Shariacracy and Federal Models in the Era of Globalization: Nigeria in a Comparative Perspective

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Abstract

Nigeria has Africa's largest concentration of Muslims and the world's largest concentration of black Muslims. As the twenty-first century began to unfold, more Muslim states in the Nigerian federation adopted some version of Islamic law, although the country as a whole is supposed to be secularist. The Shari`ah in northern Nigeria, which became a passionate protest against the political and economic marginalization of northern Muslims, is also sometimes a form of cultural resistance to western education and the wider forces of globalization. One systemic problem posed by *shariacracy* as a mode of governance is whether a federal system can accommodate theocracy at the state level and still be a secular state at a federal level. Nigeria has a religious form of asymmetrical federalism that contrasts with the linguistic form of asymmetrical federalism successfully practiced in Switzerland.

In May 1999 a new president was sworn into office in Nigeria – the first elected civilian president since the military coup of 1983. Retired General Olusegun Obasanjo was also the first *non-Muslim* to be popularly elected president nation-wide since independence.[1]

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Nigeria has the largest concentration of Muslims on the African continent. It has more Muslims than any *Arab* country, including Egypt.[2] In the fifteen months (approximately) since Olusegun Obasanjo became president, some predominantly Muslim states in the Nigerian federation took steps toward implementing the Shari`ah in their own states, although the country as a whole is supposed to be a secular republic.[3] This has caused consternation among non-Muslim Nigerians. Indeed in Kaduna state, during 2000 this Christian consternation exploded into inter-communal riots that cost hundreds of lives.[4] But the momentum for *shariacracy* still continues.

Globalization and Islamic Revivalism

Many reasons have been advanced for the rise of Shari`ah advocacy and Shari`ah implementation in northern Nigeria. One explanation is that the Nigerian federation is becoming more decentralized and part of decentralization is taking the form of cultural self-determination. In Yorubaland it is taking the form of Yoruba nationalism, in Igboland it is taking the form of new demands for confederation, and in the Muslim north it is taking the form of *shariacracy*. Another explanation for the rise of Shari`ah militancy is to regard it as a political bargaining chip. As the north is losing political influence in the federation, it is asserting new forms of autonomy in preparation for a new national compact among contending forces.[5]

What has not been discussed is whether the rise of Shari`ah militancy is itself a consequence of globalization. One of the repercussions of globalization worldwide has been the arousal of cultural insecurity and uncertainty about identities. Indeed, the paradox of globalization is that it both promotes enlargement of the economic scale and stimulates fragmentation of the ethnic and cultural scales.[6]

The enlargement of the economic scale is illustrated by the rise of the European Union (EU) and the North American Free Trade Agreement (NAFTA).The fragmentation of the cultural and ethnic scales is illustrated by the disintegration of the Soviet Union, the collapse of Czechoslovakia into two countries, the rise of Hindu fundamentalism in India and Islamic fundamentalism in Afghanistan, the collapse of Somalia after its penetration by the Soviet Union and the United States, and the reactivation of genocidal behavior among the Hutus and Tutsis in Rwanda and Burundi.

Given that globalization is a special scale of westernization, it has triggered off identity crises from Uzbekistan to Somalia, and from Afghanistan to northern Nigeria. Fragile ethnic identities and endangered cultures are being forced into new forms of resistance. Resisting westernization becomes

indistinguishable from resisting globalization. In Nigeria, the south is part of the vanguard of westernization and therefore the first to respond to globalization. When the south also appears to be politically triumphant within Nigeria, alarm bells go off in parts of the north. This may not necessarily represent northern distrust of the Yoruba or Igbo cultures; in fact, it may be northern distrust of westernization. Is southern Nigeria a Trojan horse for globalization? And is globalization, in turn, a Trojan horse for westernization?

Under this paradigm, the Shari`ah becomes a form of northern resistance – not to southern Nigeria, but to the forces of globalization and their westernizing consequences.[7] Even the policy of *privatizing* public enterprises is probably an aspect of the new globalizing ideology. Privatization in Nigeria may either lead to new transnational corporations establishing their roots or to private southern entrepreneurs outsmarting northerners and deepening the economic divide between the two regions. Again, the Shari`ah may be a northern gut response to these looming clouds of globalization.

