muhammad (19 Nov. 2015), maintains that Allah only is the initiator and giver of sharia.

The codification of the Sharia is almost the same thing with the codification of the Quran. Codification in this sense means the arrangement, preservation and transmission of the Sharia. Regarding the codification of the sharia, Nzomiwu (1989), notes that the codification of Sharia was a slow and a long process because it is the main works of different schools of Islamic law which started with the personal interpretations of the revelations of Mohammed. It has also his methods of applying the tenets of Islam in some particular circumstances. During the reign of Rashidin caliphs, many procedures were established and they later incorporated into the body of the law. In the era of Umauyad, some judges were appointed to take care of the law and they applied the precedents of earlier Islamic generation especially the Quran and Hadith (p.117). In the account of Kilani (1997), the oral transmission of the revelation was based on memorization (hifz) and the prophet was the first to commit a revelation to memory after Jibril has taught him. He instructed his companions to memorize it (p.34). Ergun (2002) notes that Caliph Uthman codified the Quran into the final form for which modern editions still bear his name (p.70).

#### **4. 2. The Contents of Sharia**

Sayed (2000) agrees with Nzomiwu (1987) that the contents of sharia include spiritual, political, social, intellectual, moral, economic and total dimension of human life. Sharia constitutes the foundations for an entire system of life covering a spectrum of issues which range from specific articles of faith and commandments to general moral teachings; rights and

obligations, crime and punishment, private, personal and public law. Others include injunctions against operating a hotel or a drinking place, the consumption of alcoholic drink, and certain modes of dressing which are not necessarily forbidden by the non-Muslim religions (p.123). According to Human Rights Watch (2004), in terms of criminal law, there are three main categories or contents of offences punishable under Sharia. The first is the *hudud* or *hadd*, both in the singular form. They are punishments laid out in the Quran and the *Hadith* and they are specified by God. Therefore, it is regarded as fixed and cannot be changed. These crimes include theft which is punishable by amputation, armed robbery being punishable by death or amputation, extra-marital sex being also punishable by stoning to death or flogging, false accusation of extra-marital sex, receives the punishment of flogging, consumption of alcohol is punishable by flogging and apostasy or renunciation of Islam is punishable by death. In the second categories are *qisas* and *diya* punishments. *Qisas* is applicable to murder or injury and it is based on the notion of retaliation. It involves also inflicting the same punishment on the defendant as he or she inflicted on the victim. In some cases, it uses the same methods. For example, a murderer should be killed with the same type of weapon he or she used to commit murder. *Diya* means the penalty for killing human life and it can be financial or material compensation depending on the demand of the family of the victim. The third categories are *tazir* punishments, where judges can exercise discretion and choose from a range of punishments, as the state is not bound by the wishes of the victim's relatives. There exists the fourth and perhaps lesser known category of sharia known as *siyastan*. It is a punishment that is created by the authority of the government of a county. While it cannot contradict the provisions of sharia, it is not derived from sharia. For example, punishment concerning treason against the ruling system historically would be considered a *siyastan* crime. Aside from treason, laws handling issues such

as drug trafficking and Traffic penalties are some of the modern examples. Most of the modern countries that adopted Sharia punish that crime with penal laws created by the government and more often with imprisonment (pp.10-18).

#### **4.3. Survey of Sharia Debates and Agitations in Nigeria**

The agitations and debates of Sharia in Nigeria is as old as Islam, not only in Nigeria but also virtually throughout the world. One can argue that the differences in the legal principles derived from the Quran could be traced to the sectarian divisions of Islam. Muslim jurists have however developed elaborate methodologies in interpreting the Quran. Clarke (1982), Olupona (1991) and Nwanaju (2008) agree that many schools arose in relation to this. These are the Hanafi School, the Shafii School and the Maliki School. Nigerian sharia courts are patterned after the Maliki School which had existed in pre-colonial northern Nigeria and it is the oldest of the classical Sunni schools. He alluded that the *Mais* in Kanem-Bornu Empire, had to tolerate a good deal of traditional religious practice in their domains and to a certain extent even in their courts. But Nwanaju notes that the first agitation and attempt to incorporate Sharia in Kanem Empire led to the dethronement of Mai Biri Dunami (1163-1190) after being accused of causing the death of a thief through the process of amputation (p.204).

Kenny (2000) said that at the beginning of the century, after Usman dan Fodio's Jihad in Hausa land, sharia had replaced completely whatever was left of the pagan legal practices in the areas. Before the arrival of the British, sharia was said to have applied in all its ramifications, both in civil and criminal matters in Hausa land. But the colonialists super-imposed the English law on it and progressively confined its jurisdiction to personal matters (p.223). By the Northern Nigerian Order in Council of 1899, Northern Nigeria was to be ruled by proclamation and

Oloyede (2000) said that in 1900, the Native Courts Proclamation allowed the application of Sharia in criminal cases in northern Nigeria. At the amalgamation of the southern and northern Nigeria, Native Court Ordinance of 1916 was proclaimed with the permission to apply the sharia in the north while the south applied the British laws. The criminal code was introduced but native courts in northern Nigeria still applied the sharia in both criminal and civil cases. However, an amendment to the code in 1933, removed exemption granted to the native court so that appeals from the sharia courts were to lie to the British courts except on laws of personal status (pp.129-154).

In view of the above, Kenny (2000) remarks of a case between Tsofo Gubba and Gwandu Native Authority in which the West African Court of Appeal overturned the judgment of Gwandu Native Authority. It was a case where an appealed trial prevented the imposition of death penalty for homicide as provided by Sharia but disallowed by the British Criminal Code. The judgment was unpleasant to the northern Muslims who alleged undue interference in the application of sharia. It was not until 1956 that Sharia was formally written into the northern regional constitution (p.222). Kukah (2003) posits that Sharia was one of the main issues in northern Nigeria during this period as it was concerned with the conditions under which non-Muslims lived. It also related to the issue of the minority ethnic groups in the region. In that case, the British responded by setting up the Willink Commission which was officially called the “Commission to Enquire into the Fears of Minorities and the Means of Allaying Them”. This Commission sat in different parts of Nigeria. In the north, the minorities expressed their bitterness at the discrimination meted against them by the Muslim ruling class. After traversing the country, the Commission essentially recommended that the issue of the security of non-Muslims in the north should be decided by a policy drawn up by the regional government. The

Premier of Northern Nigeria, Alhaji Ahmadu Bello and the colonial government sent an official delegation in 1958 to Sudan and India to study how English and Islamic laws were accommodated. The panel report led to setting up of a Sharia Court of Appeal in Kaduna and the promulgation of a combination of laws known as the Penal Code in the region. Significantly, their recommendations resulted in the Penal Code and Criminal Procedure Code which replaced the Maliki law that had been entrenched for generations in the emirates (pp.35-64).

Oloyede (2000) maintains that the protest of the minorities led to the enactment of the Penal Code for the North in 1960 and the Criminal Procedure Code for the South. The heat was so hot that a measure was adopted to placate the north. He notes that Karibe Whyte said that some Islamic criminal laws were introduced in the Penal code in order to appease the North. The Penal code is a product of the conflict between the operation of the Islamic criminal law and the criminal code (p.133). Nwanaju (2008) notes that at the Nigerian independence, the Northern People's Congress (NPC) leadership led by Ahmadu Bello, had made a dramatic u-turn in its initial position on the application of Islamic law in Nigeria having seen the departure of the colonial government as the best awaited opportunity. The government had written to the Muslims in Pakistan stating that the next "phase of the struggle" in Nigeria would be the full implementation of Sharia as a state law and a means of consolidating unity among Muslims with the transformation of the educational system to reflect Islamic ideas and ideals. This was in contradiction to their earlier position when it sent a group of experts in Islamic laws on an international tour to re-evaluate the relationship between Sharia and modern Nigerian state. The government's moderate position was to replace the entire Sharia system with secular and comprehensive criminal code. Thus the court of appeal became limited to civil cases between Muslim litigants. The reason for this no doubt, was because of the pressure mounted by the



colonialists when they threatened not to assent to the Nigerian independence if Sharia was not modified (pp.207-208). However, Olaniyi (2009) affirms that the leadership of Ahmadu Bello later succumbed to the Northern and other personal pressures after independence and renamed the old Alkali and other Muslim courts that were created during the Colonial Indirect Rule as the Sharia Court of Appeal (p.2). The issue resurfaced again during the Constituent Assembly convened by the military government between 1977 and 1978 to prepare a Constitution for the restoration of democracy in Nigeria.

Clarke (1982) has earlier observed that when the proposals of establishing a Federal Sharia Court could not go through in that prolonged and heated committee, the Muslims' political leaders including Shehu Shagari, who later became the Nigerian President, staged a walkout. But a sub-committee was set up by Justice Udo Udoma and headed by Chief Simeon Adebo and they arrived at a consensus that, "whenever there was a Sharia case on appeal, the Federal Court of Appeal would be constituted by three judges learned in Islamic law (who may not necessarily be Muslims) to handle the case" (p.91). It seems that the northern Muslims boycott-strategy bore the needed fruits as the Federal Sharia court of appeal was established. Somehow, it was expected to bring solution but the agitation has continued. Perhaps sensing the danger the agitations portended to the country, Kenny (1996) affirms that General Ibrahim Babangida removed from the Assembly's Jurisdiction to handle the issue of Sharia and decreed the maintenance of the status-quo. However, the Sharia debate was allowed to quiet down but it paved way for the Nigerian membership of ever-controversial Organization of Islamic Community debate (OIC) (pp.348-349).

Babangida unilaterally smuggled Nigeria into the Controversial OIC with the agreement of people who Kukah (1993) and Bako (1997) describe as “the Kaduna Mafia”. Eme (2010) observes that when his second-in command, Commodore Ebiti Ukiwe acknowledged that the Nigerian membership of OIC was never discussed in the Armed Forces Ruling Council, it cost him his job (p.96). The same administration bastardized the Sharia debate by detaching the prefix “personal” from the Islamic law by the decree 26 of 1987. Some Christians and some progressive Muslim who were in opposition to the Sharia in Nigeria received unexpected support among the Muslims. According to Clarke (1982), they formed Muslim committee for a progressive Nigeria, (MCPN) and other socialist associations were formed in which they described Sharia as the most backward Muslim religious law. They argue that sharia was customary instruments in the hands of minority feudal and emirs who use it to cage the poor masses, the oppressed and the peasants of the society. They deceived the people with the campaign of sharia because it would give them the freedom to continue in their exploitation (p.88).

In the view of Oloyede (2000), right from the period of the return of civilian rule in 1999, Nigeria has witnessed a dramatic turn of events in the enforcement of Islamic code. Following the new interpretation of the Nigerian 1999 constitution by most northern states led by Zamfara state, they made certain laws, repealed some and amended others. By these, they established Sharia courts and vested them with not only the entirety of civil but also criminal jurisdictions (p.133). Although only Muslims have been reportedly subjected to the jurisdiction of Sharia courts, yet experiences in Islamic countries show that there are potentials for extending the judicial practice and coverage to adherents of other religions. For instance, Beyer (1994) said that Ayatollah Khomeini, on 14<sup>th</sup> February, 1989, extended Sharia law of *fatwa* to Salman Rushdie for authoring the alleged blasphemous book-“the Satanic Verses” (p.1). Here in Nigeria,

Awoyokun (2015) notes that *fatwa* was declared on Isioma Daniel by the Zamfara state government. Mamuda Aliyu Shinkafi, the government spokesperson argued that like Salman Rushdie “the blood of Isioma Daniel would be shed” (p.23). By this law, it is abiding on all Muslims wherever they are to consider the killing of the writer a religious duty. Probably, that accounts for why Ogbeche (2016) said that Methodus Chimaije Emmanuel, a 24-year-old Igbo Christian trader based in Padongari, Niger State was on Sunday 29<sup>th</sup> may, 2016 butchered with three other persons including one personnel of the Nigeria Security and Civil Defence Corps and about thirty shops looted by Hausa Muslims over allegations of blasphemy (p.3). Muhammad (2016) concurs that a 74 year old Igbo woman, Bridget Agbahime was on Thursday 2<sup>nd</sup> June, 2016 gruesomely slaughtered by Hausa Muslims at Kofar Wambai market Kano in presence of her husband over alleged blasphemy (p.6). The debates continue.

#### **4.4. The Paradox of Sharia in the Nigerian Politics**

Paradox in this context can be understood as a statement or group of statements that lead to a contradiction or a situation which even if it is true, it defies reason. Hence this section will start by articulating some of the peaceful, valuable and human oriented injunctions of the religion of Islam and some paradoxes that some operators have brought into the noble faith.

In view of the above, Aziz-US-Samad (n.d) maintains that Prophet Mohammad said that a man cannot be a Muslim until his heart and tongue are so. He adds that there is no compulsion in religion because humanity is one community. Therefore, Mohammad emphatically declared:

No Arab has superiority over any non-Arab and no non-Arab has any superiority over an Arab: no dark person has any superiority over a white person and no white person has superiority over a dark person. The criterion of honour in the sight of God is righteousness and honest living”. And we did not send you (O Muhammad) except as a mercy for all creation. And say truth is from your lord. Then whosoever wills, let him believe and whosoever will, let him disbelieve. And had your Lord willed those on earth would have believed all of them together so will you O Mohammad then compel

mankind, until they become believers. Allah does not forbid you to deal justly and kindly with those who deal with equity. Allah only forbids you as you regard those who fought against you on account of your religion and have driven you out of your homes and helped to drive you out to befriend them and give them assistance. It is those who are friends and assisted such that are the wrong-doer. (p.62)

In lieu of the above, it is not clear why the moves for launching of jihad and Sharia are currently ravaging the Nigerian state. Abner (1969) states that at a point in the Nigeria history, Sharia Court itself was used as instrument of oppression against political opponents (p.151). Onwubiko (1985) argues that at the initial stages of the Jihad, Usman dan Fodio was prompted by religious motives to revive the true Islamic practices and to establish an ideal Islamic society in Hausa land. But later, the jihad which began as a religious movement later turned a political and economic agenda (p.29). In the same vein, Abdulkadir (2011) agrees that there were early indications of Islamic penetration and presence of Muslims in non-Muslim areas especially in the Igala Kingdom around the 19th century but it was with ulterior motives. For instance, during the Igala-Jukun war of 1865, some Hausa Muslims from the North, particularly Bebeji in Kano, were invited by the then non Muslim *Attah* (King) Ayegba Omi-Idoko, to assist the state. The King of Igala won the war as a result of the charms said to have been prepared by these Muslims in Hausa land. In appreciation to these Islamic warriors who came in the guise of missionaries, the King of Igala gave them settlement in Idah (the ancient capital of the Igala Kingdom) and subsequently other areas of the kingdom. He continues,

In order to ensure that the rulers of the Sokoto Caliphate took control of the lucrative North-South trade, to increase their revenues and being aware of the wealth accruing to the Igala Kingdom, operating under the banner of Islam, the Caliphate attacked Igala kingdom. The Caliphate also recognized the importance of slaves which encouraged the jihadist forays. At the beginning, the jihad was centered on Hausa land and was mostly religious in outlook but it later changed into other issues such as ethnicity, politics, economics and so on. The religious principles of Muslims enslaving non-Muslims were vigorously pursued. Expectedly, the raids which Muslims carried into non-Muslim areas were usually justified on theological basis as stated in the Jihad Manifesto. (p.4-8)

As if these were not enough, Clarke (1982) said that the then Emir of Kano who saw the government of Abubakar Rimi as an erosion of his authority, claimed that if he had been informed in respect of Maitatsine's killing, he would have sent for the man long before the dastardly onslaught of December 1980 and "he would have tamed him" (pp.79-89). In other words, the Emir had scored a political point by proving to the then Governor that he was influential and the only way to prove it was to allow a foreigner slaughter innocent Nigerians. Zahradeen (1988) notes that in the heat of the deadly Maitatsine's riot, the Kano state government accused the NPN controlled Federal Government of political treachery because it "commissioned" the Maitatsine sect "to create the conditions that would guarantee its insatiable penchant to declare a State of Emergency in Kano". Hence, it was the "NPN Kano aristocracy and the propertied class that organized, sustained, equipped and shielded the Maitatsine gang of religious fanatics from the period of its gestation, birth and infancy" (p.113). Oshitelu (1999) strongly argues that the major factor that gave rise to Islamic fundamentalism in Nigeria is politics (p.90).

