

The *Sharia* Controversy in Northern Nigeria and the Politics of Islamic Law in New and Uncertain Democracies

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Based on the global record of democratic diffusion, many scholars argue that the Muslim world sticks out as a democratic “underperformer,” plagued by persistent authoritarianism and a lack of democratic values.¹ Yet others point to the success of democracy in poor, Muslim-majority nations like Senegal and Indonesia, and to widespread support for democracy in national surveys.² One complicating factor in this debate is that across the Muslim world, democratic aspirations and institutions exist uneasily next to popular movements that pursue the implementation of *sharia* (Islamic law) and other Islamic legal reforms which would expand the role of religion in public and political life. A 2007 poll by the Program on International Policy Attitudes (PIPA) found that a majority of Muslims in four large Muslim-majority states favor both democratic rule (67 percent) and the “strict” application of *sharia* (71 percent).³ In 2010 Pew found that majorities of Muslims in all types of states express a strong preference for democracy while also endorsing corporal and even capital punishments derived from Islamic legal traditions.⁴ As hypothetical demands for democracy in the Muslim world meet with democratic openings, elected governments face growing pressure to expand or preserve Islamic law.

Until the mid-1990s, Islamic law and legal provisions were most often introduced by authoritarian states as efforts at social transformation or as bargains with Islamist movements. Authoritarian regimes in Pakistan and Sudan experimented with *sharia* codes in the 1980s and early 1990s,⁵ while Egypt’s constitutional reforms in 1971 and 1980 mandated that *sharia* serve as the primary source of legislation. But beginning with the creation of competitive multiparty systems in Nigeria and Indonesia in the late 1990s, *sharia*-inspired reforms have been most likely to be adopted by governments facing competitive elections.⁶ Islamicizing the law (or, as in Senegal and Niger, defending existing Islamic legal institutions) is a goal many Muslims in democracies pursue via collective action and the ballot box.⁷

Existing research presents a muddled picture of why Muslims support state-sponsored *sharia*. Religious self-identification, personal piety, and support for the

involvement of religious leaders in politics are all weak, inconsistent predictors of support for democracy among Muslims,⁸ and are similarly inconsistent predictors of support for state-sponsored sharia. Jacob Shapiro and Christine Fair find that in Pakistan supporters of democracy and core democratic rights were about as likely as antidemocrats to support state-sponsored sharia and the militants who demand it.⁹ They conclude that support for sharia was grounded in demands for good governance, security, and justice, not in the rejection of democratic norms and values.¹⁰ Saiful Mujani and William Liddle find that while most Indonesian Muslims support state sponsorship or recognition of sharia, majorities of these same citizens vote consistently for parties that adopt secularist platforms that reject recognizing sharia in Indonesia's constitution.¹¹ Despite widespread (if declining) support for sharia in principle, most Indonesian sharia supporters explicitly reject inegalitarian or rights-violating policies derived from sharia traditions (such as limits on women standing for office, corporal punishments like amputation, or even government enforcement of veiling or fasting during Ramadan). As clear as it is that Muslim citizens in many democracies support sharia, it is uncertain exactly what particular policies and reforms they hope will emerge from its implementation.

Nigeria's sharia controversy provides a key case for understanding the politics of sharia in new democracies. In a four-year period following Nigeria's 1999 transition, the democratically elected governments of twelve Muslim-majority states in northern Nigeria incorporated sharia into state criminal law and launched extensive Islamic social and economic reforms. Given Nigeria's religious divisions (its population of about 170 million is divided in roughly equal proportions between Muslims and Christians, with a slight Muslim majority), many Nigerian Christians interpreted sharia implementation as a political and cultural provocation. The sharia implementation crisis set off a chain reaction of political conflict that witnessed several failed federal efforts to prevent sharia implementation and a sustained period of sectarian violence at the worst level since Nigeria's civil war.¹² I consider the role of national constitutional and political conflict and sectarian violence in shaping the politics of sharia in northern Nigeria, but my primary focus is on the dynamics of debate and persuasion within Nigeria's sizeable Muslim community, and on generalizing about support for Islamic law within Muslim-majority communities in new democracies.

Framing the Relationship Between Sharia and Democracy

This article provides a dynamic picture of how mass support for sharia can be constructed through democratic politics. Campaigns to expand Islamic law in new democracies attract popular support by framing problems common to these nations (corruption, inequality, poor governance) as moral concerns best addressed by the state's enforcement of ethical conduct. Scholars working in the American context have long found that elite discourse and the mass media mediate the relationship between individual beliefs and public opinion, and that elites—the politicians, bureaucrats, religious and

traditional leaders, journalists, public intellectuals, and activists upon whom citizens “depend, directly or indirectly, for information about the world”—frame the relationship between personal and collective values and public opinion.¹³ Frames provide the cognitive means for identifying political problems and their causes, and for linking unfamiliar political issues with familiar narratives.¹⁴ Frames are constructed and often intentionally sponsored by elites, but their success depends upon their resonance with cultural narratives, themes, and values that contain substantial, if ambiguous, popular meaning. Successful frames circulate in public discourse not only because they are championed as “official,” but because they are incorporated into the language in which issues are reported and analyzed in the mass media and other secondary sources. By providing a language and symbolic grammar for public debate, elite discourse exerts a great deal of influence on how ordinary citizens conceptualize political issues and concepts.