In Nigeria, the Shari`ah is caught between the forces of federal democratization and the forces of wider globalization. Let us look more closely at the complexities of globalization and the intricacies of democratic federalism.

Globalization: Economic and Cultural

Two forms of globalization have affected Nigeria in contradictory ways – economic globalization and cultural globalization. The forces of economic globalization in the world as a whole have deepened Nigeria's marginalization, whereas those of cultural globalization have substantially penetrated and assimilated much of Nigeria.

On attaining its independence, Nigeria's economic marginalization was partly due to the fact that colonialism had created an "elite of consumption" rather than "an elite of productivity." The postcolonial Nigerian elite was more adept at making money than at creating wealth. Money could be made in a network of capital transfers without generating genuine growth. The elite had learned the techniques of circulating money without acquiring a talent for creating new wealth.[8]

The colonial impact on Nigeria generated urbanization without industrialization, fostered western consumption patterns without western productive techniques, cultivated among Nigerians western tastes without western skills, and initiated secularization without the scientific spirit. The stage was set for the country's marginalization in the era of globalization.

One had hoped that petroleum would enable Nigeria to join the more prosperous forces of globalization. Following OPEC's dramatic rise, Nigeria

became the world's fifth largest oil producer.[9] Yet the nature of the "elite of consumption" and the shortage of relevant skills plunged its economy into mismanagement, corruption, and debt. Long lines at gas stations and recurrent fuel shortages were the order of the day. Commercial activity was often disrupted by shortages of diesel, kerosene, cooking gas, and other commodities. Africa's giant was in danger of becoming the world's midget; Africa's Gulliver was in danger of becoming the globe's Lilliput.

On the other hand, cultural globalization had already substantially coopted Nigeria to its ranks. Southern Nigeria especially has demonstrated a remarkable receptivity to the forces of cultural globalization through westernization. Although Christianity arrived in India eighteen centuries before it arrived in what is today Nigeria, the population of Indian Christians is still only 2.5%, whereas the Christians of Nigeria represent more than 35% of the national population.[10] In one century, Christianity made more headway in southern Nigeria than it had in India in nearly 2,000 years.

At least for a while, Nigeria was also very receptive to western education. By the beginning of the twenty-first century, it had exported more highly educated personnel to the United States (proportionally) than had any other country in the world. Of all of these new immigrants, Nigerians have the highest proportion of graduates,[11] the great majority of whom are Igbo, Yoruba, and other southerners.

In addition to religion and education as forces of cultural globalization, there has also been the impact of major European languages as international media of communication. In the case of Nigeria, the impact of English has been relatively profound. Nigeria has produced its own simplified version of English (Pidgin) as a grassroots lingua franca.[12] But standard English has nevertheless made great strides – producing such world-class literary figures as Chinua Achebe, Wole Soyinka, J. P. Clark, and the late Christopher Okigbo. The vast majority of Nigeria's great writers in English are southerners – complete with the Nobel Literary Laureate Soyinka. Once again Nigeria has shown a great receptivity to cultural globalization in a European idiom.

If, in global terms, Nigeria was economically on the periphery, northern Nigeria was the periphery's periphery. The world economy had marginalized Nigeria as a country, and the Nigerian economy had marginalized the north as a region. In spite of the fact that northern soldiers had ruled Nigeria for so long since independence, the nation's economic elite was much larger in the south than in the north. The oil wealth and related industries were disproportionately located in the south, and the southern elite was, on the whole, more adept at making money than its northern counterparts.[13]

One of the triggers of the *shariacracy* movement in some northern states was northern resentment of being the periphery's periphery. When the north held political power, northerners could more easily accept their economic marginality. But the federal elections of 1999 shifted political power to the south without reducing the north's economic marginality. The politics of *shariacracy* were, in part, a protest against regional economic inequalities.[14]

But what is *shariacracy*? We define it as *governance according to the norms, principles, and rules laid down by Islamic law.* Under British colonial rule, the Shari`ah was implemented for Muslims in the domain of family law and certain areas of civil suit. But the *kadhis* (Muslim judges and magistrates) were not normally authorized to administer the criminal side of Islamic law. In each British colony in Africa with a large Muslim population, there was a triple heritage of law – indigenous, Islamic, and British-derived. Criminal law tended to be British-derived with suitable imperial and colonial amendments.[15] Issues like marriage, divorce, inheritance, succession, and certain forms of property, however, could be subjected to either the Shari`ah or African customary law. The Shari`ah, therefore, is nothing new in northern Nigeria. What is new is *shariacracy* – its adoption as the foundation of governance and its expansion into the criminal justice system.