Similarly, Babasola (2000) confirms that a Supreme Court Judge, Justice Eso faulted the Federal Government handling of the adoption of Sharia by some northern governors. The jurist argues that the politics of option was aggravating the problem (p.7). Nwanaju (2008) states that the leap of Sharia, from Constitutional provision of Sharia Courts in ruling on family matters to public penal code was politically disconcerting. He maintains that Christian politicians have secretly paid the controversial Nigerian OIC membership dues. In 2001, while talking with a BBC's correspondent, the federal government, under Olusegun Obasanjo, admitted the constitutionality of Sharia in Nigeria and boasted that the political Sharia would fizzle out. He boasted thus, "sharia would die its natural death". But when Nigerians were being roasted like

yams in Kaduna and other parts of Northern Nigeria and being the chief security officer of Nigeria, Olusegun Obasanjo could not mobilize the military arsenals as he did in Zakibiam in Benue and Odi in Bayelsa states respectively to defend the poor Nigerians and their hard earned properties (pp.218-235).

In the same vein, according to Amelia and Asthana (2006), early in 2006, the country nearly went aflame with irrational massacres of innocent citizens because of a Danish cartoon about Prophet Mohammed. In contrast, Denmark is not the fountain of Christianity. The offensive Danish cartoon was never published in Nigeria and painfully those who were marshaled out to the wanton destruction of lives and property because of the cartoon never saw the publication. Therefore, why should a cartoon by a white man who lives millions of miles away lead to the killing of Christians and burning of churches in Nigeria? (pp.6-7). Mazuri, Dikir, Ostergard, Toler and Macharia (2000) agree that Niger Republic has about ninety-nine percent of the Muslim's population, about ninety-four percent of Egyptians are Muslims, Tunisia has about ninety-eight percent Muslims, Libya has about ninety-seven percent Muslim majority, Morocco is nearly ninety-nine percent Muslims, Algeria has ninety-nine percent Muslims (p.67). But in all these countries mentioned, it was not on record that non-Muslims who constituted the overwhelming minority were attacked and killed because of the controversial Danish cartoon as in the Nigerian situation except in Libya where there were casualties which ensued when protesters moved to burn down the Danish Embassy in Tripoli and were dispersed by the police. Saudi Arabia is the center of the Islamic faith, yet, there was not even a single anti-cartoon demonstration in that country

Carefronting (2014) said that in its editorial of 15<sup>th</sup> August, 2000, *The Path*, a weekly newspaper published in Sokoto, observed that anti-Sharia activities such as gambling,

prostitution and consumption of alcohol thrived in discrete hideouts. There were incidences of attempts to bail out contraveners of Sharia who were taken to court, especially prostitutes by some prominent personalities. The Paper argues that these conducts sabotage Sharia even more than crimes such as theft, drunkenness, adultery or gambling. Meanwhile, Nwanaju (2010) posits that for Boko Haram to carry out destruction of lives and property on 7<sup>th</sup> September, 2010-a supposedly day in the month of holy Ramadan shows the other side of Sharia agitations in Nigeria (p.45). Anyanwu (2010) argues that the name Boko Haram itself implies that anything western is abomination and there seems to be huge contradictions with it. One of the contradictions is that these sects are not using sticks, machetes or swords to carry out their nefarious activities but they use the most violent, sophisticated system of weapons and devices such as bombs and missiles. Interestingly, they make use of telephones, internets and cars and these ammunitions which are the products of western education. Another disturbing irony is that the sect's press release is usually released in English language instead of Arabic or any other classic language (pp.38-39). Danjibo (2012) said that Isa Yuguda, the former governor of Bauchi State unveiled that late Mohammed Yusuf beclouded his people by living a life of deception as he rode exotic cars including expensive jeeps, sent his children in choice private schools where they received sound and quality education. He had private lawyers and doctors who attended to him yet he had the power to indoctrinate people (p.14). Ogunwale (2014) alludes that M'uazu Babangida Aliyu, the former Niger State Governor, echoed the President's assertion that the Boko Haram sect had sponsors but asks the president to go after them (p.6).

Nwanaju (2012) avers that Boko Haram stated that its major agenda was to enthrone sharia in Nigeria. But today the mission they claimed to be solution to the society's decay has been overtaken by violence, intolerance, fighting and crises. The group took to bombing and

killing of innocent person on the Ramadan-a supposedly holy month. It slaughtered an All Nigerian People's Party gubernatorial candidate in Bornu state (p.39). Omonobi (2013) made a shocking revelation on the dirty sides of the Boko Haram's lifestyle. There were strange and bizarre objects in the captured terrorists' camps such as several used and unused condoms, syringes, test tubes, narcotics, charms and amulets of various shapes. Apart from chemicals and materials for producing Improvised Explosive Devices (IEDs), vehicles and various brands of electronics believed to have been stolen from various parts of the country were also found abandoned or destroyed in the camps or the escape routes of the insurgents (p.4). A. Sa'ed and Zubairu I. M (personal communication November 17<sup>th</sup>, 2015), agreed that there is a political Sharia and Islamic Sharia. The Islamic sharia is known in Hausa language as *sharia musulinci*. They agreed that the nature sharia introduced by the politicians in the fourth republic have more to do with politics than religion.

The height of the paradox of Sharia in the Nigerian politics is that many Nigerians have not understood the version of Sharia claim to be in practice in the country. For instance, Fwatshak (2004) states that in Jigawa State, *hisba* members arrested a son of the Emir of Dutse and caned him for drinking alcohol and the emirate dissolved the vigilante (p.19). Adebayo (2011) said that Ahmed Sani Yerima who was in a clean-shaven posture similar to a cadet during the 1999 elections but grew his beard bushy and wild in a Taliban style immediately after he became a governor with the introduction of Sharia. The governor got into another controversy with his marriage to an Egyptian minor but he claimed that Islam allowed child marriage (p.2). Some of these politicians have since left office without any legacy of human empowerment or accountability; rather, they have helped in inflating poverty, crime and unemployment.



Carefronting (2014) adds that when Governor Sani was asked by a journalist whether he was prepared to refund the money he had misappropriated or stolen from the government coffers, his blunt answer was “no”. He said he would hold on to his possessions because he allowed relatives and other people to stay in his houses. He claimed also that as the scion of a royal Fulani family, he had always been blessed with wealth. According to Mutum (2015) Lt. Gen. Kenneth Minimah, the former Chief of Army Staff, dropped asserts that “Boko Haram was used as effective tool to advance political, religious and sectional interest in Nigeria” (p.4). In view of the arbitrary way in which sharia courts prosecuted theft and adultery, H. Abubakar (personal communication 17 Nov. 2015) maintains that outsiders have the impression that sharia was an instrument of oppression by the ruling class. I.U. Chiemeka (personal communication 30 Nov. 2015) notes that it is viewed as a ploy by the political elite as a means to tighten their nefarious power over a poor, marginalized and most vulnerable population. It may be right to sum it up with the words of Sultan of Sokoto, Sa’ad Abubakar who according to Atoyebi (2014) said that “the current implementation of Sharia is neither religious” (p.26). E. Ekobay G. Nnanah, J. Ukah, C. David, M. Nwubo, I.U Chiemeka, D. Pindiga, H. Abubakar, I.M. Zubairu, I. Muhydden, A. Saed, M. Salisu S. Bagudu, M. Bwari and S. Abdurahamn (personal communication 29 Nov. 2015) agreed that the sharia movements and agitations in the Fourth Republic were heavily connected more to politics than religion.

According to Aziz-Us-Samad (n.d), the Quran in (5: 38-45) gives a choice and condition that “whosoever wills, let him believe” (p.23). Sharia implementers cannot be wiser than the Holy Quran. They should not force the unbelievers to accept the Islamic faith with machetes, explosives and ammunition. Onaiyekan (2003) argues that the agitation to implement Sharia is not new in Nigeria but the challenge has been how far it should be reflected at the Supreme

Court of the land. He maintains that unlike other codes like the Canon Law, every country has its own version of Sharia, making it impossible to have a coherent Sharia to be implemented in Nigeria. Some states like Zamfara included the cutting of hands for a thief and excluded those relating apostasy as punishable death. Sharia is a perfect example of political agenda parading as religion (p.65). Mazrui (2012) affirms that the Sharia movement was a cultural assertion by Northern elite at the state level to compensate for their political decline at the federal level. Nwanaju (2012) maintains that the stated mission and aim of the Boko Haram from the beginning gave the impression that it was a religious mission but the events between 2009 and after show that it is economic and political agenda. Just like its previous forebears, its goal from the beginning was to establish sharia government in the country but it turned out a political adventure. Kukah as cited by Lemuel (2010) paints a picture of life under Sharia as one that seems to offer the prospects of the enforcement of such important aspects of Islamic life. It is imagined that such aspect will ensure rapid access to inexpensive justice, a reduction of social excesses, a redress to the moral meltdowns and the applications of the principles of the Zakat (alms tax) which will force the rich to consider the welfare of the poor (p.305). Kendhammer (2013) agrees that the demands for the implementation of sharia in Nigeria were pointedly economic as it focused on problems of unemployment in particular. According to him, the problem got to where the former governor of Kano state, Musa Kwankwaso in his first tenure in 2000, became hesitant in joining other state governors in the north in implementing sharia, a group of single and divorced women staged a protest against the governor. They hinged their demands on assisting them find husbands, if necessary provide these men with dowries, beds or funds to start small-scale businesses because that would make them attractive to suitors (p.8).

Russell (2009) argues that the love of power is the ruling motive of many politicians. It is also the chief cause of wars, which are usually a bad speculation from the mere point of view of wealth. The problem of the distribution of power is more difficult than the problem of the distribution of wealth. The machinery of representative government has concentrated on “ultimate” power as the only important matter and has ignored immediate executive power (p.184). It seems the Economic and Financial Crime Commission (EFCC), Sharia courts and *Hisba* (Sharia police) could not logically bring these politicians who hide under religion to cause mayhem to book, rather, they marshal out their ill-gotten wealth to intimidate and enslave the poverty-stricken masses. From the ongoing, it can be deduced that Boko Haram was not merely concerned with the teachings of Islam but to display its political form of an Islamic nation in Nigeria. Thus, the movement became an enlisting area for Jihadists to repress the Nigerian state. They have not understood the obvious fact that politicians (their religious leanings notwithstanding) usually capitalize on sharia and other religious practices to confuse the poor, mentally-derailed, illiterates and the masses in order to carry on with their offensive looting activities in the name of politics. The Quran is a valuable sacred text but the problem has to do with who reads and interprets these revered Quranic stories to men. Otherwise, no preacher will read the valuable verses of the Quran and still incite or abet people to maim and massacre their fellow human beings. Today most of the virtues of the Quran have been sacrificed under the altar of violence, intolerance, selfishness, ethnicity, racism, hatred, fighting and crises. Sharia especially in the fourth republic life of Nigerian is more of political agenda than religious movement. Otherwise, it beats rational explanation to realize that it took about twenty-two years (22) after the much-debated Sharia code between 1977 and 1978 before Sani Yerima of Zamfara state rose to act out the full scripts of the political dimension of Sharia in Nigeria. Ekwujuru

(2014) agrees with Sobowale (2000) that apart from the sale of Crude oil, taxations from tobacco and liquor are the largest sources of revenue to the federal government of Nigeria (p.12). The same federal government shares these revenues with the state governments according to the sharing formulas and ratios approved by law but none of these Sharia states has ever returned to the federal government its own allocation from these forbidden items.

This phenomenon has great repercussions against the country as it has led to the emergence of hoodlums who rise to handle political and social concerns of the country. The resulting consequences are that it has bred insensitive leadership and corruption. Therefore, the jihad and Sharia campaigns in this type of place will always provide an escapist for the people. The acceptance and popularity of jihad and sharia among the populace is anchored on the hope that it will help curtail the life of impunity and looting spree of politicians. While the poor masses have different beliefs, ideas and hopes about jihad and sharia, the rich and politicians have their own agendas. Their own agenda is primarily centered on the use of jihad and sharia as the “opium” with which to placate the unsuspecting masses. Ironically, almost all the men who championed the causes of sharia were later quizzed for corruption. For example, Brussels (2010) confirms that in Kano state, a probe instituted by the government in December 2004 indicted the former governor, Rabi'u Musa Kwankwaso, and ordered him to refund almost a billion naira (about \$6.6 million). In November 2009, a commission of inquiry ordered the former governor of Bauchi state, Adamu Mu'azu, to refund 1.6 billion naira (about \$10.3 million) which he allegedly stole. The former governors of Jigawa state, Saminu Turaki, and Sokoto state, Attahiru Bafarawa, are being prosecuted by the Economic and Financial Crimes Commission (EFCC) on charges of corruption involving N36 billion (\$240 million) and N15 billion (\$100 million) respectively (p.23). Owing to these paradoxes, jihad and sharia have received stiff opposition

even among some Muslim adherents. For example, Clarke (1982) affirms that even Muslims formed committee for a progressive Nigeria (MCPN) and other socialist associations to oppose the sharia agitations in 1977/1978 constitutional conference (p.88). Nwanaju (2011) notes that El-Zakzaky, the Muslim cleric sees the Zamfara State practice of sharia as a misapplication of what is known to be Sharia. He calls it the “Zamfara Sharia” and not “Islamic Sharia” His argument borders on the fact that sharia encompasses and governs everybody in the society which include the governors, heads of state, rich and poor (p.406). According to Olanrewaju (2015), catholic Bishop of Sokoto, Mathew Kukah emphatically asserts,

We must locate the current crisis of Boko Haram within the context of the inability of the northern Muslim elite to live by their own dubious creed. They preached Sharia Law but only for the poor. They preach a religion that encourages education, yet their own people are held in the bondage of ignorance. They came to power on the basis of a democratic society, but they turned around and declared Sharia to generate a false consciousness among the poor. They did not wish to live by the same standards, so they decided to live their own Islam in the capitals of the world away from the prying eyes of their own people. Boko Haram began as a revolt against this hypocrisy...They have become tools for access to political and economic power (pp.2-5).

It is not yet clear if Sharia hammer should only be meted only on the poor and common people who are caught in adultery, stealing yam, goat and fighting, while those who drink intoxicating wine in hidden and expensive places, use pen to steal, embezzle and loot public treasury are tapped on the back and celebrated. Another important issue here is that it has not been really taken into cognizance the Constitution under which the politicians turned clerics came to power. Is it the Nigerian Constitution or Sharia Constitution? Ideally, the agitations for sharia should have been channeled their ammunicions towards the common good of citizens. The root cause of human problems obviously boils down on human factors. Warnock as cited by Ekei (2013) maintains that the root cause of human predicaments is inherently liable to go bad because most human beings have the natural tendency to be more concerned about satisfaction of

their own wants than others. These human factors manifest in the existential traits such as corruption, nepotism, tribalism, power tussle, sabotage, indiscipline and others (p.19). If this type of ideology is not checkmated, the Nigerian society is heading into extinction. The paradox of sharia implementation in Nigeria is that while the poor masses hope the genuine and spiritual sharia will help in ensuring just and equitable society, the politicians highjack it for their selfish reasons.