The article draws on an original dataset of over 1,000 newspaper articles published in a leading Nigerian daily with a primarily Muslim audience to explore how the political and religious elites framed sharia implementation in the context of Nigeria’s fledgling democracy. Rather than rejecting popular democratic institutions as a barrier to sharia, sharia proponents argued that Islamic law implementation would improve their performance by protecting the “religious rights” of Muslims, enhancing economic development and social justice, and improving governance by holding elites accountable to shared standards of religious morality. By integrating sharia policy proposals into popular narratives about the economic and social “dividends of democracy”—the material benefits Nigerian citizens anticipated would emerge from democratization—sharia proponents framed its implementation as a means of ensuring that the benefits of democracy would trickle down to ordinary citizens.

To explore how these popular sharia narratives inform the beliefs and practices of Muslim citizens in Nigeria, the article also draws on fourteen group interviews with almost 100 Muslim participants. These findings contextualize what survey research finds to be broad popular support among Nigerian Muslims for both democracy and Islamic law.¹⁵ The campaign for sharia in northern Nigeria offered Muslim citizens a resonant account of why previous governments, both military and democratic, failed to create good government, social justice, and development. In many Muslim-majority societies (especially those with more open political systems), there is a strong correlation between individual support for state-sponsored sharia and demand for “economic communitarian” policies, such as efforts to equalize income or to establish economic and social safety nets.¹⁶ Sharia movements draw popular support, especially from lower and middle class Muslims, not by promoting the establishment of an Islamic state that governs solely from the sharia, but by emphasizing redistributive economic reforms and political accountability. Sharia advocacy by elected officials serves as an “informational shortcut” for Muslim citizens, who interpret a commitment to sharia-inspired policies as a commitment to supporting social, economic, and political reforms meant to provide economic and physical security and accountability.¹⁷

As the good governance promised by sharia proponents has proven illusive, dissatisfaction among lower and middle class Muslims continues to be expressed in religious terms. The majority of Nigerian Muslims continue to support democracy while endorsing sharia as simply one of many sources of state law,¹⁸ but the perceived failure of elite sharia proponents to live up to their promises has created space for a violent Islamic radical movement—*Boko Haram*, a Salafi-inspired terrorist sect that proffers religious authoritarianism as an alternative to democracy.

Nigeria's Sharia Implementation Controversy

The movement for sharia in Fourth Republic Nigeria began on September 19, 1999, when Ahmed Sani Yerima, the governor of Zamfara State, announced he would fulfill a campaign promise to implement sharia through the state's legislative process. The sharia movement in northern Nigeria did not begin with mass demands from below, but with the initially disorganized efforts of Muslim governors and legislators drawn from a northern-based opposition party, the All People's Party (APP). These politicians found themselves (in many cases, for the first time in their careers), outside the federal patronage network, controlled by President Olusegun Obasanjo (an evangelical Christian from southwestern Nigeria) and his party, the Peoples' Democratic Party (PDP). Yerima, an APP governor with a limited history of religious activity, seems to have initially constructed his sharia proposal as a way to provide religious legitimacy to his political candidacy, and as a means of distinguishing his electoral platform from the PDP's. Members of prominent Islamist groups subsequently participated in crafting sharia policies and conducting "enlightenment" campaigns to drum up support for sharia. Most successful sharia advocates were members of national political parties with formally secular orientations but strong local support among northern Muslims.¹⁹

The sharia programs adopted by northern states extended the jurisdiction of Islamic civil law courts into criminal matters, created Islamic criminal codes, and implemented a wide-ranging set of "Islamic" social policies intended govern the social and economic lives of Muslims.²⁰ Following the widespread attention drawn by Yerima's "sharia launch," Muslim communities in the north responded enthusiastically. Crowds appeared at rallies across the north to pressure state governors allied with the PDP to adopt Yerima's course, or to welcome new states into the sharia fold. Following Yerima's announcement, bus and taxi drivers reduced fares into Zamfara in a show of solidarity.²¹ Survey research conducted in 2000 revealed high support for sharia in those early months across northern Nigeria (73 to 97 percent).²²

The responses from southern Nigeria (where Christians are in the majority) and from the "Middle Belt," an ethnically and religiously heterogeneous region with a long history of communal violence, were extremely negative. Christian politicians argued that sharia was unconstitutional—in effect, the establishment of a state religion. Non-Muslims in sharia states feared that they would be forced into sharia courts and harassed by sharia police (*hisbah*), or that social regulations mandating new

school uniforms, mandatory prayer time for state employees, bans on alcohol sales and consumption, and restrictions on women's access to public transportation would impact them. There was reason for concern. Reports indicating that it was difficult for Christian organizations to receive land allocations for churches, or to place their advertisements on state-owned television and radio stations, immediately began trickling out of sharia states. Greater still was the fear that general insecurity, often punctuated by run-ins with hisbah groups, negative market interactions, or even simple misunderstandings, could turn into targeted violence against Christian communities.

Conflict over sharia takes place within a longstanding debate over how the Nigerian state might balance the recognition of the country's ethnic and religious pluralism with the desire to dampen sectarian conflict. Since its first post-civil war constitution (drafted in 1976, adopted in 1978), Nigeria's constitutional doctrine prohibits ethnic and religious political parties, while distributing state resources along ethnic and religious lines via a set of formal and informal policies collectively called the "federal character" principle. Ethnic and religious communities claim distributional rights to political and economic resources, and to state support for ethnically and religiously targeted laws, policies, and projects.