While northern Nigerians have deeply minded being economically marginal, they have NOT minded being culturally authentic. Partly because of Islam and partly because of Lord Lugard's policy of indirect rule during the colonial period, the Hausa-Fulani have been far less receptive to westernization than the southerners. To that extent, northern Nigeria had in any case remained more culturally authentic and less penetrated by the West even without adopting the Shari`ah.[16]

However, the new globalization in southern Nigeria was bound to cause cultural alarm bells to go off in the north. In the colonial era, Lord Lugard had kept Christianity at bay in the north through the shield of indirect rule.[17] Postcolonial politicians in northern states are seeking to keep globalization at bay through the shield of the Shari`ah.

If modernization is a higher phase of westernization and globalization is a higher phase of modernization, the stage is now being set for new kinds of normative responses. The Shari`ah is a form of passionate protest against economic marginalization, a cultural resistance to westernization against encroaching globalization. Northern Nigeria is engaged in both protest and resistance through the medium of the Shari`ah.

Ordinary people in Africa are often ignorant of western-derived law; but if they are Muslim, they at least have some prior familiarity with the Shari`ah.

Courts of law in postcolonial African countries south of the Sahara primarily use the imperial European language for adjudication, argument, verdict, and sentencing. The legal concepts and principles invoked are in English, French, Portuguese, or Latin, as the case may be. The defendants may be quite ignorant of the particular European language as they stand in the dock, and thus terms like "accessory before the fact" or *mutates mutandis* are often beyond the comprehension of the average defendant or plaintiff. Debates that go on between lawyers in a western-style courtroom in Africa are almost literally "double-Dutch" to the accused.

An Islamic court in sub-Saharan Africa, on the other hand, normally uses the language of the particular community within which the court operates. An Islamic court in Zanzibar or Kenya is likely to use Kiswahili, while an Islamic court in northern Nigeria uses Hausa. The Qur'an and the written parts of the Shari`ah may indeed remain in Arabic, but the legal discourse in the court is conducted mainly in the relevant African language.[18]

What is more, many of the basic phrases in the Shari`ah might already have entered the indigenous languages of African Muslims – Arabic words like *haram* (forbidden), *halal* (permissible), *riba* (usury), *zina'* (adultery), and *hukum* (judgment) have already entered Kiswahili.[19] Many of such legal and moral terms drawn from the Shari`ah have also been assimilated into Hausa. The gulf separating the language of lawyers from the language of everyday life is, therefore, far narrower in a postcolonial Muslim legal system than in a westernized African judicial order.

Asymmetrical Federalism: Global Perspectives

If Nigeria is a secular federation, can some of its constituent states nevertheless be theocratic? Is national secularism compatible with official religions at the state level? This raises the issue of whether federations are viable if the constituent states are *asymmetrical* in their constitutional systems. Quebec has been demanding treatment as a *distinct society.* If Islamic law in Nigeria risks discriminating against non-Muslim Nigerians, the language policy in Quebec risks discriminating against English-speaking Canadians. There is a built-in asymmetry in the Canadian federation when one province can give French special status while the rest of the country is primarily English-speaking. French is the "Shari`ah" of Quebec.[20] Comparable asymmetry exists in the Indian federation, in which the *de facto* status of Hindi differs between northern and southern states, although both Hindi and English are *de jure* national languages.