#### **4.5. Sharia and Violence in Nigeria**

This section of the study is tasked with the evaluation of the role, which Islamic practice in Nigeria through the adoption of Sharia criminal justice plays in the development or mal-development of Nigerian democratic society.

It can be argued that the adoption of Islamic criminal law in most of the northern states from 1999 serves as a uniting factor among Muslims in Nigeria irrespective of sectarian differences. It is perceived as yet another victory of jihad against non-Muslims and the Nigerian society. It can also be said to be victory over the fight for the constitutional establishment of Sharia Court of Appeal in both the 1979 and 1999 constitutions. Hence, even though Sharia criminal justice may foster brotherhood among Muslims, according to Balogun (2001), sharia is still inimical to national unity. This is a major defect of Sharia application and praxis in Nigeria today. Besides, sharia law does not regard all citizens as equal before the law. This is quite illustrated in the distinction drawn between the “house of Islam”, “the house of war”, and “the people of the book” Closely related to the above discussion is that of the role of religion in effecting economic growth. There is no gainsaying that most of the functions assigned to Sharia as enunciated above centre around economic development (p.49-64). Contrastingly, this is

inapplicable considering the Nigerian heterogenic status because the application and implementation of sharia raises discontent among the people. It serves also as a tool for discrimination against non-Muslims, Byang (1988) and Marshall (2002) said that the adoption of Sharia criminal law tends to be divisive (p.23).

In this argument, the account of Alabrah (2012) agrees that the agitations of Sharia in the Fourth Republic were politically resurrected as a response to other violence driven movements from other parts of Nigeria. These movements include the Movement for the Emancipation of Niger Delta (MEND), Movement for the Survival of the Ogoni People (MOSOP) that was formed around 1992 and spearheaded by late Ken Saro-Wiwa. Others are the Ijaw Youth Council (IYC), Niger Delta People's Volunteer Force (NDPVF) led by Mujahid Asari Dokubo, Niger Delta Vigilante (NDV) led by Ateke Tom both of them founded in 2003 based in Portharcourt and other neighboring towns. The Movement for the Actualization of the Sovereign State of Biafra (MASSOB) led by Raph Uwazuruike situated in Igbo areas with the aim of securing the resurgence of the defunct state of Biafra from Nigeria state. The Oodua People's Congress (OPC), a Yoruba nationalistic militia and Oodua Republic Front (ORF) in the Western part of Nigeria (p.21). Hence, Ademoyo (2013) argues that Sharia is nothing but the northern version of militancy. On the side of the southern militants, they were said to be fighting for their oil, inability and unwillingness of the political system of Nigeria to give them the rulership of the country. But what are the Sharia propagandist fighting for having ruled the country for decades without interruption? (p.14).

There is no doubt that any action by a state government violating these citizenship rights through the enforcement of Sharia criminal law would have the effect of expelling from the state non-Muslim Nigerian citizens who, for religious reasons cannot live under the strict injunctions

and punishments prescribed by the Quran. Nzomiwu, (2000) avers that the Sharia practice from civil to criminal dimension posed serious problems about National Youth Service scheme aimed at uniting Nigeria hence NYSC members who are sent to work in the states implementing Sharia go there with grudges (p.3). Anyanwu (2010) asserts that Boko Haram Islamic sect slaughtered Pastors and other Christians on the orders of their leader, Mohammed Yusuf for refusing to accept Islam (p.34). G. Sidi (personal communication 19 Nov. 2015), argues that any person or group that forces anybody to accept Islamic faith is not fighting for Allah but for his/her selfish reasons. He maintains that the violence in the name of sharia is the handiwork of misguided individuals from both religious divides.

Therefore, the issues arising from these situations are that the adoption of Sharia is certainly an obstacle to the realization of Nigerian unity. This is because the enforcement of criminal Sharia impinges on the right of citizenship conferred on the membership in the federal union. These rights include the right to move about freely throughout the territory of the union and to live wherever one chooses without molestation based on his religious affiliation as stipulated in the Nigerian Constitution (1999) Section 41 subsection (1). The agitation and subsequent implementation of Sharia in a multi-religious and cultural Nigeria deny the people the right to earn livelihood in their chosen places of residence by means permitted by law. It denies non-Muslims the right to be treated like others by some states and other citizens. Akintola (2001) an ardent Islamic adherent, agrees that many people are of the view that Sharia is capable of creating disaffection among various religious groups in the country; endangering the peaceful coexistence of its citizens, leading to the disintegration of Nigeria, causing unprecedented calamity, tantamount to secession, a dangerous threat to Nigerian unity, act of political sabotage and provocation (p.3).



#### 4.6. The Challenges of Sharia on the Nigerian Constitution

In the pre Islamic Arabia, bonds of common ancestry were the foundation for tribal associations. The advent of Islam brought these tribes together under one religion owing to the fact that Islam implies not only a religion but also a culture, a fresh common basis of law and personal behaviour. Therefore, Sharia hitherto began to take shape and it continued to undergo fundamental changes, beginning with the reigns of Caliphs Abu Bakr (632–34) and Umar (634–44). During this time, many questions were brought to the attention of Muhammad's closest acquaintances for consultation and advice. When Muawiya AbuSufyan ibn Harb in 662 CE came to power, Islam undertook an urban transformation, raising questions not originally covered by the Islamic law. Since then, changes in Islamic society have played an ongoing role in developing the application of Sharia. These developments twig out into the expanded and thorough understanding of Islamic code (fiqh) and promulgated law (*Qanun*). Raji (1993) avers that one of the litmus tests to Sharia was the relationship between Muslims and non Muslims like when the eminent companion of the Prophet- Salman, a Persian was quoted as saying that if a Muslim accompanied a non Muslim, they should eat one another's food and ride on one another's mule. It is also reported that the second Caliph Umar saw a blind man begging at the door of another man. He touched the blind man's shoulder and asked him,

Which of the people of the Book are you? the beggar answered, "a Jew" then Umar said "what has compelled you to do this?" The Jew replied "the poll tax, need and old age". The Caliph then took his hand and led him to his own house where he offered him something. Then he wrote to the Exchequer: Look after this man and those like him. By God, we have not done him justice by wasting his youth and then forsaking him in his old age...this is one of the poor of the people of the Book and he exempted him and those alike from paying tax (pp.65-70)

Aluko (1999) argues that so long as the early Islamic community remained small and its expansion was limited to the Arabian Peninsula with the economic activities limited to the

subsistence level, it was possible to control the entire behaviour of the Muslims along the lines laid down by Prophet Muhammead in the Quran, the Sunna and the Sharia. But as the Muslim empire expanded and its interactions with the world increased, some of the functions concentrated on the religious leaders by these Muslim revelations got separated. This is because neither the caliphs nor the Bahs, the Sultans and the kings were capable of wielding complete religious and political power on their own. It became essential and imperative to hand over the administrative functions to a Prime Minister, Minister, Governor or President. The military functions handed to a Commander-in-Chief, spiritual or religious issues given to the Imams, the Ulama and the theologians while the judicial matters are directed at the Islamic legal officers, many of whom had to apply norms other than those provided only in the Sharia (pp.5-7). Therefore, as a result of the above, the binding and obligatory interpretation of the Quran and the Sunna along already established principles is no longer tenable. Hence, their re-introduction in the *Ijma* remains only an idealistic but impracticable notion.

Oraegbunam (2010) notes that these states, especially Zamfara, claimed that the 1999 Constitution of the Federal Republic of Nigeria laid the foundation of their rights to implement Sharia. They aver that section 38(1) states that, “every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief freedom (either alone or in community with others and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance.” Meanwhile, section 275(1) stipulates that “there shall be for any state that requires it a Sharia court of Appeal for that state” From these provisions, it is obvious that terms regarding the rights and freedom to manifest and propagate one’s religion were outlined. The Sharia Governors and most of their supporters usually argue that the same constitution grants any state the exclusive discretion to establish

Sharia Court of Appeal. But it seems that they did not accept the fact that the same constitution ensures the rights of the other fellow thirty six states. Section (1) Subsection 1 of the constitution declares the supremacy of the 1999 Constitution, stating in no equivocal terms that the Constitution is supreme over and above all persons and authorities. In subsection 3 of the same section, the constitution emphasizes that any law found to be inconsistent with the provisions of the Constitution, warning ... that other law shall to the extent of the “inconsistency be void” (p.23). This questions the legality of Sharia Implementation in Nigeria.

Unarguably, the Constitution did give Sharia some recognition. For instance, CFRN (2011) stipulates that section 6, subsection 1 to 5 stipulates the levels of Sharia courts among other judicial roles of these courts (p.23). By this provision, it implies that there cannot be a Sharia Court of Appeal (an appellate court) without Sharia Courts at the State level from which the appeal can rise to the Federal level. Admittedly, the Constitution by creating the Sharia Court of Appeal has, though not explicitly, reserved discretion of states to create their own Sharia Courts since the appellate Court lacks original jurisdiction to hear most of the cases to be brought before it. It is also because the cases are of such a nature that they cannot be entertained by a regular court (Magistrate court or High court). It could be on this ground that Okwe (2000) notes that legal luminaries like late Bola Ige argues that none of the states which have passed what they call Sharia law has directly violated any part of the federal government right (p.16).

Understandably, Nigerian Constitution upholds the application of Islamic code for states in Nigeria but to some extent. For instance, according to CFRN (2011), section 6(5) (f) and (g) which is replicated in Sections 260, 275, 262 and 277 of the same constitution state in clear terms the jurisdiction of Sharia Court of Appeal which by implication applies to all states. A close look at section 277 (2) (a)-(e), for the purpose of section (1) of this section, the Sharia

Court of Appeal shall be competent to decide matters only on the question of Islamic personal law. These cases were extensively outlined in paragraph (a) through (e) to include among other things: marriage, guardianship of infants and persons of unsound mind, *wakf*, gift, will and succession. Section 277 (2) (e) requires that for that provision to apply, the parties must be Muslims and they must have requested the Court at first instance to determine their case based on Islamic personal law (p.137-139).

The Nigerian Constitution is referred to as the Constitution of the Federal Republic of Nigeria 1999. By virtue of its section 1, subsection 3, it is “supreme and its provisions shall have binding force on all authorities and persons throughout the federation.” The constitution warns that “if any other law is inconsistent with the provisions of this constitution, this constitution shall prevail, and that other laws shall, to the extent of the inconsistency be void” (p.19-20). But D. Pindiga, H. Abubakar, I.M. Zubairu and I. Muhydden (personal communication 21 Nov. 2015), maintains the supremacy of the Sharia law to the Nigerian constitution.

The bottleneck of Sharia controversies on Nigerian constitution today is the possibility of trying non-Muslims in Sharia Courts. For instance, there are some families across the country even in Kano and Sokoto where Muslims and Christians share the same parental origin, family, house and office. The possibility of having different market place, different schools, hospitals, high ways and motor parks for sharia men and non sharia agitators is impracticable considering the multi-religious and cultural composition of Nigeria. Sharia is an Islamic legal system that can only apply in an Islamic government. In the Nigerian system, the constitution is supreme and if the constitution is supreme to Sharia, the possibility of Sharia working can only end in wanton destruction of lives and property unless Nigeria is turning into the Islamic Republic. The

multiplier effect will be disastrous to national harmony and peace because nothing meaningful occurs in the atmosphere of rancour and crises.

#### **4.7. Sharia and Non Muslims in Nigeria**

Theriahult (1999) notes that when the Muslims were praying in Medina, their enemies would come and break up their prayer meeting. They would also drown Mohammad's voice by singing smutty songs when he preached. One day, when he was praying at the Kaaba square, Abu Jahl had someone throw the placenta of a sheep on his neck. The prophet merely asked his daughter to wash his neck. Ugba spat in the prophet's face but he calmly wiped the spittle away and then fell into a trance during which he received this verse: "one day the sinner will bite his own fingers" (p.51)

Ani (2012) argues that the introduction of the Sharia codes in some states of the country promoted religious intolerance which is still being witnessed till date in Nigeria. Religious intolerance has manifested itself as a deliberate and violent move to stamp out what the members of a given religion believe to be an error in the religious thought and practices of the adherents of other religions within their religious environment. The introduction of sharia in the states such as Kaduna, Niger, Zamfara, Bornu, Bauchi, Kano, Kebbi among others led to the intensification of the religious divide and heightened animosity among the people living in those areas because of their religious differences (pp.156-172).

In this case, numerous non Muslims especially Igbo people living in the Northern parts of Nigeria believe that religious conflicts are primarily targeted at them. For instance, Odey (2009) argues that each time ethnicity, power politics and religious frenzy combine to set a part of the country ablaze anywhere, the Igbo man will in one way or the other be made to bear an extra

portion of the brunt of the conflict. If a strong wind tears the pages of the Quran apart and carries them away in Kano, Kaduna or Bauchi, it is the Igbo man that has desecrated the holy book. If they manage to escape alive, their petrol stations, their Churches, their shops and their homes will be burnt or their lives will go. He notes that in one of them on December 26, 1994, Gideon Akaluka, an Igbo trader from Ikeduru in Imo State was treated with the rough edge of the Islamist fanaticism and that put a sudden end to his life and dreams. On that day, some Muslims claimed that Akaluka desecrated the Quran and they beheaded him. They paraded his head on a stake round the streets of Kano as a show of their religious brevity, religious zeal, defence of the Ultimate Being and a possible triumph of their brand of “Almighty Being” over the ‘Satanic’ life of an ‘infidel’. In the end when his headless body had been committed to an unexpected perpetual rest in the grave, it was revealed that Akaluka, who was in his shop at the time of the incident, had no knowledge of the alleged crime. A female high school teacher in an all-female secondary school in Nigeria was alleged to have thrown away a copy of the holy Quran that was discreetly hidden among the confiscated books she caught with a student in an examination hall who came in to cheat with them. As soon as the examination ended, the student knowing the implication of the alleged act according to the Sharia alerted his group. A mob attacked and killed the woman instantly without investigation and fair hearing (pp.21-34). Anyanwu (2010) maintains that Igbo people and non-Muslims in general would not forget the loss of their properties and loved ones who refused to be converted into the Boko Haram brand of Islamism from the 2009 activities of the sect till date (p.41).

When the drafters of the 1999 Constitution of the Federal Republic of Nigeria enshrined in section 10 that “The Government of the Federation or of a State shall not adopt any religion as State Religion,” they envisaged the divisive and polarizing nature of mixing faith and politics.

They knew that for a religiously pluralistic entity like Nigeria to survive and develop, thrive and flourish, the state must be neutral in religious matters. But many state actors in Nigeria have ignored this crucial constitutional principle to the detriment of the Nigerian nation.

Crime is an offence against the state which in Nigerian situation, the state is made up of citizens of different religious, ethnic, political and cultural affiliations. Therefore, the adoption of a particular religion's law of crime will be adversely challenging to peace-building because every other religious body and culture that constituted the plurality of Nigeria has one form of law or the other which if adopted will be deadlier. D. Pindiga, H. Abubakar, I.M. Zubairu, I. Muhydden, A. Saed, S. Maigida, B. Saleh, B. Mahmud and S. Abdurahamn in personal communication (25 Nov. 2015), agreed that sharia should not affect or apply to a non Muslim. But considering the heterogeneous nature of Nigeria, they could not expatiate on the practical possibility of implementing it without directly or indirectly affecting non Muslims.

#### **4.8. Ambiguities in the Agitations and Application of Sharia in Nigeria**

Ambiguities in the agitations and applications of Sharia in Nigeria are evident in the methods, missions and objectives of those who agitate and apply it. For instance, Abiola (1984) argues that Usman dan Fodio's jihad of 1804 with its acclaimed move for the establishment of Sharia contributed both directly and indirectly to the fall of the Oyo Empire. According to him, the jihadists' in their irrevocable bid to dip the Quran into the Atlantic Ocean in Lagos did not hesitate to accept the invitation of Afonja, Are-Onakakanfo against the Oyo constituted authority (p.111). Therefore, sincere and unbiased Sharia advocators would not abet and engage in such a politically induced matter.