Nigeria's 1999 constitution prohibits the adoption of a "state religion" at the federal and state level, but guarantees the rights of Nigerian religious groups to "propagate" their faiths, without formal limits on employing state resources for religious purposes. Nearly all of Nigeria's religious communities advocate for a more religious Nigerian public sphere by evoking the federal character logic and a language of "religious rights" to state support for the pursuit of religious fulfillment. This language originated in challenges to the inclusion of a Federal Sharia Court of Appeal (FSCA) for personal law cases in the 1976 draft constitution. During the 1977 constitutional convention, Muslim politicians defended the proposed FSCA by adopting a language of freedom of religion, religious rights, and fairness, arguing that protecting freedom of religion for Muslims required protecting sharia institutions and that the nation's Islamic heritage deserved equal legal representation.²³ While southern representatives succeeded in eliminating the FSCA, the language of constitutional religious rights remained an important part of popular discourse on state-religion relations.

During the 1980s and 1990s, the popular success of Christian and Muslim revival movements, and of advocacy organizations within communities advancing demands based on religious rights as well as the federal character principle, contributed to increased religious violence. In divided communities, communal riots were often sparked by religious organizations claiming ownership of public spaces (university campuses, markets, or entire communities).²⁴ Religious violence in northern Nigeria around the sharia issue has exhibited a similar pattern of grievances. Rallies for and against sharia in divided communities precipitated communal riots, particularly in religiously divided Kaduna State, in the early and mid-2000s. Other episodes of mass violence, like the notorious "Miss World" incident in 2002, began as protests against perceived religious affronts, but quickly turned into riots directed at Christian communities.²⁵

More recently the dynamics and tactics of religious violence have shifted, while retaining the language of distributional demands. Since the 2007 elections, Muslim-Christian conflicts in Plateau State center on the efforts of political parties to “zone” electoral constituencies to particular ethnic and religious groups, following patterns of decades-old land and citizenship conflicts. The attacks carried out since 2010 by Boko Haram also represent a different sort of religious violence from that of the early 2000s—coordinated and less communal, with lower levels of mass participation, and (mixed) evidence of external training and support. While Boko Haram’s strategy shifted in early 2012 toward suicide bombings and attacks on Christian churches and communities (in Plateau State in January and February), its initial targets were government installations (police stations, federal State Security Services offices, and prisons) and accommodationist Muslim political and religious elites, whom they saw as persecutors (their leader Mohammed Yusuf was executed extrajudicially by state security forces in July 2009). But while Boko Haram’s tactics distinguish them from the mass violence of the early 2000s, the terms they employ to justify their actions—assertions of religious “ownership” over the north, grievances over the distribution of federal resources, and the failure of northern political and religious elites to sufficiently defend Muslim interests—are similar.

Methods

Analysis of the discourse of sharia implementation is based on documentary and interview research and on ten months of field immersion in Sokoto, Nigeria (the traditional center of Nigerian Islam) in 2007–2008. Analysis of elite discourse is based on an examination of the frame content of every newspaper article, feature, and letter to the editor on the “sharia question” published in the *New Nigerian* ($n=1,030$), a northern paper produced for a Muslim audience, between 1999 and 2004 (the height of the sharia controversy). An inductive, pre-coding study identified a set of frames (and the various symbols and argument structures that characterize them) representing different interpretations of the sharia issue and its relationship with democracy. The full sample was coded by the author.

I identify, describe, and analyze the frames in discursive terms. This approach differs from content analysis and is an ontological choice. Content analysis, often used to produce quantitative data, treats the meaning of texts as stable, and is directed toward questions about the distribution of classifications rather than the nature of the classifications themselves. It is not designed to identify frames, or to provide an understanding of how frames relate to broader cultural themes. Discourse analysis focuses on the context of texts—on the social processes that produce and provide texts with meaning, and on the strategies and practices of discourse participants.²⁶

Mass discourse on the sharia issue was captured by group interviews (lasting one to two hours), conducted in and around Sokoto over several months in the spring of 2008. The interviews involved ninety-five participants (forty-four men and fifty-one

women) in fourteen groups of five to seven interviewees. They were conducted in a mix of private homes and public spaces (mosques and classrooms) and were, with one exception, single gender. Participants were asked about their thoughts and experiences with the sharia controversy and democracy, and allowed to discuss these issues at length. Interviews were recorded, transcribed, translated (most were conducted in Hausa, the local *lingua franca*), and the conversations were analyzed discursively and interpretively.