The United Kingdom virtually invented asymmetry as a constitutional order. Scotland had its own law and currency and, more recently, its own regional assembly under Tony Blair in the 1990s. Northern Ireland had a separate regional assembly long before either Wales or Scotland did. As for England, it has no separate regional assembly distinct from the national parliament of the whole country. In short, the United Kingdom has never tried to have symmetrical constitutional arrangements for its main constituent regions (viz., England, Scotland, Wales, and Northern Ireland).[21]

For much of the nineteenth and twentieth centuries, Scotland was the "Zamfara state" of the United Kingdom. During the twentieth century, Zamfara turned to Islamic law. Much earlier, Scotland had turned for guidance to Roman law, as developed by the jurists of France and Holland. Scotland's legal practices and judicial institutions differed greatly from those of England at that time, for its law was not based on Roman law. But it did contain, however, a considerable infusion of Roman principles.

Like Zamfara, Scotland not only had a separate legal system from the rest of the country, it also declared allegiance to a different religion. Zamfara in the twenty-first century turned to Sunni Islam; Scotland continued its allegiance to a separate Church of Scotland (Presbyterian) in 1707. A separate Scottish church and legal and judicial system have continued to the present day, although Scottish law has borrowed a good deal from English law in more recent times.[22] Alongside the constitutional asymmetry, some degree of national integration was taking place among the United Kingdom's constituent regions. The whole country was getting Anglicized and "Britishized" into a relatively coherent whole. Similarly, the decision of Zamfara, Kano, and other northern Nigerian states to go Islamic need not be incompatible with the wider process of Nigerianization and national integration.

A less enduring asymmetry was the United States' ban on alcoholic drinks. Initially, this ban was initiated by individual states. The first state law against alcohol was passed in Maine in 1850, and was soon followed by a wave of comparable legislation in other states. This was followed by two other waves of laws at various state levels.[23] Meanwhile, a campaign for prohibition at the federal level had been gathering momentum. A constitutional amendment against alcohol needed a two-thirds majority in Congress and approval by three-quarters of the states. Such a constitutional change was ratified on 29 January 1919 and went into effect on 29 January 1920 as the Constitution's Eighteenth Amendment.[24]

Just as the Shari`ah can work only where there is popular support for it, the Eighteenth Amendment only worked where public opinion was gen-

uinely for temperance and against alcohol. Prohibition at the federal level created resentment in those states that were not against alcoholic drinks and in large cities where alcohol had long been part of normal life.[25]

Bootlegging emerged as a new kind of crime – the most dramatic embodiment of which was Al Capone and his bootlegging gang (illicit alcohol underground) operating out of Chicago. Prohibition at the federal level created more problems than it solved, and in less than fifteen years the United States was ready to repeal it. In February 1933 Congress adopted a resolution proposing a new constitutional amendment to that effect. On 5 December 1933, Utah cast the thirty-sixth ratifying vote in favor of the Twenty-first Amendment, thereby making alcohol legal once again at the federal level.[26]

A few American states continued to remain "dry" and chose to maintain a state-wide ban. But the disenchantment which the federal-level prohibition had created adversely affected attitudes to temperance, even in those states that had once led the way in favor of prohibition. It is arguable that prohibition at the state level might have lasted far longer if the original asymmetry (some states for and others against) had been respected and allowed to continue. The Eighteenth Amendment was a pursuit of national symmetry in American attitudes to alcohol. It sought a premature national moral consensus on alcohol, and thereby hurt the cause of temperance in the country as a whole. By 1966 virtually all of the Union's fifty states had legalized alcoholic drinks – though some preferred that drinking be restricted to homes and private clubs rather than be served in public bars and saloons.

The most controversial elements of the Shari`ah are the *hudud* (Islamic punishments for criminal offenders). In a federation like Nigeria, do different punishments for the same offense in different states violate the principle of "equal protection before the law"? Saudi Arabia has been known to execute even a princess on charges of adultery. While Zamfara has not invoked the death penalty for adultery and fornication, it has flogged an unmarried girl on the "evidence" of her pregnancy.[27]

I believe such punishments are too severe and ought to be reconsidered in the light of *ijtihad*. In this paper, however, I am focusing on the implications of having differing punishments within states for the same offense. Is such a situation a denial of "equal protection before the law"? It is in the nature of federalism that some laws be state laws and others be federal enactments. Therefore, some offenses would be state offenses and others would be federal felonies. The state offenses are bound to differ from state to state.