Nwanaju (2008) asserts that another group in Islam in Nigeria who are all out to enthrone Sharia in Nigeria, known as Izala, got the sponsorship of some wealthy and political figures in

the north. He said that General Ibrahim Babangida, through the ministry of Internal Affairs looted the state treasury to sponsor this group. Other figures that used state resources to sponsor the Izala include Abdulkadir Ahmed, Governor of Nigerian Central Bank, Major General A.B. Mamaman, the Minister of Internal Affairs and businessmen such as Alhaji Shehu Mohammed and Ahmad Kurfi a notable and chief shareholder in the Nigerian tobacco company (p.243). It is claimed that these methods are what Sharia aims at curtailing. The dilemma is the possibility of the group biting the hands that have fed them in the guise or in their quest to enthrone sharia. The possibility of using the revenue from liquor and tobacco industries to fund holy project is still a heavier dilemma.

Kane (2003) notes that Maitatsine's movement in their early stage rejected material culture of modern urban life such as the use of watches, bicycles, cars, radios and modern medicine (p.102). But their mission and motives for the agitation and application of Sharia were made manifest when they did not reject the use of guns and other dangerous ammunition they used in destroying innocent lives. Aminu (2011) notes that on 16<sup>th</sup> June 2011, the Boko Haram sect, after bombing some strategic places in Nigeria, including police headquarters demanded the introduction of Sharia in the twelve states of the North as the only condition for them to lay down their arms. Incidentally, the supreme council of Islamic Affairs had their national conference in Abuja and their stand as read by their Secretary-General Adegbite was "an appeal to the Boko Haram to adopt dialogue". (p.4). According to Umoru (2012), the former Niger State Governor, Babangida Mua'zu Aliyu, who was the then chairman of the Northern Governors' Forum at the end of their meeting held in Kaduna on 22<sup>nd</sup> September 2011 said;

The governors have resolved to dismantle all militia groups used during the last election against the backdrop that the use of threat and thuggery was no longer fashionable and in vogue. You will understand that the formation of either ECOMOG or whatever was part



of the political process started with many people using force and thuggery which every governor now is getting rid of because the time for thuggery is gone. No governor in his mind will want to use threat because using threat, like they said, you ride on a Hyena and you may end up in the belly of the Hyena. The same threat may end up being used against you, so we have resolved that no governor will use either Kamari or thugs. On the Boko Haram sect and killings ..., the governors also resolved to go back to their various communities and engage widely on how to nip the crisis in the bud (p.7).

The Governors' resolutions came barely hours after a self confessed co-founder of Boko Haram, Mallam Aliyu Tishau, in an interview with the African Independence Television (AIT) revealed that northern politicians founded and funded the Boko Haram. This agrees with the observation of Kenny (1996) that there is little popular desire among Muslims to live under the restriction of strict Sharia. Yet they are inclined to support a politician who waves the flag of Sharia because it is a symbol of Islam. A politician who promotes Islam will be expected to give a generous share of the national cake to Muslims. The political manipulation of religion became easier with the economic depression of the country beginning with the fall of oil prices and this left the masses of unemployed youths who were mobilized by the extremist leaders (the Kaduna Mafia) to riot; some youths caught in the Kaduna riot of 1987 admitted being paid to join the riot (p.361). Kukah (2003) describes the agitations for the application of sharia as "sufficient safety mechanisms" for the enlightened self interest. Most of the Muslim politicians, seeking Federal offices have been induced to tone down their advocacy of Sharia and emphasize its moderate rather than punitive elements. The fact that most of the governors that implemented Sharia in northern Nigeria, including the governors of Kaduna, Zamfara, and Kebbi became Federal lawmakers in the senate chambers is a testimony to this fact (p.46). Oluwa (2009) said that Sani Dododo, Abubakar Kane and Alhaji Mungadi filled a *mandamus* before a Federal High Court in Abuja compelling the EFCC to prosecute Adamu Aliero, the former governor of the state over alleged N10.2 billion fraud. The crime was committed during his tenure as governor involving financial misappropriation, inflation of contract sum, contract scam and payment for nonexistent

or non-executed contract but like many heavy weight's cases in Nigeria, the Federal High Court struck out the suit for lack of merit (p.8). The ambiguities arising from the agitations to implementation sharia in Nigeria is thus borne out largely by the ulterior motives of the actors involved.

## CHAPTER FIVE

### CHANGES IN JIHAD AND SHARIA IN NIGERIA

This section discussed the undesirable changes in Jihadist activities and the agitations for sharia implementation in Nigeria. It analyzed the eruption of some movements with the penchant desire for jihad and sharia implementation in Nigeria. Therefore, it discussed the Maitatsine's imbroglio, Izala, the Shiites, the agitation of sharia between 1999 and 2004, Boko Haram's insurgency, dangers of the metamorphoses of the Usman dan Fodio's jihad and the implementation of sharia in Nigeria.

#### **5.1. The Metamorphoses of the 1804 Usman dan Fodio's Jihad**

There are some changes, forms, nomenclatures and manifestations which the 1804 Usman dan Fodio's jihad in Hausa land and the subsequent moves to implement Sharia in Nigeria manifested in Nigeria. In other words, this section analyzed some of the changes which the 1804 Usman dan Fodio's jihad has produced for Nigeria. These changes have manifested in the present Nigerian society and their fall-outs have not been to the growth and progress of the country.

Against this backdrop, Paden (1986) argues that the Izala movement, Muslim Students Societies (MSS), the National Council on Muslim Youth Organizations (NACOMYO) and Supreme Council for Islamic Affairs (NSCIA) are the leading Islamic organizations in Nigeria which have continued the jihad and forceful Islamization of Nigeria (p.275). Olupona (1991) emphatically affirms that Usman dan Fodio's 1804 jihad is being carried on by the formation of organizations, movements, unions, associations and groups in the Nigerian Islamic religion. These organizations and movements include the foremost Jam'tu Nasril Islam (JNI), Supreme

Council of Islamic Affairs (SCIA), the Muslim Student's Society (MSS), Izala movement, the Fityanu'l Islam (the Youngmen of Islam) and other later foundations (pp.39-41). The rise of Izala movement in northern Nigeria as a reform movement according to Loimeier (1997b), drew heavily on the legacy of earlier Islamic reformers, al- Magh l and Usman dan Fodio (p.286). Back (2008) argues that the Izala movement was essentially the first to take up vehemently the purification agenda and legacy of Usman dan Fodio in the post-independence era. Usman dan Fodio's inspiring model of *tajd d* and the greatness of his Sokoto Caliphate were still alive in collective memory as sources of values and guidelines for both religious and political life. Thus, references to the Usman dan Fodio's socio-religious transformation and assertions of continuity between his 1804 jihad and Izala's Islamic activism pervaded the Izala discourse (pp. 427-428).

Furthermore, Akaeze (2009) traces the Boko Haram movement to the Maitatsine riots in Kano state which later spread to Yola, Maiduguri, Bauchi and Gombe and in that order, claimed more than ten thousand (10,000) lives with the destruction of properties worth billions of Naira. He argues that Boko Haram group from every manifestation is an offshoot of the Maitatsine (p.14). Pérouse (2014) said that the Izala movement established schools and centers known as *Fudiyah*, named after Usman dan Fodio. According to him, it is an indication of a clear demonstration of its commitment to the transmission of the legacy of Usman dan Fodio. From the group's official website, the movement claims that the "beginning of the Islamic movement in Nigeria marked the resuscitation of the teachings of sheikh Usman dan Fodio." The teachings of Usman dan Fodio are interpreted as an appeal to Muslims to stand up against oppression and to abide by God's laws. He maintains that Usman dan Fodio's legacy of purification has also taken up by the Shiites. Mohamed Yusuf continued to pay respect to Usman dan Fodio and the jihad of 1804, which was linked to the Qadiriyya (p.26). Searcy (2016) affirms that a moderate

splinter group of Boko Haram, Ansaru, openly referred to the Sokoto Caliphate and Usman dan Fodio as models for their movements (p.5). Thus, Boko Haram maintains that it is the legatee of Usman dan Fodio's Sokoto Caliphate but instead of creating a locus of power centered in Sokoto, Boko Haram wants the locus of power to be shifted eastwards to Borno state.

Nwanaju (2012) states that there are Islamic movements which came up after the Usman dan Fodio's jihad of 1804 that have actually been engrossed with the mission of enforcing Sharia in Nigeria just like Usman dan Fodio. Even though some of these organizations have taken various names and appendages, they are still working towards one purpose. According to him, these groups include Drika, Izala, Kaulu (Kablu), the Muslim Brothers, Tijjaniya, Quaddiriya, Shiite, Muslim Brotherhood, Maitatsine, the current Yusufiya group later known as Boko Haram and several other splinter groups. References to these groups have become very common in the discussions of violence in Nigeria. These sects seek to abolish the secular system of government of Nigeria and establish Sharia as the only law for the country (p.38). Adesoji (2012) also traces the origin of Boko Haram back to the *Yan Tatsine* violent outburst of lawlessness in the 1980s (p.101). Thomson (2012) said that just like the Maitatsine group, the Boko Haram insurgency could be traced to the Usman dan Fodio's jihad. He argues that both of them had the usual demand for the institutionalization of sharia in the country (p.47).

Again Nwanaju (2012) argues that it is not surprising that Boko Haram has become an avenue for the extension of the revolutionary zeal of the Usman dan Fodio's Jihad of 1804 (p.38). Asigwe (2013) posits that Mohammed Yusuf's uncle was one of the senior commanders of Maitatsine group but he narrowly escaped from Kano to Maiduguri during the heavy military onslaught against the sect (p.12). Omokri (2013) confirms that Mohammed's uncle raised Yusuf as a child and after the death of many members of the group during the Maitatsine riots, another

respectable commander of the sect named, Musa Makaniki escaped from Kano to Gombe and later retreated to Cameroon, where he remained until 2004 when he was arrested in Nigeria and was sentenced to death. But he was upon appeal freed in May, 2012 (p.9). Wadlow (2015) emphasizes that the current leader of Boko Haram, Abubakar Shekau, as well as other movements looks up to 1804 Usman dan Fodio's jihad as a model to be followed. Although radically different in many ways, Boko Haram is part of the long shadow of Usman dan Fodio (p.23). According to Zenn (2015), Boko Haram views itself as the successor to Usman Dan Fodio even though it has declared the sultan of Sokoto unfit to lead Nigeria's Muslims. They alleged that the sultan was closely associated with a Christian president Goodluck Jonathan, secular democracy and thereby mixing traditional religious practices with Islam. In view of that, they claimed the right heir to the mantle of religious legitimacy of Usman dan Fodio but they centered the power of Nigerian Muslims in the Kanuri-dominated northeast of Nigeria as opposed to Usman dan Fodio's Sokoto in the northwest (p.13). All these groups which have been influenced and inspired by the 1804 Usman dan Fodio's jihad are briefly discussed.

## **5.2. The Maitatsine**

The name Maitatsine is used interchangeably with *kala kato* meaning according to Kukah (2010) "the one always curses". Maitatsine was the name of the followers of late Muhammad Marwa, who migrated from the town of Marwa in Northern Cameroun to the city of Kano around 1945. While in Kano, he became an Islamic zealot who was concerned with the purification of Islam. His Islamic practice was based on his personal interpretation of Islam. Marwa proclaimed himself prophet among his followers and considered those who opposed him being a prophet as infidels and deserved to be killed. The group was responsible for the first ever major religious crisis witnessed in Maiduguri and subsequently in other parts of the northern

Nigeria. It is still believed to be present not only in the states where Maitatsine disturbances were recorded but also in other states of the zone. In practice, they differ from other Muslims in rituals such as ablution and *salat*. They perform only those aspects mentioned in the Quran and ignored the Sunna. They neither allow anyone to lead in prayer nor accept to be led by other Muslims (pp.10-14).

Imam (2004) states that Maitatsine regarded only the Quran as a source of guidance. He rejected other sources of guidance in Islam such as Hadith and Sunna considered compulsory by orthodox Islamic groups. This makes the group to belong to the *Quraniyyun* or believers of only the Quran. Other aspects of their practice include the proclamation as pagan anyone who says *Allahu Akbar* in prayers, rides on a bicycle, motorcycle or reads another book other than the Quran. The Maitastine group appears to be self disciplined, seldom chat or engage in talk with others and when they do, it is strictly on business. Despite these attributes, a number of people are still apprehensive of their type of Islamic practice and memories of their past are still fresh in the minds of people who witnessed their previous conflicts in the zone. After the city of Kano went aflame for four days in December 1980, with the loss of over four thousand lives, in 2004, a violent clash was recorded from them at Zabarmari in Maiduguri. As usual, it resulted in the killing of people and several others were injured. Being mostly immigrants, *Yantasine* engage themselves in trades usually considered menial by the local community such as selling of bread in carts, mobile tailoring for which the group has competitive advantage. *Kala kato* literally means “the ordinary man”. This name is attributed to them in reference to their objection of Hadith because they regard Prophet Muhammad as an ordinary man (pp.85-94).

According to Lubeck (1991), Marwa, the leader of Maitatsine group believed that Islamic religion had been corrupted by modern and Western system of living, notably, with the formation

of the modern state. He took to abusive and provocative preaching especially against established institutions such as the wealthy, the emirate and the political class. His hard stand against these groups earned him expulsion from Kano by the then Emir of Kano, Alhaji Sanusi Lamido. But presumably after the death of Alhaji Sanusi, Marwa found his way back to Kano in 1966. Between 1972 and 1979 Marwa was detained in prison several times for his provocative preaching together with other acts of lawlessness against the state (p.171).

Clarke and Linden (1982) explain that Marwa exploited the dwindling economic situation and the *Almajeri* system and was able to attract large followers amongst the commoners. These commoners were people who were unable to afford the basic necessities of life hence they became die-hard patriots of the sect (p.122). Danjibo (2012) submits that they prayed while counting their beads five times a day. They faced East and believed that Prophet Muhammad was not a breathing image of Allah. They read the Quran but did not see the need to visit Mecca. At prayer, they placed their open arms, facing away from themselves. They stood in upright positions and placed their hands on the side of both ears. In prayers, they rested the open palms of both hands on their chest. Maitatsines preached with strong compulsion to kill. They believed that if they were able to kill *Arnas* (infidels) who do not believe in Allah, they will go to heaven (p.37). In a bid to understand the view of other Islamic followers, the researcher in a personal communication with D. Pindiga (21 Nov. 2015), argues that the Maitatsine group actually started with the right intension of bringing about the needed reform in Islam but he regretted that they were later infiltrated by misguided individuals.

### **5.3. Jama'atu Izalatul Bid'a wa Iqatamus Sunna (JIBWIS or Izala)**

According to Olupona (1991), it is an association or movement that claimed to eliminate innovation and the restoration of Sunna. It has brought great challenges to the practices of the



Sufi Brotherhoods. They question practices that are not reported in the Quran and Sunna of the Prophet or *ijma*. Amidst this challenge, rivalry between the established sufi orders and the Izala often ensued (p.40). Iwuchukwu (2014) affirms that *Izalatul Bid'a wa Iqatamus Sunna* (Association for the elimination of innovation and the restoration of Sunna) is Sufi movement that rise to prominence in Nigeria and has remained unchallenged in the past three decades (p.9).