The project adopted a methodology often used to recruit interview participants in the absence of accurate local directories: a “snowball” approach, identifying locals willing to host group interviews and to invite their friends, family members, and co-workers to participate.²⁷ Recruiters targeted Muslim working class men and women—petty traders, motorcycle taxi drivers, laborers, healthcare workers, tailors, *malamai* (Islamic teachers), and the jobless—(65 percent of the sample), but also secondary/college teachers (22 percent) and students (13 percent), both large populations in greater Sokoto. Participants’ ages ranged from 20 to 88, with a mean age of 36. Owing to the sampling technique, along with some participation bias (better-educated citizens were more willing to participate in a two-hour discussion on politics), this sample is somewhat more educated, well read, and politically engaged than the average northern Nigerian. Fifty-five percent of interviewees had completed secondary education or university (compared to 37.5 percent of Muslims nationally). Thirty-six percent reported Islamic education (mostly private Quranic schools) as their highest level of schooling, suggesting most participants were literate in English, Hausa, or Arabic. Fifty-one percent read a newspaper and 89 percent watched television at least once a week, compared to a mere 24 percent and 51 percent of all Nigerian Muslims. Interviewees’ radio news consumption was more representative, with 96 percent listening weekly compared to 87 percent of Muslims nationally.²⁸

Framing Sharia as Public Policy: Elite Discourse

How did sharia proponents link their policy proposals to Nigeria’s emerging democratic discourse? In the Fourth Republic, one of the most common expressions in popular political discourse is the “dividends of democracy,” a catch-all used by politicians and citizens alike to describe the expectation that there would be swift and concrete improvements in the lives of ordinary Nigerians under civilian rule. As a metaphor, the phrase “dividends of democracy” instrumentalizes the value of democracy, suggesting its worth depends on a positive outcome. Dividends of democracy accrue through transactions with political elites, who provide these benefits in exchange for political support, as suggested in a blog post on the Nasarawa State website:

“Since the return of civil rule in 1999, Nigerians, through the actions and utterances of their politicians, have come to “understand,” in clear terms, the concept, “Dividends of Democracy”....Democracy, as we all know, is about horse-trading (you give something for something). Consequently, the electorate give [sic] out their votes, for good governance.”²⁹

The “dividends” logic empowers citizens to demand accountability from their government, while empowering government officials to credit clientelist services as core democratic functions. Good governance in Nigeria’s Fourth Republic is frequently associated with redistributive government policies. Politicians and the official media characterized a range of government actions as paid “democratic dividends,” from official state development projects and raises for teachers and civil servants, to providing state-owned cars to imams or bags of rice to poor constituents at political rallies. “The idea of ‘Na democracy we go chop?’ (‘Is it democracy that we will eat?’),” that people “want to touch and feel this thing called democracy,”³⁰ is an entrenched part of how many Nigerians evaluate if democratic government is working.

Three frames—rights and social justice, economic development, and holding elites accountable—dominated elite discourse on sharia, each linking “sharia-compliant” policies to democracy through the dividends of democracy formula. (See Table 1.) All three frames appear in a speech by Yerima to a pro-sharia rally in Gusau, Zamfara, on October 27, 1999.³¹ He evoked sharia implementation as a struggle for Muslims to obtain “the freedom to exercise their full rights since the period [the North was] invaded and colonized by the British,” and that sharia was a constitutionally protected right (the “freedom to worship”) that had been denied by Nigeria’s contemporary (secular) legal tradition.

The rights frame mirrors the constitutional language from the FSCA debate. Both prominent political/religious leaders and citizen letter writers argued that, under a sharia-compliant democratic regime, the constitutionally protected freedom of religion requires that the state provide Muslims with the opportunity to fully practice their faith and thus to live under sharia. Sharia fulfilled the distributional right for Muslims

Table 1 Frames and their Key Concepts

<i>Frame</i>	<i>Key Claims and Symbols</i>
<i>Rights</i>	Sharia is necessary for Muslims to enjoy freedom of religion; In a democracy, majority rules—and where Muslims are the majority, they have a right (constitutional and natural) to sharia.
<i>Social Justice & Economic Development</i>	Sharia promises a new concern with the welfare of ordinary Muslims; Sharia will pave the way for “Islamic development”—human development in accordance with Islamic principles of justice.
<i>Holding Elites Accountable</i>	Sharia applies equally to all; Leaders who drink, “spray” money, engage in corruption, and are otherwise un-Islamic will be made to account for their actions through sharia.

to have their “due” under democratic government, to have their religious demands recognized and enacted. Northern politicians praised democracy for giving Muslims the opportunity to transform their support for sharia into public policy.

The second face of the rights frame responded to feminist and human rights groups critical of the status of women and non-Muslims in Northern Nigeria. Domestic Christian and international opponents of sharia focused their objections on criminal law reforms that produced floggings and amputations and sentences of stoning.³² But despite the limited application of these punishments in practice, they have figured prominently in assertions of religious rights by sharia activists. An extreme example of this frame was the northern media’s coverage of the case of a 17-year-old girl, Bariya Magazu, who was convicted of *zina* (in this case, premarital sex) in Zamfara State in late 2000 and sentenced to lashing. In response to the negative attention of international human rights organizations, some Muslim activists recast Bariya’s case in terms of the right to worship, including the right of Muslim individuals to have sharia punishments applied to them as a matter of religious freedom. An “Islamic human rights” organization, the “Movement for Protection of People’s Rights,” put out a press release arguing that Muslims had “fundamental rights to the strict adherence to the laws of their creators,” including the right to have sharia sentences (including public flogging) fulfilled. The organization claimed, dubiously, to have spoken to Bariya, who was said, again dubiously, to have favored the “full application of *Shari’a* provisions...based on the offense she committed.”³³ The rights frame appeared most frequently during moments of international controversy, especially during the initial months of the sharia debate (it appeared in 47 percent of the stories and letters coded in November 1999, but in only 21 percent across the sample), and to a lesser extent following religious riots or controversial court decisions.