But can there really be "equal protection before the law" when a citizen can be subject to the death penalty in one state and receive a light sentence

in another state for the same offense? In reality, a similar asymmetry exists in the United States. First, the death penalty has been abolished or ceased to be carried out in some American states and not in others. Texas is the leading executioner-state in the Union; Massachusetts has no death penalty at all. New York, which had no capital punishment under Governor Mario Cuomo, reinstated it Governor George Pataki.

Even more controversial are the following two questions: Can the death penalty be applied to mentally retarded offenders? Can it be carried out on young offenders whose crimes were committed when they were still minors? Some states have said "YES" to both questions – "kill them!" Surprising as it may seem, the Supreme Court ruled in 1989 that it was perfectly constitutional to execute mentally retarded or young offenders whose offenses were committed when they were minors. In *Penry v. Lynaugh* (1989) it ruled that the execution of a "mildly to moderately retarded" person did not violate the Eighth Amendment (cruel and unusual punishment), and in *Stanford v. Kentucky* (1989) it ruled that the Eighth Amendment did not prohibit the death penalty for a defendant who was sixteen or seventeen at the time of committing the crime.[28]

Twelve years later, in the year 2001, the issue of executing the mentally retarded was back before the Supreme Court with the case of a convicted killer whose mental capacity was that of a seven-year-old child. The Supreme Court had previously said it was constitutional to execute this very offender, but new considerations had brought the case back to the court. No ruling has yet been made.[29]

Behind it all is a nation still divided on the death penalty, with some states upholding it and others rejecting it as "cruel and unusual punishment." What all this means is that federalism can accommodate a lack of constitutional symmetry even when the areas of disagreement are about matters of life and death. The *hudud* in Nigeria and Sudan include matters of life and death; so does the debate about capital punishment in the United States.

Can God's Law Be Reviewed?

To Nigerian Muslims the Shari`ah is an *alternative* paradigm of judicial order and law enforcement. Inherited colonial traditions of law enforcement and social responsibility are not working in the country as a whole. One solution is to go back to ancestry. Muslim Nigerians knew two ancient systems: African law and the Shari`ah. African customary law was unwritten and uncodified. Did it allow the judge too much discretion? The Shari`ah is ancient and firmly rooted in sacred scriptures. Is it allowing the judge too lit-

tle discretion? Muslim Nigerians have preferred too little discretion rather than too much.

To Muslims the Shari`ah is God's law. But it is God's law as interpreted by human beings. Here on Earth there is no such thing as a law that is independent of human interpretation. God's law is infallible, but its human interpreters are not.

Africa was the first asylum of persecuted Islam – the pre-hijrah migration to Ethiopia of Islamized Arabs on the run from hostile Makkans. Will Africa be the final asylum of the Shari`ah under the persecution of materialism, secularism, westernization, globalization, and ungodliness everywhere else in the world? Nascent Islam in the seventh century found refuge in the rising plateaus of Ethiopia. Will mature but harassed Islam in the twenty-first century find asylum in the grazing fields of Muslim Nigeria?

This would be a great responsibility for Nigerian Muslims, for they would be mortals entrusted with an immortal law. What is crucial is that human interpreters should not act as if they are in direct communication with Allah. Humans should always allow for their own fallibility while interpreting the Shari`ah. For the Shari`ah to survive in Nigeria, the door of *ijtihad* (judicial review) would have to be reopened. Without saying so in so many words, the door of *ijtihad* in Sunni Islam has, in fact, been closed for nearly a thousand years.[30] It was wide open during the days of the Prophet and the first four caliphs. But the consolidation of the four Sunni schools of legal thought into *madhahib* effectively closed the door of judicial review.[31] The questions that now arise are whether Africa will eventually be the place that holds the key to the door of *ijitihad* and will Nigeria lead the way?