Aliyu (1999) posits that since 1990, Izala had become divided into two factions, one faction popularly referred to as “Bush” Izala with its base in Jos led by late Sheikh Samaila Idris and the other “Saddam” Izala based in Kaduna under late Sheikh Musa Maigandu (p.49). Dikko (2000) notes that several issues, factors and events led to this division but majorly the Gulf War in the 1990s was probably the final incident that divided the two groups. When the “Bush camp” argued that the war was not a religious one because of its belief that Saddam Hussein did not deserve Muslim sympathy, the Saddam’s group took to the contrary (p.69). Loimeier (1997b) said that Izala was the most vocal advocate of the Islamic reform movement in northern Nigeria especially in the second half of the 20th century (pp.286-290).

According to Iwuchukwu (2014), this group arrogated to themselves the exclusive responsibility of fighting and addressing the alleged corruption of Islam by the Qadiriyya and Tijanniya brotherhoods. He agrees with Aliyu (1999) that since 1990, it became divided into two, one faction popularly referred to as “Bush” Izala with its base in Jos is led by Sheikh Samaila Idris and the other “Saddam” Izala based in Kaduna is under Sheikh Musa Maigandu. It was noted that the Izala method of preaching was similar to those of Wahabism which originated from Saudi-Arabia. Those militant movements of the eighties such as Maitatsine and lately Yusufiyya (Boko Haram) were the spiritual off shoots of the Izala, given the similarities in their militancy, aggressive preaching styles, and over simplified ritual practices (pp.9-13). H.

Abubakar, I.M. Zubairu and I. Muhydden (personal communication 18 Nov. 2015), agreed that the Izala group is actually violent in nature but inwardly peaceful. On further probing, they accepted that the militant nature of Izala group actually spurred the emergence of other Islamic militant groups in the northern Nigeria.

#### **5.4. Nigerian Muslim Brotherhood-the Shiites**

Fage (1990) said that the Shiites are those who believe in the ascendancy to the Caliphate of the direct descendants of Mohammed, the progenitor of Islam, as represented by his son-in-law Ali and his only surviving child Fatimah (pp.149-150). The origins and development of the Shiite movement of Nigeria began in the late 1970s and 1980s. Aside from other local influences and Saudi financial support, the Iranian revolution of 1979 made strong impact on the Shiites. The example of that Islamic Revolution instilled in many Nigerian Muslim youths the possibility of using Islam as a vehicle for political and social transformation, and was a major source of Islamic radicalization. Prior to the eruption of the Maitatsine's killings, Nwanaju (2010) asserts that there was an Islamic group known as Nigerian Muslim Brotherhood or the Shiites which sprang up. The movement took its inspiration from the Ayatollah's Iranian Revolution of 1979. The group led by El-Zakzaky from Zaria rejected the Nigerian constitution that ensures the country's secular state. Like many other Islamic movements in Nigeria, the aim of this group was to enforce Sharia in Nigeria as the only acceptable legal constitution for the country. They argued that the principle of separation of religion from the state amounted to imposition of Christian teaching of giving to Caesar what belongs to Caesar and God what is His. Thus, El-Zakzaky encouraged his followers to recapture Nigeria for Allah in the same way Ayatollah did during the Iranian revolution of 1979. The crises of April 1991 related to this group cannot be easily forgotten (p.56).

According to Imam (2004), two groups of Shiites are observed in Nigeria and they are Islamic Movement of Nigeria (IMN) led by Sheikh Ibrahim ElZakzaky and the Rasulul A'azam Foundation (RAAF) under the leadership of Sheikh Muhammad Nura Dass. The two groups existed and operated as one Shiite movement until 1992 when it split into two because some members could no longer bear the alleged confrontational nature of Sheikh Ibrahim ElZakzaky's attitude towards the government-an attitude they believed was only inspired by the Iranian Revolution (p.88). Hosen (2004) avers that on the contrary, RAAF prides itself as the only orthodox Shiite organization in Nigeria based on the teachings of Imam Jaafar. While IMN sees nothing good in the Nigerian State due to its secular nature and the injustices perpetrated by its leaders, RAAF did not only recognizes the state as legitimate but also argues that it must be obeyed (pp.144-147). However, the Shiites have taken to the opposite dimension of the current moves to introduce Sharia in the northern Nigeria. According to Nwanaju (2011), they described the desire of the current politicians in the northern Nigeria as the greater height of political Sharia. They queried the rationale of amputating a man for stealing a peanut while those who stole trillions of naira go scot-free as they always strangle the law to death (p.412). The group has been in constant fracas with Nigerian security agencies leading to hundreds of deaths. The leader is currently under federal government detention.

### 5.5. The Agitations of Sharia Implementation in Nigeria-1978-1999



Pix 2. Map showing the sharia implementing states in Nigeria. Sourced from <http://www.mapsofworld.com/nigeria/nigeria-political-map.html> accessed 13th December, 2015.

Right from the pre-colonial era, when Usman dan Fodio through his jihad conquered and established Sharia in some parts of Northern Nigeria, the issue of Sharia has been a contentious issue in Nigeria. On the eve of independence, they further limited its scope and it was formally excluded from the legal system of independent Nigeria when the Islamic court of appeal was abolished in 1967. However, some aspects of Sharia were used as part of “area” or customary law practiced at village level. Between 1977 and 1978, the issue again resurfaced, in the period of drafting a new civilian constitution. One of the issues in the heated debates was focused on the use of the word “secular” to describe the Nigerian state as well as the proposed creation of federal sharia courts.

According to Kukah (2010), at the Fourth Republic dispensation, the country was greeted with deadly ethno religious crises in Zakibiam in Benue, Odi in Bayelsa and Kaduna states among others. He maintains,

The dust raised by the crises were about to settle down in Kaduna and other parts, especially in Kaduna state which was about counting her losses and getting back to full normalcy, when suddenly, the then Governor of Zamfara State, Ahmed Sani Yerima, triggered off another crises by declaring that Zamfara State had introduced the criminal Sharia code in the state. By this measure, he nullified the Nigerian constitution indirectly. He banned the sale of alcohol, nightclubs and restrained women from entering the same vehicle with men. They could not ride a motorcycle unless the rider was the husband of the woman and other controversial laws and policies. Like these were not enough and to prove his seriousness, a man lost his hand for allegedly stealing of a goat and a woman was threatened to be stoned to death for adultery which led to an international uproar (pp.73-84).

Subsequently, according to Modupe (2000), other eleven states in the north followed suit (p.8). Lemuel (2010) notes that the violence with its orgy of killings between 1999 and 2003, began in Kaduna and other parts of Northern Nigeria like Plateau States sporadically spread to other parts of Southern Nigerian towns such as Umuahia, Aba, Okigwe, Portharcourt, Onitsha, Uyo, Calabar and even some western parts of Nigeria (p.8). Expectedly, Nigeria went aflame. The crisis was so deep that it rocked the North and Nigeria for years. Arguably, the actions of Sani Yerima emboldened other politicians especially those who set up and funded the Boko Haram militants for their political agenda and an Islamic Nigeria. What they did not realize was that they were nurturing a monster which they would not be able to control and would eventually turn around to upstage them.

## **5.6. Boko Haram's Insurgence**

According to Johnson (2011), Boko Haram is an Arabicized-Hausa terminology that is simply translated into "western education is sinful" and propagated by *jamaatul Alhul Sunnah Lidda wati wal Jihad* sect who believed that they are committed to the Hadith of Prophet Muhammad's teachings and Islamic jihad. There are confusing theories that have been generated in attempts to explain the Boko Haram's challenge, its origin and modes or

purposes of operation. For instance, Nwanaju (2010) and Adibe (2012) observe that while the popular belief is that it was founded around 2001 or 2002, they trace the date to as far back as 1995. According to Oviasogie (2013) avers Boko Haram emerged immediately after 9/11 terrorist attacks in the United States of America where in local conflicts were recast within the narrative framework of global jihad. The exact date of the emergence of the Boko Haram sect is mired with controversies. Nevertheless, they were known to the Nigerian authority to have existed since 1995 under the name of *Ahlulsunna wal'jama'ah hijra*--“congregation of followers of the prophet involved in the call to Islam and religious struggle”. The sect subsequently metamorphosed and flourished under various names such as the “Nigerian Taliban”, *Yusufiyyah* sect and the current Boko Haram. For instance, the term “Nigerian Taliban” is used in a derogatory sense by the local people who despised the philosophies, methods and teachings of the sect. Although the sect is fashioned and operated like the Taliban in Afghanistan, it is widely believed that it has no formal links with its Afghan counterpart (pp.25-27).

Cook (2011) captures the mission, ideology and philosophy of Boko Haram as a group with the mission to establish an Islamic state, phase out western education and those working in the civil service because it is sinful. Hence, for their aim to be achieved, all institutions represented by government, including security agencies like police, military and other uniformed personnel should be crushed ( p.13). Kendhammer (2013) emphasizes that the aim of the group is not limited to doing away with Western education, it also wants Sharia imposed in its strict form in twelve out of the nineteen states in Northern Nigeria (p.306). Oviasogie (2013) argues that the ideological mission of Boko Haram is primarily to overthrow the Nigerian state and then impose strict Islamic Sharia law in the entire country. In order to achieve its set agenda, Boko Haram draws its members mainly from disaffected youths and unemployed graduates who

willingly tore their certificates because of jihad. Others include the *Almajiris* (Street Children) who migrated from the rural areas to urban areas in search of better means of livelihood and to study under renowned Islamic teachers in cities. Ironically, the sect also has some well-educated, wealthy and influential people as members. The sect is estimated to have hundreds of thousands of members across the nineteen (19) states of the northern Nigeria, Niger Republic, Chad and Sudan. She notes that in terms of organization, late Muhammad Yusuf was then the Commander-in-Chief (*Amir ul-Aam*). He has two deputies (*Na'ib Amir ul-Aam I & II*). Each State where they exist has its own *Amir* (Commander or Leader), and each Local Government Area where they operate also has an *Amir*. Below the Local Government *Amirs* are the remaining followers. They also organized themselves according to various roles, such as Soldiers and Police, among others (p.26). Okereke (2011) again posits that although from the outset, the sect's mission was to impose the Sharia on Nigeria, the leadership went about its preaching peacefully. These preaching did not go without attracting attention among other Islamic preachers who saw the preaching and interpretation of the Quran as recipes for violence and an affront to constituted authority (p.457).

Oviasogie (2013) maintains that on the 21<sup>st</sup> September, 2004, the group attacked Bama and Gworza police stations in Borno State, killing several policemen, stealing arms and ammunition and later set the Gwoza police station ablaze. Apart from a few isolated skirmishes with the police, the sect received marginal attention until the middle of 2007 and again in 2008 when their militant activities came under surveillance by security operatives in Abuja. In July 2009, members of the sect staged the most spectacular attacks on all institutions that represent the Nigerian state. The uprising affected five northern states, namely Bauchi, Borno, Kano, Katsina and Yobe. A military campaign led to the controversial killing of over seven hundred

(700) members of the group including the leader, Muhammed Yusuf, while several others were arrested and detained for formal trial (p.25).

In the opinion of Nwosu, Akinsuyi, Obi, Olugbode and Ohia (2011), since its radical operations in 2009, Boko Haram has significantly gone through a number of violent changes. Until on 16<sup>th</sup> June, 2011, when they bombed the Nigeria Police Headquarters in Abuja, the sect had restricted its terror campaigns mostly to the North eastern part of Nigeria. Remarkably, they said that the attack on the Police Headquarters came barely hours after the then Inspector-General of Police (IGP), Hafiz Ringim returned from a duty tour of Maiduguri where the sect had just carried out some terror campaign and boasted he would soon smoke them out. The sect followed up that attack with the bombing on 26<sup>th</sup> August, 2011 of the United Nations House in the same Abuja. Shekau has described the United Nations' House in Abuja as a "forum of all the global evil" (pp.18-23). Since then, Boko Haram has either claimed responsibility for or has been credited with most terror activities in the northern part of the country. Its operations have also grown in scale and sophistication.

Onuoha (2013) notes that at a point there was an ideological feud within the rank and file of the sect that led to the breaking away of factions. One of them called itself the "Ansaru". It gave its full name as *Ansarul Muslimina Fi Biladis Sudan*, meaning "Vanguards for the Protection of Muslims in Black Africa". Its motto is "*Jihad Fi Sabilillah*," meaning "fighting and sacrificing for Allah's cause". The group expressed displeasure with Boko Haram's style of operations. It described the activities of Boko Haram as inhuman to the Muslim Ummah. He articulates how divisional groups emerged after the death of Mohammed Yusuf, the leader of Boko Haram. According to him, they were: *the Nur* group who were considered to be open to



dialogue. The Shekau group that was described as the radical and violent-driven group made up of able-bodied youths who swear to continue with their violent activities. The third group whose position could not be understood is rather a mixture of the previous groups (p.13). However, the *Shekau* group whose violent activities brought Nigerian state to a standstill has been responsible for thousands of killing in Nigeria. The group because of their notoriety has changed their names and extended their mission across the West Africa. Laccino (2015) said that they adopted the name, “Islamic State’s West African Province (ISWAP)”. At a point their leader was appointed the leader of Islamic state' of Iraq and Syria (ISIS) and Ekhonu (2016) warns that the appointment of Boko Haram’s leader as the leader of Islamic state of Iraq and Syria (ISIS) as very deadly to Nigeria (p.15).

Boko Haram is still launching increasingly, coordinated and sophisticated attacks that have left millions of people dead and the death toll keeps rising by the day, millions more displaced and millions living in fear. Most often the group uses suicide car bombers on various locations in Nigeria including police stations, military facilities, churches, schools, cell phone towers, beer halls, newspaper offices, Police headquarters and the United Nations building. Agande (2016) in series of accounts released by the 21<sup>st</sup> century Wilberforce Initiative from United States of America and Stefanus Foundation based in Nigeria, notes that these research groups released reports which stated that over fourteen (14) million Nigerians are directly affected by the humanitarian crises in the northeast of Nigeria. According to them, “there are over two million (2.2) internally displaced persons, over 2.5 million children under the age of five, pregnant women and nursing mothers who need special assistant. Other casualties include over six hundred and eleven (611) teachers, nineteen (19000) displaced teachers, fifteen thousand five hundred (15,500) schools closed down, over nine hundred and fifty thousand (950)

children denied access education, over thirteen thousand (13000) churches burnt, over two thousand (2000) children abducted and ten thousand (10000) boys forced to join Boko Haram. The Global terrorism index shows that Boko Haram ranked the world's most deadly terror group (pp.7-8).



Pix 3. showing the deadly attack of the Boko Haram at St Theresa's Catholic church Madalla Suleja Niger state. Sourced from Vanguard newspaper on 29<sup>th</sup> Feb, 2016.



Pix 4. Showing the deadly bombing of the Nigerian Police Headquarters in Abuja by the Boko Haram. Sourced from <http://www.nigeriasite.com/images/niger.comjpg>. 23rd April, 2015.

### **5.7. The Rise of Fulani Herdsmen and the farmers' War**

Fulani are nomadic herders whose history according to Morre (2016) can be traced to the Futa Jalon mountains of West Africa and their primary occupation is raising livestock. They are largely located in the Sahel and semi arid parts of West Africa but due to changes in climate pattern, many of the herdsman moved further south into the savannah and tropical forest belt of West Africa. The history of Fulani herdsman in Nigeria dates back to the 13<sup>th</sup> and 14<sup>th</sup> centuries when they started migrating into northern Nigeria from Senegambia region. After the Usman dan Fodio's 1804 jihad, the Fulani group integrated into Hausa ethnic group of northern Nigeria. Subsequently, they began to drive their cattle to the middle belt zone and their entrance brought about conflicts as a result of the destruction of crops of farmers by their cattle. In a bid to tackle

the ugly development, the Federal government in 1978 implemented the Land Use Act which gave the lands occupancy to the Fulani grazing route. Hence the federal government carved out some areas as grazing routes but it has not reduced clashes between farmers and herdsmen (pp.11-14).