The social justice and economic development frame (26 percent of the sample) and holding elites accountable frame (14 percent) each offered a vision of how sharia might serve as a source of material dividends for citizens. Yerima’s launching speech outlined the social justice and economic development frame, proposing,

“to apply an Islamic perspective of development to...[the] socio-economic development of the state...This sound economic development can best be achieved in an atmosphere of judicious, fair, and equitable distribution of state-owned resources and the wealth derived from such resources. Thus, under the Islamic sharia system prudent management and optimum utilization of all state-owned resources is guaranteed as the fear of Allah shall be the guiding principle of both the government and the governed.”³⁴

In this frame, it is the state’s responsibility to adopt development policies that reflect the Islamic values of northern communities, and to take responsibility for ensuring the use of state resources to promote the Islamic good society. For Yerima and others, this meant subsidizing religious leaders and organizations, and identifying daily governmental tasks as “sharia services.” Sokoto State’s sharia initiatives

placed religious leaders on government payrolls and expanded government funding for Islamic education and mosque building. Sokoto also converted ostensibly anti-Islamic enterprises (like cinema houses) into Islamic spaces. Some leaders went so far as to announce ordinary development projects, such as road construction and repair, as Islamic achievements, products of sharia.

The holding elites accountable frame also speaks to moral decay as a source of poor political and economic outcomes, focusing on the behavior of political elites themselves. Sharia advocates proposed adding religious sanctions to the criminal and civil penalties (the “fear of Allah” cited by Yerima) to curb corruption, including amputation for civil servants who misused public funds. Zamfara created a new anticorruption commission, intending to use sharia courts to prosecute corrupt officials. In Katsina State prominent men were trapped by “stings” on illicit liquor-serving nightclubs in May 2001 to great public approval. But in deploying this frame, politicians walk a fine line. When evidence of corruption or “inappropriate” behavior by elites surfaces, public backlash has followed. For example, when the Emir of Gwandu helped to contract an illegal marriage for a wealthy supporter in 2000, the efforts of prominent northern leaders (including several fellow traditional leaders and a governor) were not enough to prevent him from being dragged before a state sharia court, where he lost an embarrassing public trial.

Muslims Talking Politics: Mass Discourse

How has elite discourse linking sharia implementation and democracy influenced the attitudes and beliefs of Muslim citizens? My sample structure does not allow me to draw definitive causal inferences, but the frames that dominate elite discourse on sharia implementation also feature prominently in mass discourse, with several important caveats. While all three elite frames offer vague, legalistic defenses of sharia, my interviewees sought to specify these arguments in terms of local, personal concerns, suggesting an abiding skepticism in the motives of Muslim elites, but hopefulness with respect to sharia’s ability to force political and religious leaders to provide the dividends of democracy.

The sharia implementation debate provides a language for defining economic or social problems as moral problems. The moral assessment of the Nigerian state as “sick,” “decaying,” or “rotting” (common in popular and academic writing by Nigerians) is common across ethnic, religious, and class lines in Nigeria, and resonates beyond the sharia issue.³⁵ Nigerian public policy under civilian and military rule has often attacked personal “indiscipline,” and interviewees positioned sharia in this tradition, demanding that the state address the absence of private morality as a source of political and economic dysfunction.

In one interview, a group of women made the connection between private morality and public policy. The first respondent, Aisha (a trader and part-time student in her forties), linked what she considered lascivious behavior at a local

college campus (campus sex scandals are a popular news topic) to theft, arguing that sharia was the necessary cure:

Sharia is very important, but now most people don't want to practice it. Just look at what is happening in the university. A married woman will wear skimpy clothing to school, and men will chase them because they cannot tell them apart from unmarried girls. Serious measures need to be taken. So, sharia is important. Because so much has been said [in Sokoto] about girls who wear tight dresses to seduce the lecturers, and the campaign [a morality drive launched a local college] is still on, but they can't stop those [girls] that wear mini-skirts with small veils. Theft is rampant. When we go to exam halls and bring our handbags, some students will go and steal [mobile] handsets or money. So measures have to be taken to stop this. It means sharia should be implemented, to stop those girls from wearing tight dresses and those who steal or drink.

Moments later, Aisha and her fellow participants argued that sharia implementation would force the state to play a more active role in regulating moral affairs, preventing fraud and price gouging by supervising the use of fair weights and measures in local markets, and ending "indecent" dressing:

Bilkisu (a student, in her twenties): I think food prices will be controlled when sharia is implemented, because correct weights and measures will be used [in markets]. Scales like those used in Saudi Arabia will be introduced, and that will bring success to the people. So all this indecent dressing in our campuses and the high food prices will be fixed if there's sharia.

Umu (a trader, in her fifties): It is necessary for the government to assist the poor, because nobody wants to live with poverty.