Will the Shari`ah survive the governors who first initiated it in Northern Nigeria? Is the Shari`ah in Nigeria to stay? One scenario is that it will stay, but not necessarily in the form in which it was first implemented. The door of *ijtihad* may reopen in the form of fresh fatwas, new legal interpretations of God's law. Few public ulama today would openly proclaim that slavery is compatible with Islam – although slavery was tolerated in the Prophet's own time and long afterwards. Scholars like Taha Jabir al-Alwani have given learned fatwas that many of the Prophet's sayings, as well as some verses of the Qur'an, showed that Islam favored emancipation. Islam was clearly in favor freeing individual slaves, but was Islam in favor of abolishing the institution of slavery?

Thirteen centuries before William Wilberforce and Abraham Lincoln, Islam was on the verge of evolving from being pro-emancipation in the case of individual slaves to being pro-abolition in the case of slavery. What inter-

rupted this symphony of freedom was the historical accident that the Arabs went monarchical and royalist after the assassination of Caliph Ali ibn Abi Talib. This royalization under the Umayyads and the Abbasids gave class and status among Muslims a new lease on life. Slavery became part of the interplay between servitude and privilege in the succeeding millennium of Muslim history. A new *ijtihad* against servitude, a new fatwa against slavery, had to wait for the ulama of the twentieth century.[32]

Similarly, a new *ijtihad* is needed about the death penalty for adultery and amputation of the hand for stealing. These Islamic punishments were first introduced when societies had no police force, no forensic science, nor criminologists or psychiatrists who could at least provide plausible reasons for the causes of crime. If all Muslim governments were to agree today that amputating a thief's hand is wrong, knowing that Prophet Muhammad had said: "My people will never agree on error," then this new Muslim consensus would outlaw amputation as a punishment. If the whole ummah were to finally agree that the death penalty for fornication or adultery is no longer acceptable, this would mean that the ummah had reached consensus. And, as stated above, the Prophet said: "My people will never agree on error." Both *ijitihad* and *ijma`* can be sources of fundamental legal review.[33]

Conclusion

The globalization of the world economy has left Nigeria and much of the rest of Africa marginalized. Nigerians have been casualties, rather than genuine partners, of international capitalism. Cultural globalization, on the other hand, has found a ready receptivity in Nigeria. Large parts of the country were rapidly Christianized, and English acquired a Nigerian dialect.

An earlier phase of cultural globalization was westernization. Nigeria inherited a legal system based primarily on British law and the English judicial traditions. Moreover, the language of interpreting this western-derived law and the constitution was the imperial language: English.

If Nigeria as a whole was a periphery of the world economic system, northern Nigeria was economically a periphery of the periphery. But its economic marginalization was camouflaged for a while by the fact that northerners held political power. After General Obasanjo was elected president in 1999, the north's political decline exposed more mercilessly its economic marginality. The *shariacracy* initiative by some northern states is, in part, a protest against economic marginalization and, in part, a defense against unwanted cultural globalization.

Nigeria is the only African country outside Arab Africa that has seriously debated an alternative to the western constitutional and legal inheritance. In part, this is what the *shariacracy* debate is all about. But Nigeria may need to use *ijtihad* as a process for reviewing the Shari`ah. After all, the Shari`ah is God's law as interpreted by fallible human beings.

Another problem posed by the Shari`ah debate is whether a federal system can support the cultural self-determination of its constituent parts and still retain its cohesion as a federation. Switzerland has conceded cultural autonomy to its constituent cantons, but in terms of language (German, French, and Italian).[34] Initially, the Nigerian federation allowed neither linguistic nor religious self-determination at the state level. What the *shariacracy* debate has opened up is the possibility that religion, rather than language, could be the basis of cultural differentiation in an asymmetrical constitutional order.

Nigeria has the largest concentration of Muslims in Africa. Its population, as we indicated, encompasses more Muslims than the population of any Arab country, including Egypt. But can the Shari`ah be implemented at the state level without compromising secularism at the federal level?[35]

I have tried to demonstrate that in terms of theories of asymmetrical federalism, such a paradox of state theocracy combined with federal secularism is feasible. But it would only work if both political power and economic prosperity were more evenly distributed between north and south and when globalization in the wider world became more compatible with Nigeria's national well-being. No wonder, then, that there are voices sincerely pleading for the postponement of *shariacracy*. In the name of Nigerian unity, should the Shari`ah be a dream deferred?