Mikailu (2016) reports that Fulani herdsmen killed about one hundred and twenty one (121) people from 1996 to 2006 in Bauchi and Gombe States respectively. In 2014 alone, more than one thousand two hundred (1200) people lost their lives to the Fulani herdsmen (p.3). Morre (2016) said that more than fifteen communities have been ransacked, maimed, destroyed and desolated by the Fulani herdsmen. Some communities such as Uzuakoli, Ebem, Akanu of Bende L.G.A, Ohafia, Umuchieze in Umunneochi L.G.A-all in Abia State have recorded series of Fulani killing. Isenyo (2016) notes that Sanga, Jema'a L.G.A and almost all other parts of Kaduna State have received the deadly attacks of the Fulani herdsmen-to the point that a Redeem Christian church of God's pastor was killed (p.14). Binniyat (2016) said that Senator Danjuma Laah, described the Fulani herdsmen killing of over forty people in Godogodo village of Jama'a Local Government of Kaduna state "as unforgivable crime against humanity" (p.7). Tamionu (2016) maintains that judging from the antecedent of the jihad mover, the present trails of bloody grazing by the Fulani herdsmen in the southern part of Nigeria looks like a part of the long time grand design to complete the jihad of Usman dan Fodio whose major objective was to rule the south from the north-a project that the Fulani group through their herdsmen desire to accomplish (p.9). Isine, Adekunle and Ndukwe (2016), in an investigation reveal that the Fulani herdsmen have killed over one thousand two hundred and sixty nine (1269) persons in Benue state alone (p.13). According to Isine (2016), the governor and chief security officer of Benue state, Samuel Ortom sums the issue thus "we are completely under siege by the Fulani herdsmen" (p.11). On

Tuesday, April 20, 2016, Fulani herdsmen attacked five communities in the Lagelu Local Government Area of Oyo State and on Monday, April 25, 2016, armed Fulani herdsmen attacked Ukpabi Nimbo community of Enugu State killing over fifty people. Offor (2016) said that more than eight catholic priests were either kidnapped or killed by these dissidents (p.17). In a rather contrasting twist to all these incidents, Okoli (2016) said that Department of State Security Services (DSS) said that five Fulani herdsmen were buried in a shallow grave in a community between Abia and Imo states (p.8). But many Nigerians roundly criticized the agency headed by a Fulani man for ignoring the genocide committed by Fulani herdsmen in Agatu and other communities across Nigeria only to prioritize the case of five men that were killed. It was later discovered that about fifty other corpses of Igbo persons were buried in the same shallow grave.

Since the current administration headed by a Fulani man began in 2015, Fulani herdsmen have gone on killing spree. Most of them are often caught with AK47 assault rifles. It is still very hard to explain the source of these high levels of ammunitions. Perhaps in reactions to all these, that is why Igata (2016) notes that Civil Liberties Organization (CLO) alleges that the Fulani herdsmen's onslaughts are state sponsored. They accused president Buhari's inactions for fuelling the Fulani killing spree. They wondered why a Nigerian president will turn blind eye on the endless killing of innocent and defenceless Nigeria only to condemn other killings across the world especially in the western worlds. Esho (2016) said that online forum of Yoruba "No Yoruba life should be lost without killing ten Fulani in place" because, a vast majority of Fulani herdsmen have now taken the killing of farmers as a hobby. They are killing fellow human beings in order to cater for their own cattle. Similarly, Archbishop of Anglican Communion, Enugu Archdiocese, Most Rev Dr. Emmanuel Chukwuma warned that if nothing was done to checkmate the Fulani herdsmen, he would personally ask the pro-Biafra groups to declare war on

them (p.15). Umoru et al (2016), disclose that the Federal Government in a swift response described the Fulanis who engage in cattle rearing across the country as very peaceful people who move around with their families in search of water and grasses for their cattle. Those involved in clashes with farmers, killings and destruction of property were not Fulanis but another gang of Boko Haram. They claimed that the persons who were arrested could not speak any Fulani or Nigerian language (pp.7-9). But Opejobi (2016) argues that the Nigerian Immigration Service denied the report (p.13). All these have brought about mixed feelings and animosity among many Nigerians. Perhaps not being satisfied with the federal government accounts, Ogundele (2016) posits that the Ekiti state governor, Ayodele Fayose through the state House of Assembly enacted a law banning grazing of cows in Ekiti state. In his words, “we will not leave our lands for Fulani herdsmen and in a system where leadership of the country looks the other way while our people are being killed, we will have no option than to defend ourselves by whatever means...those who are interested in cattle farming should hence forth establish private ranches”(p.12). According to Umoru et al (2016), Fulani herdsmen, under the aegis of Miyetti Allah Cattle Breeders Association of Nigeria (MACBAN) rejected the setting up of ranches, supported the establishment of grazing reserves and called on the government to create Ministry for Livestock Development (p.23).

Kayode (2016) argues that the paradox of the jihad and sharia in Nigeria is that the promoters will repeatedly claim that there is no compulsion in religion yet like Usman dan Fodio in the quests to impose Islam, jihad and sharia, they usually soak northern Nigeria in blood of millions of innocent and defenceless Nigerians. He believes that the recently introduced national grazing reserve council bill which appears to be dead on arrival was in fulfillment of the dreams of Usman dan Fodio’s jihad (p.19). Conclusively, Agande (2016) puts it that the Global

Terrorism Index (GTI) reports that Fulani herdsmen in Nigeria ranked the fourth world's most deadly terror groups in the world (p.13).

### **5.8. Dangers of these Metamorphoses to the Nigerian Corporeality**

The changes and forms which the jihad initiated about two hundred years ago in Hausa land by Usman dan Fodio is being fought from various dimensions under various names and nomenclatures today. With the incessant agitations for the implementation of sharia, it has brought about situations that have set the country on the edge of precipice. Some of these are:

- i. it causes general instabilities,
- ii. it reloads bitterness, rancour and unforgiveness,
- iii. it encourages the adoption and adaptation of violence as a means to an end,
- iv. it structures the abuse of human right,
- v. it breeds genocide and economic waste, (f) it creates negative global image,
- vi. it disrupts social cohesion, creates unpatriotic spirit and laziness and
- vii. it is capable of recycling mediocre in leadership.

**5.8.1. It Causes General Instabilities:** According to Aluko (1999), there are two incidents from outside Nigeria which should serve as warning to Nigerians concerning the application of sharia. He said that Pakistan was created out of India as an Islamic State in 1947 but in 1982, during the Military Regime of General Muhammad Zia-Ul-Haq, the Pakistani entire foreign and domestic trade with its financial system and apparatus were threatened to their foundation by a Sharia court ruling. The Islamic High court judges in Pakistan had ruled that a set of laws which sanctioned the charging of interest on loans was invalid because it contradicted the quranic injunction against usury. However, it took the intervention of the secular Supreme

Court of Pakistan to overturn the judgement of the Sharia judges. In Afghanistan, the Sharia fundamentalists have forbidden women from wearing white socks or high heel shoes because they are considered sexual lucre. Music was banned, including cassettes in cars. Most forms of entertainments like movies of any sort are illegal and many women in the name of Sharia were prevented from not only pursuing their legitimate occupations and professions but some of them also have been driven to commit suicide, thrown into despair and depression, fled the country or driven back into a mediaeval way of life. The men of Afghanistan will not walk on the streets unless and until they grow beard of a particular length as the Sharia says that the beard is “wealth from God” and must be worn. Men will not be awarded contracts or be employed unless they wear beard. Since almost all women are “unlucky” not to be endowed with growing beard, they are automatically and permanently ruled out of the economic benefits from the Government contracts of Afghanistan. He argues that what Sani Yerima started and against which many Nigerians is protesting is the tip of the iceberg (pp.3-7).

To buttress further on the challenges of the agitations and implementation of Sharia in Nigeria, Suberu (2001) notes that at the heat of sharia debates in the fourth republic, the *Ohanaeze ndi igbo*, a forum of prominent Igbo political leaders demanded that the Nigerian army be replaced by six regional armies (p.191). Fasehun (2000) said that in the Southwest, ethnic leaders among the Yoruba responded with similar models of demand for decentralization. (p.28). Onaiyekan (2003) argues that the agitations to implement Sharia have worked for destabilizing national unity, polarizing the nation along ethnic and religious lines, nurtured fanaticism and breed intolerance where every move in the country is interpreted in the light of confrontation (p.71). Therefore, these agitations are the causes of general instability and it often arouses the consciousness of other ethnic and religious groups to demand for self-determination. According



to Obike (2015), Prof Isaac Adewole, the Minister of Health said that apart from over two million displaced persons in the northeastern Nigeria, over fifty million Nigerians from Lagos to Aba, Ogun, Makurdi and the entire country were directly and indirectly affected by Boko Haram thereby causing general instabilities (p.6). The menace of Fulani herdsmen in their unprecedented killing of human lives and destruction of farmlands across Nigeria have worsened the whole situation as many non Fulani groups in Nigeria are today spitting and threatening fire. Ekiti State has enacted a law that ban grazing in the state and if all other states followed the trend, it then means that Nigeria unity is in jeopardy. At a point the coalition of all ethnic groups in Benue state formed a movement named “Movement Against Fulani Occupation” (MAFO). They had rallies and took both Federal government to court because of Fulani herdsmen’ killing (p.2). One wonders the fate of a country where this type of coalition is formed.

All these things are capable of ending the existence of Nigeria as one entity because nothing works in the midst of instability. This has made nonsense of the lofty dreams of the founding Nigeria as a united nation. This is also collaborated by A. Saed A (personal communication 19 Nov. 2015) who agreed that the moves to enforce sharia have caused the country monumental instabilities but finally added that the crises associated with the issue are borne out of ignorance and sentiments.

**5.8.2. It Reloads Bitterness, Rancour and Unforgiveness:** Lemuel (2010) observes that during the most heated Sharia violence between 1999 and 2003, a riot that began in Kaduna and other parts of the Northern Nigeria sporadically spread to other parts of Southern Nigerian towns such as Umuahia, Aba, Okigwe, Portharcourt, Onitsha, Uyo, Calabar and even some western parts of Nigeria (p.8). The Fulani herdsmen ransacked some communities in Buruku local government area of Benue state on the allegation that their cows were stolen. According to

Ugwuanyi (2016), scores of people were killed (p.5). It takes unforgiving minds to resort to this kind of approach for settling disputes because, it is difficult to have a society where people will not hurt one another hence the obvious need for tolerance and forgiving spirit. If everybody takes law into his/her hand, the law enforcement agencies will be needless and lawlessness will set in. However, instead of forgiveness, many Nigerians are ready to retaliate. Perhaps, the retaliatory mentality among the people arises because of the human and material loss they have incurred because their contemporaries want to achieve their primordial aims. This mentality has silenced the principles of collaboration, communication, negotiation, conciliation, mediation, arbitration, adjudication and other strategies of managing crises and settling differences in a multi cultural and religious society. Living in a multi-cultural society demands many factors especially tolerance, patience and due process. The adoption of collaboration, communication, negotiation, conciliation, mediation, arbitration, adjudication, tolerance, patience and due process are veritable strategies of managing crises in an ideal society. These methods can be likened to when a court grants an injunction-whether the injunction is just or not, people are not duty bound to obey the injunction. But the best anybody or group who feels dissatisfied with the injunction should do is to approach another higher court to vacate the order. I.M. Zubairu A. Saed, M. Salisu, S. Bagudu (personal communication 18-25 Nov. 2015) affirms that the repeated moves to launch jihad and enforce sharia have encouraged arson, assassination, killings, intimidation, harassment, general lawlessness as a means of livelihood. They accepted the inescapable truth that an eye for an eye attitude will make the whole world go blind.

### **5.8.3. It encourages the Adoption and Adaptation of Violence as a Means to an end:**

Iwuchukwu (2014) maintains that the approval of sharia criminal code by twelve northern states led by the Zamfara state in 1999 was spurred by the mission to forcefully Islamize Nigeria

beginning from the north (p.13). It is also evidenced from some of the unguarded and seditious statements of some politicians especially from the Northern elite pointed to the issue of getting political comfort by violence. Ajuluchukwu (1989) avers that ordinary Nigerian know nothing about inter-religious cleavages except when incited by their respective doctrinal and political leaders. Binniyat (2012) notes that president Muhammad Buhari who lost the presidential election to former President Jonathan in 2011 came under fire over the threat of bloodshed in Nigeria if the 2015 elections were rigged. He was quoted as having said that “if what happened in 2011 should again happen in 2015, by the grace of God, the dog and the baboon would all be soaked in blood” (pp.1-5.). In the same vein, Umoru (2012) said that Alhaji Lawal Keita, another prominent northern Nigerian politician issued another political threat to the effect that “the only condition for Nigeria to be one is for the presidency to come to the north in 2015” (p.5). Attah and Ubabukoh (2012) submit that it was at this point that the Northern Governors, most of whom were even from the then ruling political party (PDP) argued that nothing was wrong with the comments. They reasoned that the government was warned against bad election in the future (p.8). These political statements indicate the likely and possible angle to which the jihadists get their support. This is akin to what Usman dan Fodio achieved against the Hausa rulers when he resorted to war. According to Abiola (1984), Usman dan Fodio actually made territorial, economic, political, social, religious and numerical expansions. Hence, other sects like Boko Haram that took up the mantle of “dipping the Koran into the Atlantic Ocean in Lagos” are today killing people like chicken (pp.109-111). E. Akura (personal communication 24 Nov. 2015) argues that emerging sects like the Boko Haram have adopted killing and maiming methods in order to achieve their aims. The jihadists are used to violence as a means of overturning and recovering a perceived political alienation as well as enforcement of morality

Meanwhile, Audu (2011) argues that the use of violence tends to elicit violent reaction and colouring violence with religion prompts victims to frame their violent responses in religious terms. When both sides experience their struggle in religious terms, the stage is set for prolonged, ferocious and enormously destructive combat (p.102). Ekanola (2011) asserts that in the history of mankind the most common means of getting people to conform to social ideals is to employ social sanctions and the force of law. This approach has been successful to some extent in compelling people to conform to social standard but it has not been successful in producing the desired change in people's mentalities and value system. While it had some measure of success in checkmating people's outward behaviour, it has not been effective in changing their consciousness. Hence, laws and the sanctions associated with certain actions may discourage people from carrying out crimes but they cannot create the consciousness that such actions are immoral (p.103). Therefore, it can be argued that what the criminal aspect of Sharia has been able to instill in the minds of the citizens through its stringent penalties is fear and deterrence but in the absence of the law, there are more heinous crimes that are committed. Hitchen (2007) minced no word when he noted that some people hide under religion to cause tremendous harm to the society just to promote their goals (p.46). I.M. Zubairu A. Saed, M. Salisu, S. Bagudu (personal communication 18-25 Nov. 2015) agreed that the agitations for the enforcement of sharia and jihad encourages the adoption and adaptation of violence as a means to an end but blamed those who hide under them to cause mayhem.

**5.8.4. It Structures the Abuse of Human Right:** According to Iwe (2002), article (3) of the United Nations' Universal Declaration of Human Rights adopted on 10<sup>th</sup> December, 1948 stipulates that "everyone has the right to life, liberty and security" (p.252). Accordingly, Section (33) subsection (1) of the 1999 Constitution of the Federal Republic of Nigeria as amended in

2011, supports it. Similarly, one of the strongest apologists of Jihad and Sharia, Ghulam (1986) reluctantly defines “Islam as man’s total self surrender to God” (p.65). Sayeed (1986) agrees that Islam attaches premiums to the laws of Human Right especially “man’s own rights upon his “self” (p.73). Nzomiwu (1989) also confirms that, “today many Muslim scholars and theologians agree that religion should be treated as a matter between man and his God, a matter of conscience in which nobody has a right to interfere” (p.113). The major is how to have general understanding of the concept of “self” as noted by these scholars. If the concept implies what a person possesses or what belongs to a person or persons, personal determination, willingness, decision, independence and the abhorrence of duress or terror, then it means that Islamic religion respects the rights and freedom of any man to worship anything he desires. I.M. Zubairu A. Saed, M. Salisu, S. Bagudu (personal communication 18-25 Nov. 2015) agreed that the culture of taking up ammunition to coerce a person or persons to become a Muslim is un-Islamic. Why then have jihad and sharia become sources of controversies?