Aisha: The poor people should be helped, because nowadays you have children, but you can't afford to send them to school, like what is shown on RTV [the Sokoto State-owned television station] about lepers who live in a village, but nobody cares about them, they have no work, no income, they are just surviving. So you see, what is the use of this?³⁶

In elite discourse, the social justice and economic development frame was a passive commitment to create the conditions necessary for a moral rebirth, often through "enlightenment" campaigns to teach people about sharia. In this interview, as in many others, calls for state-led moral reform were packaged with and linked to calls for government intervention on behalf of the poor. In these terms, immoral behavior (like the manipulation of market prices) undermines efforts to direct social energy towards productive activities. In seven interviews, participants positively mentioned state policies in Sokoto and neighboring Zamfara designed to lower marriage costs by banning "ostentatious" ceremonies and inflated bridewealth demands, or by subsidizing dowry payments. By linking policies enforcing Islamic morality to development (interviewees often cited the savings associated with less expensive marriage with the ability of young people to start businesses), participants connected state-subsidized morality with economic opportunity.

Interviewees applied the holding elites accountable frame both more specifically and to a wider range of issues and behaviors than was true in elite discourse. Elites who dealt in this frame went after low-hanging fruit with their arguments, with politicians promising that sharia-inspired regulations would provide swift and severe punishment for civil servants and judges who abused the public trust. Still, participants in all fourteen interviews evoked narratives about rich and powerful Muslims who abuse their wealth and connections, and who put themselves above the law in daily life, as a key justification for sharia implementation.

The idea that sharia implementation might hold elites and masses to common moral and legal standards linked sharia to the benefits of democracy for many interviewees. As several suggested, democracy and sharia both serve as a means of instilling accountability and creating incentives for elites to listen and respond to the needs of citizens (especially when those needs are expressed in religious terms, as participants in six interviews noted explicitly). In the following interview, a group of women considered the merits of democracy and military rule. They argued that democratic governments were more likely to pursue policies of social justice and development for Muslims than military regimes, because locally elected (Muslim) politicians were more likely to be held accountable to Islamic religious norms. In their words, democracy provides an opportunity to demand that politicians act in accordance with the demands of their Muslim constituents to advance the faith and to meet the needs of the faithful:

Maryam (a teacher, in her twenties): In a military regime, you have no right to talk. You don't even see the [leader's] room, to say less of telling the leader that he is not doing well, or that he should act better. Therefore, democratic government is better for the Muslims than military government.

Asabe (a teacher, in her mid-forties): Not only Muslims. Even the Christians know that democratic government is better than the military.

Talatu (a teacher, in her late twenties): Because you can say your views, you can give advice, but in a military regime you cannot give any advice to the leaders. But now even the religious *malams* can preach to the leaders, and they [the leaders] understand them. The reason why you cannot give your advice in military regime is because he [the local governor] is from another part of the country. But in a democracy, you elect him, you know him, he is your brother. Therefore you have every right to tell him to be a better leader, and he will hear you.³⁷

My interviewees did not universally praise democracy. Participants in ten groups pointed to a decline in physical security under civilian rule, and to the efforts of military administrators to instill social order. But most participants understood democracy as an opportunity for Muslims to make explicitly religious demands on the political leadership, and for the leadership to be held accountable for listening and responding.

The frame that emerged most modified from its elite form was rights. The idea that sharia was a "right," or that it would assist Muslims in protecting their constitutional

rights, was rarely evoked by participants. Each interview began (after a brief preamble and introductions) with three questions, asking participants to describe what came to mind when they thought about sharia, to offer arguments for and against sharia implementation, and to describe what they expected or hoped for when sharia was implemented in Sokoto in 2000. My interviewees made explicit rights claims only twenty-five times during discussion of these three questions (as opposed to ninety-two appearances of the social justice and economic development frame and seventy-three appearances of the holding elites accountable frame). When rights language did appear, it was applied thinly. Participants often stated, with little or no elaboration, that when sharia was implemented, Muslims were given their “rights.” Only two participants explicitly asserted that sharia was a constitutional or human right.

Why did interviewees invoke rights language so much less frequently than elites? Whether or not citizens adopt rights language to describe their problems or to demand redress depends on individual and institutional context. In the United States “rights talk” pervades elite political and legal discourse about access to state services. But subaltern communities and their members seldom use rights language to describe their efforts to demand services or support from the government agencies tasked to serve them. Citizens may be familiar with or even conversant in rights language in theory, but unless they feel empowered and are working within institutions they believe will be responsive to their demands, “the ideal of the autonomous and rights bearing individual...remain[s] rather far from the tip of the tongue.”³⁸ In my interviews, the moral language of holding elites accountable, linking democratic institutions and procedures to religious values, remained a more powerful means for most participants to demand accountability and change than the more abstract language of rights.

The rights frame played an important role in linking the articulation of explicitly religious demands to democratic government. One interview question asked participants to discuss the appropriate level of government support for religion. Interviewees drew on the notion of the proportional balancing of government support for religious communities (popularized through the federal character principle) to the relationship between Islam and democracy. Eight groups invoked the religious rights of communities and individuals to demand government support for religious affairs. In six interviews, participants asserted that while all religious communities were entitled to fair access to government resources, in Muslim-majority communities Muslims ought to receive preferential government support (financially and in terms of policy adoption) for religious activities like sharia.