Endnotes

1. For a report, see *The Washington Post* (30 May 2000), p. 1.
2. Nearly 50 percent of the estimated 128 million Nigerians are estimated to be Muslim; see Arthur S. Banks and Thomas C. Muller, eds., *Political Handbook of the World, 1999* (Binghamton, NY: CSA Publications, 1999), 723 and *The World Guide 1999/2000* (Oxford, UK: New Internationalist Publications, 1999), 429.
3. For a list of these states, consult *Africa Research Bulletin* 37, no. 8 (22 Sept. 2000), 14077.
4. See the reports in *The Guardian* (22 Feb. 2000), p. 1 and *The Christian Science Monitor* (26 May 2000), p. 1.
5. An overview of the North-South and other cleavages bedeviling Nigeria may be found in *The Economist* (15 Jan. 2000), 14-15 and (8 Jul. 2000), 47. For

longer analyses on earlier conflicts caused by the Shari`ah issue, see Toyin Falola, *Violence in Nigeria: The Crisis of Religious Politics and Secular Ideologies* (Rochester, NY: University of Rochester Press, 1998), especially 77-113; Simeon O. Ilesanmi, *Religious Pluralism and the Nigerian State* (Athens: Ohio University Center for International Studies, 1997), 174-207; M. H. Kukah and Toyin Falola, *Religious Militancy and Self-Assertion: Islam and Politics in Nigeria* (Aldershot, UK, and Brookfield, VT: Avebury Press, 1996), 117-39; and Pat A. T. Williams, "Religion, Violence, and Displacement in Nigeria," *Journal of Asian and African Studies*, 32, nos. 1-2 (Jun. 1997): 33-49.

6. Consult Benjamin Barber, *Jihad Vs. McWorld* (New York: Times Books, 1995).
7. For an earlier example, consult Abdullah Mu'aza Saulawa, "Islam and its Anti-Colonial and Educational Contribution in West Africa and Northern Nigeria, 1800-1960," *Hamdard Islamicus* 19, no. 1, (1996): 69-79 and Falola, *Violence in Nigeria*, 74-77.
8. The elite stole much of the fruits of Nigeria's development; see A. A. Niwanko, *Nigeria: The Stolen Billions* (Enugu, Nigeria: Fourth Dimension Pub., 1999).
9. Today Nigeria produces about 931 million metric tons of oil, about 2.9 percent of world output; see John B. Ejobowah, "Who Owns the Oil: The Politics of Ethnicity in the Niger Delta of Nigeria," *Africa Today* 47 (winter 2000): 37; also see Sarah Ahmed Khan, *Nigeria: The Political Economy of Oil* (Oxford: Oxford University Press for the Oxford Institute of Energy Studies, 1994).
10. The figure for India is drawn from a report in *U. S. News & World Report* (25 Jan. 1999), p. 40, while the figure for Nigeria is drawn from Banks and Muller, *The Political Handbook of the World*, 723.
11. Some interesting research on African immigrants to the United States is contained in Yanyi K. Djamba, "African Immigrants in the United States of America: Socio-Demographic Profile in Comparison to Native Blacks," *Journal of Asian and African Studies* 34, no. 2 (Jun. 1999): 210-15.
12. On Nigerian English, see Ayo Bamgbose, "Post-Imperial English in Nigeria, 1940-1990," in *Post-Imperial English: Status Change in Former British and American Colonies, 1940-1990,* ed. Joshua A. Fishman, Andrew Conrad, and Alma Rubal-Lopez, eds. (Berlin and New York: Mouton de Gruyter, 1996), 357-72. On regional variations, consult V. O. Awonusi, "Regional Accents and Internal Variability in Nigerian English: A Historical Analysis," *English Studies* 67 (Dec. 1986): 555-60.
13. See, for instance, Minabere Ibelema, "Nigeria: The Politics of Marginalization," *Current History* 99, no. 637 (May 2000): 213.
14. This resentment did have precedents in the 1970s and 1980s; see Roman Loimeier, *Islamic Reform and Political Change in Northern Nigeria* (Evanston, IL: Northwestern University Press, 1997), 9-10.
15. This was due to the British discomfort with some of the harsher aspects of Islamic criminal punishment; see Kukah and Falola, *Religious Militancy and Self-Assertion*, 39-41.