Contrastingly, these state government that adopted sharia criminal code have violated these citizenship rights. This is because, in the course of enforcement of Sharia, many non-Muslim Nigerian citizens who cannot for religious or other reasons live under the strict injunctions and punishments prescribed by the Quran have been expelled from these Sharia states. The repeated claims and arguments that the non-Muslims are subject to different criminal laws within the same geographical jurisdiction should have been treated as treasonable offence because they are passports for division. According to Soniyi (2015), the report of Amnesty International released on the first anniversary of the abduction of the Chibok school girls, accounted that at least two thousand (2000) women and girls have been abducted by Boko Haram between 2014 and January 2015. Many of these women were forced into imprisonment,

to become sex slaves and trained to fight. It records the brutal methods used by the Boko Haram where men and boys were regularly conscripted or systematically executed. The brutality these militants employed in their enforcement of sharia is unimaginably bad. For instance, couples were publicly executed for allegedly committing adultery. Whenever Boko Haram captured a town, they enforce restrictions on movements and forced the inhabitants to depend on their benevolence for daily meals (p.6). Ekanola (2011) asserts that people by virtue of their humanity are endowed with some fundamental rights that cannot be justifiably violated or withdrawn from them. The respect for and promotion of these rights facilitate peaceful co-existence among the people as well as provide the conditions requisite for the promotion of general well being of people in the society (p.94). The denial and violation of these rights tend to generate and exacerbate conflict and encourage people to resort to violence in an attempt to protect their rights and thereby breeding anger, hatred, negative feeling, distrust and fear.

**5.8.5. It Breeds Genocide and Economic Waste:** According to Onaiyekan (2003), the Jihads especially that of the 1804 by Dan Fodio in Hausa land left unforgettable marks on the psyche of the people to the extent that small tribes were killed and others forced to accept Islam as a way of survival (p.63). Nigeria has repeatedly lost huge fortunes to sharia crises especially in the area of security. Lai (2014) notes that the security budget of Nigeria between 2010 and 2015 gulped up to \$32.88 billion dollars over twenty-five percent of the total country's budget (p.6). Ezeobi (2014) submits that Nigeria allocated 30% of her budgetary allocation with more funds in the region of whooping billions of dollars for security for three years. This huge amount of money was spent on combating insurgency (p.12). Ameh (2016) notes that a finding from the presidential panel set up on the North East Initiative reveals that Nigeria lost more than \$9 billion to Boko Haram attacks in Bornu, Yobe and Adamawa states (p.6). Ideally, this huge money

could have helped Nigeria get out of horrible economic recession. Regrettably, the money is being proposed to be borrowed from foreign banks with the implication of mortgaging the unborn Nigerian children.

It is the view of the researcher that it impossible to spend that huge sum of money on one item without leaving hundreds of other basic items unattended to. There is no doubt that the state of insecurity has impacted negatively on governance because critical sectors of the economy that could have got increased funding since 2012 lost such funding to the huge allocations to the security sector. It has become practicably hard for a government which had promised improved healthcare delivery, provision of electricity, construction of roads, creation of jobs and other social amenities to sit down and devise the strategies of tackling all these ever-needed amenities and at the same time rise to quell jihad, Sharia and BokoHaram's imbroglio. Again, when people abandon their life-long businesses and flee a particular place or section of the country, it dries up the economic life of the nation. This has led to high level of unemployment and when people are unemployed, they become more prone to engage in crimes. Ordinarily, no investor will dare to invest in a crime and security prone environment and without both foreign and local investments in Nigeria, it will be difficult to have adequate job for the teeming populace. Politically, the agitations for jihad and sharia negatively heat up the polity in Nigeria causing unnecessary and senseless distractions to the government. The agitations for jihad and sharia have negatively affected the economic life of the relevant states and that of the entire nation. For example, Sharia claims to have no sympathy with modern economic revolution modeled. At least the banking system must directly be affected because its inner desire of interest accumulation is outlawed as usury by strict Sharia. Often dealers in those commodities such as alcohol, tobacco and certain

meats that are criminalized by Sharia will be forced to relocate with its attendant economic hazards.

**5.8.6. It Creates Negative Global Image:** The violence associated with the Maitatsine movement took a wild dimension in 1982. More so, the BokoHaram's insurgency through bombing of the United Nations' Headquarters in Abuja, on 26<sup>th</sup> August, 2011, which claimed several lives and another that was successfully executed on the Police Headquarters in Abuja, almost announced Nigeria as a failed state within the comity of nations. LaFree, Laura and Miller (2013) state that Nigerians were put under Security watch list across the world when Abdumutallab was caught for attempting to bomb a plane in USA (p.6). Salisu, Afandi and Shehu (2015) confirm that Britain put Boko Haram and Ansaru on its official "terrorist group" list in November 2012 (p.2). Boko Haram on 14<sup>th</sup> April, 2014 abducted over two hundred (200) girls from Government Secondary School in Chibok Bornu State and it gained negative global attention with the help of the BringBackOurGirls campaign. Amidst pressure, Nigerian government sought to buy arms from the "black market" and the South African Government seized undisclosed 9.3 million dollars flown into the country in a private jet for the purpose of purchasing military hardware to fight insurgency in Nigeria. While talks were ongoing to secure the release of that one, the South African Government again seized other 5.7m dollars from Nigeria. All these have created bad press for Nigeria and bad blood between Nigeria and South Africa. Therefore, one of the dangers of jihadism in Nigeria is that it puts a country at the risk of International isolation.

**5.8.7. It Disrupts Social Cohesion, Creates Unpatriotic Spirit and Laziness:** The 1999 Constitution foresaw this danger and stipulates in Section (41) subsection (1) that every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof and no



citizen of Nigeria shall be expelled from Nigeria or refused entry thereto or exit there from. But the jihadist activities with the implementation of sharia have defeated this lofty dream. For example, non-Muslims, particularly Christians who live in such States where Sharia is being romanced, though a majority in the wider context, later became religious minorities and many of them have fled those states. The same is obtained of Muslims in the historically Christian-populated South particularly the southeast, where Muslims have been victims of violent reprisals as a result of religious violence in the North. It is most likely that the victims of these religious destructions will summarily come to hate the country and all it stands for, thereby killing the spirit of patriotism.

The issue is that while Christians are crying over a perceived religious marginalization from their Muslim counterparts, Muslims on the other hand are crying that the perceived restraint placed on their right of worship is threatened. They claim that their religious freedom and their inalienable rights to practice their religion as stipulated by the Quran are denied. This has inevitably pitched the two opposing forces on all round collusions. The erosion of trust and confidence has hitherto ensued. The principles of trust and confidence among the individuals and other segments in a plural society like Nigeria are the major ingredients in national integration and development. Today because of jihad and the quest for Sharia, Nigeria has been brought face to face with the similar situations and factors that led to the Nigerian civil war. The crises have displaced millions of people while millions have died. Ezigbo (2015) quotes the United Nations as saying that Nigeria has the highest number of internally displaced persons (IDPs) in the world numbering 1.5 million (p.13).



Pix 5 shows displaced people in the northeastern Dikwa in Bornu state Nigeria Sourced from Vanguard newspaper of 25<sup>th</sup> February, 2016.

Sharia issue poses greater danger that it can result to full-scale war as it was in the case of 1966/1967 fratricidal war between Nigeria and the Republic of Biafra. The sharia and jihad crises can be deadly than the Biafra war because at that time, the federal government had only the Igbo tribe to contend with but at present, the whole country appears ripe for worrying uncertainties. The crises which ensued as a result of the incessant moves to enthrone Sharia have no doubt caused the continued erosion of trust and confidence among Nigeria's ethnic groups who had hitherto been interacting and struggling to live in harmony with one another. The extent of these spates of violence has made the country to be under siege of insurgency. Nigeria as a country can be likened to the Biblical analogy of a complete human body. The Bible states that the body is made up of many components that when any part is injured or in pain, it affects and hurts the entire body. Nigeria as a nation state gets affected and tensed up when any section of it is in disarray. For instance, Nwanaju (2008) argues that one of the major factors that sparked off the regrettable, gruesome and avoidable Nigeria Civil war was because a section of the country

was in turmoil (p.189). According to Olarewanju (2014), Boko Haram has established caliphates in Kodunga, Kauri, Idzge, Baga and Gwoza (p.16). Ideally, a caliphate is a state where a caliph rules and since Nigeria has one constitution with a state patterned government aimed at oneness and unity, the possibility of establishing another state within a state will always disrupt social cohesion and create unpatriotic spirit.

**5.8.8. It is Capable of Recycling Mediocre in Leadership:** The quests to enforce jihad and sharia in Nigeria are capable of enthroning sectional and selfish individuals as rulers in the country. It was the same way Usman dan Fodio forced his Fulani brothers on the emirates of various kingdoms. With the amount of power vested on the political rulers in Nigeria, where a president or governor can choose whoever he likes to be anything not minding the capability of the person, the quest and agitation for the enforcement of sharia can recycle and rotate people who have no plan or solution for the challenges of the country. They are sure of securing support because of their religious leaning.

A. Hamza and I. M. Zubairu (personal communication 18 Nov. 2015) agreed that the supposedly ideals associated with jihad and sharia have made any politician who speaks their languages popular with Islamic adherents. Hence, many politicians employ the doctrines of jihad and sharia to attract the unsuspecting adherents. In view of the above, the agitations for the implementation of sharia provide the language for defining economic, political or social problems as moral problems. The common theme among many Nigerians, irrespective of tribe and religion, has been about the “decay”, “sick” and “rot” of the country’s socio-economic and political life. The unwanted effects of the actions from the operators of jihad and sharia have led to total conflicts and wars making the ideals of jihad and sharia to be sources of controversies and negative suspicions among the populace.

However, Keffi (2003) observes that the implementation of the socio-economic aspect of Sharia has improved the quality of life of Muslims in Zamfara State (p.217). Ostien (2010) concurs that the states implementing sharia actually established the Zakat Board which comprises some eminent personalities. They were charged with the collection and distribution of Zakat (p.67). S. Gaku, H. Abubakar, I.M. Zubairu, S. Maigida, S. Bagudu, B. Mahmud and S. Abdurahamn (personal communication 25 Nov. 2015) who claimed to have migrated from Zamfara state, acknowledged that at the initial stage, the Sharia at Zamfara state was religious and fruitful. They pointed to the implementation of socio-economic Sharia which included loan disbursement, provision of some social amenities, increase in wages, security, establishment of social welfare scheme and so on. Even when the researcher argued that Sharia system did not necessarily put all these in place because they were supposed to be the fruits of good governance with or without Sharia, they harshly rebuffed the argument. Jihad and Sharia have ideals that aim at enthroning justice, fairness, equity, stability and social peace. Morally, Amucheazi and Onwuasoanya (2008) regard the introduction of Sharia codes in Nigeria as a means of enforcing morality (p.176). A. Hamza and I. M. Zubairu (personal communication 18 Nov. 2015) said that sharia aims at preserving life and property. They argue that places like Zamfara where it was attempted to be enforced has benefited great deals of social security and development. S. Gaku, H. Abubakar, I.M. Zubairu, S. Maigida, S. Bagudu, B. Mahmud and S. Abdurahamn (personal communication 25 Nov. 2015) separately concurred with the assertions of Amucheazi and Onwuasoanya but disagreed that sharia was not needed to put all those economic schemes in places. But E. Ekobay G. Nnanah, J. Ukah, C. David, M. Nwubo, I.U Chiemeka, D. Pindiga, H. Abubakar, I.M. Zubairu and I. Muhydden, A. Saed and M. Salisu S. Bagudu, M. Bwari and S.

Abdurahamn (personal communication 29 Nov. 2015) agreed with all but disagreed that the jihad and sharia have led to the inflation of mediocrity in Nigerian leadership.



Pix 6 showing the researcher at the right with Alhaji Dalu Pindiga of the Emir's Palace in Pindiga District Alako L.G.A Gombe state.



Pix 7 showing the researcher at the right with Mallam Ibrahim Mafindi of Demsa in Demsa L.G.A Adamawa state.

## CHAPTER SIX

### 6. SUMMARY, CONCLUSION AND RECOMMENDATIONS

In this section, the researcher summarized its findings, it embodied a bit detail of the study as it gave the general picture of what was done. It also consisted of the conclusion that was derived directly from the findings of the study. It noted recommendations that would help in understanding the theme of the study and finally put forward areas for further research.

#### 6.1. Summary



Pix 8 showing the map of ancient Hausa land. Sourced from the [www.wikipedia/ancienthausaland](http://www.wikipedia/ancienthausaland). accessed 25th May, 2016.



It was noted that the ancient Hausa land was so notorious with corruption, highhandedness, impunity, injustice and other social malaise that in 1804, Usman dan Fodio initiated a jihad that over ran almost the entire Hausa land and established the Sokoto Caliphate where sharia law was introduced. A law that was supposed to have provided the alternative of the corrupt Hausa land before the jihad. He thought of a place where justice, equity and equality before the law should be instituted. Upon the entrance of the British colonialists in the region in 1903, the Sharia introduced by Usman dan Fodio suffered some set back as it went through modifications to suit the British judicial system. In January 1914, the then southern and northern protectorates (comprising mainly the Sokoto Caliphate) were amalgamated. After series of struggles, Nigeria gained independence in October 1960 and the modification of Sharia continued even into the postcolonial era. However, about one hundred and seventy three (173) years after the jihad and seventeen (17) years after the country's independence, the agitations for the implementation of sharia resurfaced especially during the 1977/1978 Constitutional Conference. One hundred and seventy eight (178) years after the Usman Fodio's jihad, twenty-two (22) years after Nigerian independence from Britain and five (5) years after the heated Constitutional Conference, there were violent confrontations that took place between a jihadist sect known as "Maitatsine" and the Nigerian Police Force in Kano on 18<sup>th</sup> December 1980. The violence escalated to other parts of the northern Nigeria and the agitations of jihad and Sharia have since continued. After the Maitatsine onslaughts, the orgy of killings in the name of implementing sharia came up between 1999 and 2004, another deadly group known as Boko Haram surfaced. Like other similar groups, Boko Haram became an outgrowth of the Maitatsine riots of the 1980s. Westerlund (1996) argues that all these groups cannot be understood without



understanding first the 1804 Usman dan Fodio's jihad because these groups draw their inspirations from Usman dan Fodio (p.69).

Meanwhile, many reasons have been adduced as the causes of the 1804 Usman dan Fodio's war hence debates concerning the Sharia which he aimed at introducing and its relationship with the customary, colonial or national law have been unwanted permanent features on the Nigerian socio-political and religious arena in the past two hundred (200) years. Initially, the jihad and Sharia movements claimed to be declarations of loyalty and adherence to Islam but the issues in Nigeria are complex and full of misunderstandings because what started as a movement to purify Islam often developed or degenerated into a full-scale war of conquest against non-Muslims. Again, some political and wealthy classes employ both jihad and sharia for selfish reasons and other parochial interests.