Interviewees did not invoke rights to suggest what all Nigerians have in common as rights-bearing subjects, but to emphasize that Muslims were entitled to their “fair share” in Nigerian society—their financial fair share, their political fair shares, and their religious and cultural fair share. As one respondent, a student in his thirties, suggested:

“If Allah makes you a leader, and you are a Muslim, you should assist nothing more than your religion, Islam. The point of assisting a non-Muslim shouldn’t come up. You shouldn’t think that since these Christians are citizens, you will help both Muslims and non-Muslims. Yes, give them their rights according to their ratio, give

them their rights. But do not think of giving them anything because their religion says so. Just give them their rights, like food and their ratio from the federal revenue allocation, give them that. But don't assist them with anything religious. As a Muslim leader, don't do this. Candidly, as a Muslim leader, concentrate only on your religion, your wealth, your body, your knowledge. Everything should be concentrated only on your religion."³⁹

For this respondent, being a responsible democratic leader meant defending the interests of your religious community, while recognizing that other communities also have proportional rights. As a group, interviewees argued that by using their democratic power to implement sharia, Muslim elites are fulfilling their distributional duty.

Masses, Elites and Contesting Sharia Practices

Given the differences between elite and mass visions of sharia under democracy in northern Nigeria, there has been significant conflict within the Muslim community over how to implement sharia policy. These differences track with longstanding conflicts over class and the relationship between Islamic reform and good governance. The key historical referent is the Sokoto Caliphate, a nineteenth century Islamic state founded by the *jihadist* Usman dan Fodio with the intent of establishing sharia. Contemporary sharia proponents adopt a stylized vision of life under the Caliphate, in which the theoretical writings of the jihadists provide a plausible template for the modern Nigerian state, so long as they can restore the sharia to its former place.

But what is to be restored? Social conservatives—political elites with ties to the Caliphal ruling class, the *sarakuna*—link the Caliphal past to the political status quo, claiming that the current northern political class is the rightful representative of dan Fodio's legacy. Sharia proposals by political elites like Yerima (a traditional titleholder) represent conservatives' efforts to maintain continuity while adopting a reformist stance, promising to address popular concerns about corruption, inequality, and a lack of economic opportunity through a return to the Caliphate's core Islamic principles. Populist reformers and critics reference the jihad (and its overthrow of a "corrupt" ruling class) to attack elite corruption and venality in religious terms. They argue that while dan Fodio and his immediate successors were "great Muslim democrats," subsequent generations strayed from the egalitarian vision of the jihadists.⁴⁰

Debates over how to implement sharia reflect the tension between conservative and populist trends. Following consultation periods during which most states held public forums or accepted submissions from local interest groups, elite sharia advocates in government offered policies aimed at Islamicizing the behavior of citizens, using state funds to reform "bad" elements within society. Zamfara State prohibited women from riding motorcycle taxis driven by men, and mandated "appropriate" Islamic dress (a *hijab* covering the head and flowing past the hips) for women in government offices and schools. States crafted ordinances to eliminate the sale of liquor

and beer and close down suspected gambling houses and brothels. Efforts to stamp out the “immoral” and “un-Islamic” aspects of popular artistic and cultural endeavors resulted in the outright banning of musical performances in some states. Kano State’s censorship board targeted the large “Kannywood” film industry (which produces films with singing and dancing sequences in the style of Indian “Bollywood” films), shutting down productions and jailing actors and producers.

Sharia demands from below were more pointedly economic, focused on problems (unemployment, in particular) that Nigerians have long identified as the most pressing concerns for government. One of the most memorable examples of this sharia populism took place in Kano State in 2000, where a group of single and divorced women staged a protest against PDP Governor Rabiu Kwankwaso, who was publically hesitant about sharia implementation. Their demands were that the state government should, in the name of sharia, assist them in finding husbands, if necessary by providing them with dowries, beds, or funds for starting small businesses that would make them attractive to suitors.⁴¹ Facing similar demands, the Kebbi State House of Assembly passed a bill to reduce “extravagance” in naming and marriage ceremonies. Remarkably, Kwankwaso (who lost his reelection bid in 2003 but won a second term in 2011) now embraces such policies. Reports emerged in April 2012 that the Kano State Hisbah board would, with Kwankwaso’s approval, begin matchmaking efforts for 1,000 widows and divorcees, providing dowries, screening potential suitors, and organizing mass weddings, two of which have since taken place.⁴²

Near the end of each interview, participants were asked to discuss what Muslims want from democracy. In about half of the groups, interviewees demanded the state provide the direct payout of funds or goods. Whether it was dowry assistance, donating motorcycles to young, out-of-work men (for starting a business as a motorcycle taxi driver), or distributing grain and other foodstuffs, the spectacle of giveaways by many sharia state governments was impressive to many of my respondents. During Ramadan, state officials regularly spend millions of naira of state funds (and, depending on the veracity of some reports, their own private wealth) to distribute charity directly to select groups or communities. These contributions are presented to the public not as official policy, but as acts of personal pious charity. But many interviewees associated this charity with both sharia and democracy, a dividend of responsive, elected governments responding to the needs of their people.