16. See Michael Crowder, "Lugard and Colonial Nigeria: Towards an Identity," *History Today* 36 (Feb. 1986): 23-29.
17. Consult Pat Williams and Toyin Falola, *Religious Impact on the Nation State: The Nigerian Predicament* (Aldershot, UK and Brookfield, VT: Avebury Press, 1995): 16-17.
18. For an introduction to Islamic law, see, for example, R. Gleavy and E. Kermeli, eds., *Islamic Law: Theory and Practice* (London and New York: I. B. Tauris, 1997).
19. Consult Ali A. Mazrui and Pio Zirimu, "The Secularization of an Afro-Islamic Language: Church, State and Marketplace in the Spread of Kiswahili," in *The Power of Babel: Language and Governance in the African Experience*, ed. Ali A. Mazrui and Alamin A. Mazrui (Chicago: University of Chicago Press, 1998), 169-71.
20. For an interesting comparative work, see Amilcar A. Barretto, *Language, Elites, and the State: Nationalism in Puerto Rico and Quebec* (Westport, CT: Praeger, 1998).
21. For an assessment of devolution in the United Kingdom, consult Jonathan Bradbury and James Mitchell, "Devolution: New Politics for Old?" *Parliamentary Affairs* (April 2001): 257-75.
22. A discussion on the origins and development of Scottish national consciousness and constitutional developments may be found in Robert McCreadie, "Scottish Identity and the Constitution," in *National Identities: The Constitution of the United Kingdom*, ed. Bernard Crick (Cambridge, MA and Oxford, UK: Blackwell Publishers, 1991), 38-56.
23. See K. Austin Kerr, *Organizing for Prohibition: A New History of the Anti-Saloon League* (New Haven and London: Yale University Press, 1985), 335.
24. Consult Thomas M. Coffey, *The Long Thirst: Prohibition in America 1920-1933* (New York: W. W. Norton & Co., 1975) and Kerr, *Organizing for Prohibition*, 185.
25. Kerr, *Organizing for Prohibition*, 275-79.
26. Coffey, *The Long Thirst*, 315.
27. However, the three men who the woman said had coerced her into having sex went unpunished; see *The Guardian* (23 Jan. 2001), p. 16.
28. These and other significant Supreme Court death penalty cases are discussed in Barry Latzer, *Death Penalty Cases: Leading U. S. Supreme Court Cases on Capital Punishment* (Boston, Oxford, et al: Butterworth-Heinemann, 1998).
29. See the *New York Times* (22 Jun. 2001), p. 17 for a report on the case.
30. On *ijtihad*, see H. H. A. Rahman, "The Origin and Development of *Ijtihad* to Solve Complex Modern Legal Problems," *Bulletin of the Henry Martyn Institute of Islamic Studies* 17 (Jan.-Jun. 1998): 7-21.
31. Consult Frank E. Vogel, "The Closing of the Door of *Ijtihad* and the Application of the Law," *American Journal of Islamic Social Sciences* 10 (fall 1993): 396-401.

32. Consult John R. Willis, *Slaves and Slavery in Muslim Africa*, vol. 1, *Islam and the Ideology of Slavery* (Totowa, NJ and London: Frank Cass, 1985).
33. On *ijma`*, see M. N. Khan, "*Ijma`*: Third Source of Islamic Law," *Hamdard Islamicus* 22 (Jan. 1999): 84-86.
34. Even the vaunted Swiss system is not a perfect model; consult, for instance, Clive Church, "Switzerland: A Paradigm in Evolution," *Parliamentary Affairs* 53, no. 1 (Jan. 2000): 96-113.
35. Both religion and ethnicity are challenging aspects to developing a satisfactory Nigerian federal system. For an account of the development of various Nigerian federal systems and the challenges, see Martin Dent, "Nigeria: Federalism and Ethnic Rivalry," *Parliamentary Affairs* 53, no. 1 (Jan. 2000): 157-68.