In view of the above, the aims of embarking on these religious exercises usually end in fiasco. These political and religious mixtures have given rise to the emergence of militants who have made the state to crumble. Thus, Nigerian Islam becomes heterogeneous with the springing up of many Islamic sects that have resorted to the use of violence in a bid to realizing their ambitions on the wider Islamic and Nigerian populations. These sects often claimed to be in opposition to the traditional Nigerian Islamic teachings of the Sufi brotherhood and they gradually alienate themselves from the main Islamic body. These jihad and sharia movements have many things in common. For instance, they are often anti government or state authority that did not emanate from them, they have their autonomous enclaves from where they operated, they organized charismatic sermons against the use of western items and they had links with some politicians. Usually, the state authorities erroneously think that the death of the leaders of these militant groups in the hands of the state security agencies will mark the end of the sects. But to

their chagrins, after the demise of their leaders, more ferocious sects often metamorphosed and emerged. From them emanate self-appointed Imams, preachers, scholars or teachers who lead their campaigns to enforce sharia and establish an Islamic state in Nigeria. They mobilize and seek legitimacy by criticizing the political Islamic establishment, pointing out the corrupt nature of sharia as implemented by the politically motivated sharia states and portray themselves as genuine Islamic reformers. Repeatedly, the unhealthy fallouts from these groups have been the use of violence in communicating their messages and registering their demands. They alienate, antagonize and turn Nigeria into a religious battleground. They pitch Muslims against Muslims and Muslims against Christians and other religious minorities.

Therefore, because they look up to the 1804 Usman dan Fodio's jihad for their campaigns, it is thus observed that the same 1804 Usman dan Fodio's jihad has taken various forms, names, dimensions, methods and have grown into other deadly, worrying and dangerous movements in modern day Nigeria. Similar to Usman dan Fodio's 1804 jihad, the latest metamorphoses of the war, Boko Haram has overran the northeastern parts and at some points established caliphates in many local government areas of the zone. The activities of these sects have posed serious implications for the corporeality of Nigeria. They have brought about unwanted developments to the Nigerian stability, disrupting her cohesion with the enthronement of violence as a means to an end. They have been serving as a platform for political realization and made Nigeria especially the northern part to be synonymous with violence.

## **6.2. Conclusion**

The main thrust of the foregoing has to do with an unforgettable event that took place across the then Hausa land in the year 1804. Usman dan Fodio with his Islamic followers had

overran almost all the northern parts and some parts of the southwestern day Nigeria. The jihad and Sharia seek to enthrone justice, fairness, equity, stability and social peace. This is a position Malik (2012) affirms when he said that sharia aims at preserving religion, life, intellect, property and lineage or honour (p.5). In other words, just like the Nigerian constitutions, sharia makes provisions for certain fundamental rights such as the right to security of life and property, right to protection of honour, right to privacy of life, right to personal liberty, right to freedom of expression, freedom of association, freedom of religion, right to equality before the law. Fundamentally, jihad and sharia especially Usman dan Fodio's 1804 jihad is not necessarily instruments of wars, maiming, killings, destruction of property, fears, segregation, oppression and abuse of human persons. The ideals of jihad and sharia have been the reasons why Islamic adherents are ready to follow and support any person(s) who speak the jihad and sharia languages. Many politicians employ the doctrines of jihad and sharia to woo unsuspecting masses and that is why a movement that was started with the search for religious purification turned to be the quest for the establishment of political kingdom. This prompts the emergence of at least two versions of political Islam competing for relevance and acceptability in the post-independence Nigeria. There exist the political Islam from the state establishment and the political Islam of non-state actors. The former is characterized by state enforcement of sharia as the law of the country as it was in the case of religious cum political actors from Zamfara and other sharia states between 1999 and 2003. They use the state machinery to legitimize their missions and are funded with state monies. The later is a non-state political Islam which is championed by Islamist groups such as Izala, Shiites, Boko Haram, Maitatsine and others.

The unwanted outcomes of these actions have been total war often launched in a society that seeks to be united and strong thereby leading to a social disarray. Hence, the ideals of jihad

and sharia have been greeted with unwanted suspicions and controversies. The results of the war were the loss of lives, lands, resources, identity of some of group of people and the founding of the Sokoto Empire.

The subsequent agitations for the adoption of sharia and jihad have laid a bad precedence for other crises in the socio-political life of Nigeria as a country. The climate of fear, human right abuse, violence oriented ideology, hatred and mistrust thus become the order of the day. When the estimates of human, financial and economic losses are considered, it is certain that the effects of jihad and sharia movements are unquantifiable. The bizarre dimension of Maitatsine's onslaughts and the Boko Haram's killings are the reasons to adduce that the metamorphoses of Jihad of Usman dan Fodio have brought about irreparable damages to Nigerian quest for united and virile country.



Pix. 9 behind (on page 188) shows one of the causalities in a Boko Haram's bombing in Abuja. Sourced from najagists.com. Accessed 12<sup>th</sup> April, 2015.

It may be difficult for a society to function and truly exist in the midst of these unwanted developments. Hence, Blackmar (2001) posits that it is high time that the ethical process between nations should take the place of the art of war (125). Concurringly, Obiefuna, Ezeoba and Okoli (2012) sternly warn that war has never been a fortune to any society rather it is always the surest road to poverty (p.315). The implication is that until something drastic is done, the enforcement of jihad and sharia will always be an abysmal reoccurrence in the annals of Nigerian history. As long as politicians ply their trade with some attractive religious tenets such as jihad and sharia which they arouse the interests and will of the adherents, Nigerians should be ready to lose their loved ones, shops, lives and properties in the quests to implement them. In view of all these dangerous fallouts which the 1804 Usaman dan Fodio's jihad had produced to the corporeality of Nigerian society, the study hereby made the following recommendations:

### **6.3. Recommendations:**

One of the major unwanted metamorphoses of Usman dan Fodio's jihad in Nigeria is today's terrorism. It is a state of war that needs to be fought and won and to do that, the people should be made to see it as their war. For instance, America with the almighty NATO went into Afghanistan and Iraq for war against terrorists. Even with all their sophisticated weapons, they could not win the wars rather they came to a point where they realized that the war should be given back to the people. Indeed, the most reliable weapons against insurgency and terrorism everywhere are the people. However, using the people to fight the war is achievable if the welfare of the people are made very paramount in the programme of the rulers because a soldier

is not a soldier because he carries guns alone, a soldier is a soldier because he is mentally, physically, socially, intellectually and attitudinally equipped to fight as a soldier. In view of the above, the Nigerians must be totally equipped to fight the war.

Nigerian leadership must design and adopt superior ideology that will ensure common good. It will urgently dismantle the structure of political and extremist Islam and ensure that politicians de-establish their selfish politicking from Islam, stop the overt and covert state enforcement of sharia and stop the legalized discrimination against non-Muslims so that Nigerian development into a prosperous and contemporary world will not end in dream only. It will also ensure that sustainable peace and social equity which will minimally reduce the platform for the rise of jihadism in Nigeria. Stronger ideology aimed at creation of common good will spur the Nigerian government to meaningfully address the range of social, political and economic challenges facing the country. It will focus on improving its governance capacity at all levels through recourse to the rule of law and bridge the offensive gap between the rich and the poor.

The interfaith and Daily Life forms of dialogue should be vigorously pursued by all and sundry since Christians and Muslims live next to each other and mingle freely in all aspects of life. They meet in the market places, on the streets, in schools and other institutions. Christians receive Christmas and Easter Greeting Cards from their Muslim friends, neighbours and relatives. Muslims and Christians worship together during wedding or burial of relatives, friends, colleagues and business associates. There is also an urgent need to improve on all round quality of education in Nigeria because human and social developments depend on information and learning and any society that wants to develop must prioritize education.

Retraining and reorientation driven programmes should be directed at the religious leaders so that they will actually understand the letters and spirits of religious terms. This is because sacred

texts like the Quran comprise accounts that originated in Mecca and those later revealed in Medina. Considering these different backgrounds, there seems to be some levels of contradictions and inconsistencies. When its verses were compiled many of them were taken out of context and listed one after the other. It is often arranged with no relation between them and that could account for why their meaning only becomes clear after meticulous interpretation.

The leaders should be upright and strong. They should do away with the Fire Brigade Approach to governance. For example, the success credited to the military after their alleged invasion of Sambisa Forest and other strongholds of the Boko Haram may be good but not enough. This is because insurgency and terrorism should not be fought from the defensive approach. The fact remains that those who have been killed, maimed, raped, disfigured and have their hard-earned properties destroyed cannot be resurrected, revived and placated.

Politicians should refrain from playing on people's religious sentiments in canvassing for support, knowing how this can easily erupt into violence. For Nigeria to solve the issue of jihad and sharia as they affect the corporeality of the country, Nigerians must first and foremost learn to be tolerant of each other irrespective of their divide because peace is the pre-requisite for social development. Peace is most relevant for the continued existence of humanity and without peace in the society, human life would be precarious.

The constitution should be strengthened and our elite should always ensure a level playing field where individuals should have access to adequate opportunity for personal and cooperate developments. Purposeful leadership aimed at national development devoid of primordial interest should be championed.

The state should provide an enabling environment for local and foreign investments so as to ensure that young and qualified Nigerians are employed because it is said that “an idle mind is the devil’s workshop”.

The radical Muslims in Nigeria should reconsider their agitations and moves for the establishment of jihad and sharia in a multi-religious and cultural Nigerian society. All hands should be on deck to work for a state that is religiously neutral, a state that can uphold the rule of law and civilized where Human Rights are adorned. The culture of peace should be promoted because peace is the key.

#### **6.4. Suggestions for Further Studies**

There is the need to carry out further research on why movements which begun with religious flavour hardly achieve religious ends only.

Further study is also needed on the areas of religion and politics. This is because, it appears that religion especially religious phenomenon like Jihad uses politics to advance its cause in Nigeria.

Another area demanding for further study is the correlation between the Islamic jihad, the concept of just war and the Christian crusade.



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**LIST OF INTERVIEWS**

<b>S/N</b>	<b>Name</b>	<b>Age</b>	<b>Occupation</b>	<b>Date of Interview</b>	<b>Interviewer</b>
1	Saed Abubakar	41	Imam	Tuesday 17 <sup>th</sup> Nov. 2015	Amanambu Uchenna Ebony
2	Salisu Maigida	35	Student	Wednesday 25th Nov. 2015	Amanambu Uchenna Ebony
3	Bagudu Saleh,	47	Trader	Wednesday 25th Nov. 2015	Amanambu Uchenna Ebony
4	Bwari Mahmud	55	Civil servant	Wednesday 25th Nov. 2015	Amanambu Uchenna Ebony
5	Sani Abdurahamn	35	Mallam	Wednesday 25th Nov. 2015	Amanambu Uchenna Ebony
6	Ekobay Ernest	54	Banker	Monday 29th Nov. 2015	Amanambu Uchenna Ebony
7	Nnanah Godwill	39	Clergy	Monday 29th Nov. 2015	Amanambu Uchenna Ebony
8	Jude Ukah	46	Clergy	Monday 29th Nov. 2015	Amanambu Uchenna Ebony
9	Dr. Chinedu David	38	Civil servant	Monday 29th Nov. 2015	Amanambu Uchenna Ebony
10	Dr Mary Nwubo	44	Civil servant	Monday 29th Nov. 2015	Amanambu Uchenna Ebony
11	Prof. I.U Chiemeka	55	Lecturer	Monday 29th Nov. 2015	Amanambu Uchenna Ebony
12	Alhaji Dalu Pindiga	56	Imam	Thursday 19 <sup>th</sup> Nov. 2015	Amanambu Uchenna Ebony
13	Hamza Abubakar	29	Youth Corper	Tuesday 10 <sup>th</sup> Nov. 2015	Amanambu Uchenna Ebony
14	Zubairu Isa Muhammad	41	Mallam	Wednesday 18 <sup>th</sup> Nov. 2015	Amanambu Uchenna Ebony

15	Mallam Sidi Gaku	48	Trader	Wednesday 1st Dec. 2015	Amanambu Uchenna Ebony
16	Muhydden Idris	28	Youth Corper	Wednesday 1st Dec. 2015	Amanambu Uchenna Ebony
17	Saed Abubakar	62	Imam	Wednesday 1st Dec. 2015	Amanambu Uchenna Ebony
18	Dr Ojeme, K,K	43	Lecturer	Wednesday 1 <sup>st</sup> Dec. 2015	Amanambu Uchenna Ebony

**DEPARTMENT OF RELIGION AND HUMAN RELATIONS****FACULTY OF ARTS****NNAMDI AZIKIWE UNIVERSITY, AWKA.****ANAMBRA STATE****RESEARCH QUESTIONS**

These Questions are intended to find out from you the importance of jihad and implementation of sharia to the socio-political and economic existence of Nigeria as a multicultural and religious society. I shall therefore be grateful if you could honestly and objectively respond to the questions below. Meanwhile, all the responses will be used for research purposes only.

**RESEARCH QUESTIONS**

1. What is Jihad and Sharia all about?
2. The Usman dan Fodio's Jihad was purely driven by religious motives, do you think so?
3. The agitations for the enforcement of jihad and Sharia in Nigeria are driven by politics, ethnicity etc,
4. The success of the Usaman dan Fodio's jihad has spurred the emergence of other movements such as the Maitaitsine, Izala and Boko Haram, what is your view?
5. Are Jihad and Sharia needed for the total development of Nigeria?
6. Do you think that the moves for the enforcement of jihad and the implementation of sharia have led to the current uprising in the northern part of Nigeria?

7. Considering the multicultural and religious composition of Nigerian society, is it possible and feasible to implement sharia in the country?
8. Can it be said that Jihad and Sharia is all about violence, killing, uprising and crisis?
9. What are the possibilities of objectively implementing Sharia in Nigeria
10. Do you have any other view about the enforcement of jihad and the implementation of sharia in Nigeria
11. Usman dan Fodio's Jihad stabilized the socio-political ancient Hausaland
12. The 1804 Usman dan Fodio's Jihad protected the oppressed in the ancient Hausaland
13. Jihad and Sharia are the religious, moral and legal rights of the Muslims
14. The Fourth Republic sharia agitations in Nigeria have political undertone
15. Should Jihad and Sharia should be applied to non Muslims?
16. Jihad and Sharia are the only weapon of fighting injustice in Nigeria
17. Jihad and Sharia will stamp out corruption, structural injustice, oppression and other negative tendencies in Nigeria
18. Jihad and Sharia will ensure general security in Nigeria
19. Jihad and Sharia will promote Nigerian unity
20. Jihad and Sharia encourage killings, violence and instability
21. Jihad and Sharia are the causes of instability in northern Nigeria
22. jihad and Sharia can promote brotherhood of all people in Nigeria
23. Jihad and Sharia will checkmate the moral decadence in Nigeria
24. Have Jihad and Sharia lived up to their missions?
25. Do the politicians and wealthy Nigerians love Jihad and Sharia?
26. Jihad and Sharia are enforced with objective and sincere motives

27. Politicians employ Jihad and Sharia for selfish purposes
28. The agitations for the enforcement of Jihad and Sharia have given Nigeria a negative image
29. The agitations for the enforcement of Jihad and Sharia have caused economic hardship to the innocent people
30. The agitations for the enforcements of Jihad and Sharia have disrupted Nigerian cohesion and stability
31. The Usman dan Fodio's jihad should not have begun in the first place
32. The Usman dan Fodio's jihad laid the foundation for subsequent agitations of jihads in Nigeria
33. Christians and other non Muslims in Nigeria should be protected against the harshness of sharia and Jihad
34. Nigerian versions of jihad and sharia differ from the Prophet Mohammad's jihads
35. Sharia and Jihad movements have been misunderstood and misapplied.
36. Sharia should be above Nigerian constitution
37. The masses want sharia in Nigeria
38. Many people have not understood sharia
39. Religious leaders should be retrained in order to teach the sound text
40. Sharia will connect many to God