According to Afrobarometer survey data, support for sharia rose nationally during much of the 2000s (surprisingly, among both Muslims and non-Muslims). But in the “sharia states,” there is a growing divide between the richest Muslims, whose support for sharia is steady or declining, and lower and middle class Muslims, whose support is increasing (see Table 2).⁴³ Matthew Kirwin, who first reported this gap, found it puzzling, noting that, “due to reports of the way that Shari’a has discriminated against the poor it is surprising that the lowest economic group would show increased support for Shari’a.”⁴⁴

These data are less confusing in light of the present analysis. Reports on sharia implementation have often noted that while promises to investigate and prosecute elite

Table 2 Support for Sharia Implementation, By Economic Group (in Sharia States)

	<u>2001</u>	<u>2007</u>
Upper Level	57%	52%
Middle Level	43%	68%
Lowest Level	53%	64%

corruption through sharia institutions have been plentiful, harsh sharia punishments have fallen disproportionately on poor men and women. As William Miles observes, sharia regulations prohibiting drinking, ostentatious marriage ceremonies, and praise singing hardly prevents elites from indulging in the privacy of their homes, or in upscale hotels.⁴⁵ Rumors circulated in Sokoto in 2008 that it was possible to bribe arresting officers to be taken before a secular magistrate court rather than a sharia court for arraignment, reinforcing the popular belief that it was possible to buy one's way out of sharia justice. Nonetheless, durable support for sharia among members of the bottom economic rung is consistent with the resonance of the holding elites accountable frame. Muslim citizens emphasize the obligation of Muslim elites to their co-religionists, with the threat that elites who fail to meet these obligations will face religious and political sanctions. Many Muslims view democratically elected elites as more readily held accountable, through their obligations to provide for the material and spiritual needs of their constituents.

Sharia Politics and Boko Haram

The spectacular rise of Boko Haram has added a new dimension to debates about sharia and democracy. Since 2009 the sect has been transformed from a small Salafi movement into a dispersed terrorist organization with shadowy connections to international jihadist organizations and capable of bombing international installations (the Abuja UN headquarters in August 2011) and suicide attacks on police stations, churches, and bars.⁴⁶ Boko Haram's goals include "true" sharia implementation (in contrast to what they and many other Islamist critics consider the "political" sharia implementation of the early 2000s) and the creation of an Islamic state in Nigeria. Their campaign of violence has generated popular anger against the northern political elite, who have seemed powerless (or complicit, as some have argued) to prevent what had become by mid-2012 nearly daily attacks. Violent, arbitrary reprisals by state police have also created significant distrust and resentment among the general Muslim population.⁴⁷

As a result of Boko Haram's success against Nigeria's inept security apparatus, some commentators see a fundamental shift in Muslim-Christian relations in Nigeria, characterized by growing popular radicalism and a social breakdown in the north. But Boko Haram's demands depart from the language of the earlier sharia debate

by rejecting the legitimacy of the Nigerian state and its democratic institutions, rather than making claims upon them. There is little evidence of widespread popular support for Boko Haram, and even less that Boko Haram's success signifies radicalized popular attitudes towards Islamic law or weakening of popular support for democracy.⁴⁸

Both Boko Haram's demands and the critiques of sharia implementation expressed in my interviews are grounded in a sense of sharia's failure, that current sharia-inspired laws and policies have failed to improve the lives of Muslim citizens, and that Muslim elites remain corrupt and unaccountable. One target of this frustration is that northern states lag behind southern Nigeria on nearly all development indicators (despite significant federal budgetary support for northern states). Boko Haram's religious agenda is grounded in a populist critique of the northern elite and its economic failures that resembles the *Maitatsine* movement of the 1980s, which also incited substantial violence against the state. Similarly, while Boko Haram rarely evokes the language of constitutional rights, both they and the mainstream sharia movements assert metaphorical ownership over the plural societies of northern Nigeria, demanding formal recognition for Islamic law and culture as a means of rectifying the imbalances they perceive in Nigerian political life. While Boko Haram's calls for "pure" sharia and an Islamic state have limited popular appeal among Nigerian Muslims, there is substantial support for a populist critique of northern elites grounded in religious values, a critique that these same elites helped to foster by framing sharia implementation primarily in terms of social and economic justice and good governance.

Conclusion

Many observers argue that mass movements for sharia are products of mass radicalization or the rejection of Western democratic ideology, but such views do little to take into account the politics through which support for state-sponsored sharia emerges. Instead, I present evidence that sharia movements attract support by framing sharia-inspired policies in terms of populist economic and social reforms and improved governance. While local political debates and discourses—in Nigeria, the federal character principle and the language of distributional rights—shape the specific content of sharia proposals, their popular appeal rests on the underlying belief that committing to shared religious obligations might make the outcomes of new and unstable democratic governments a little less uncertain.

Even if sharia proponents in northern Nigeria presented themselves as "restorers" of Islamic social institutions, it was their ability to frame sharia's broader political impact using a language of constitutional rights, development, and good governance that played the largest role in attracting mass support. This story accounts for the pattern of successful sharia implementation campaigns in other new Muslim-majority democracies. Where national campaigns in the early 2000s led by Islamist political

parties to include sharia-endorsing language in the Indonesian constitution failed to achieve popular support, simultaneous efforts to enact sharia-inspired bylaws at the district or municipality level succeeded by presenting their programs as broad moral reforms designed to address local governance and development concerns.⁴⁹ Often led by representatives of ostensibly secular national parties, Indonesian bylaw campaigns were pitched as efforts to combat the “sense of crisis and broad moral panic” emerging from the collapse of the Suharto regime and the halting efforts at democratization and decentralization. Support for these reforms peaked in the early 2000s, as it became clear that they had been enacted hastily and without careful legal planning, and that they had failed to address underlying issues of corruption and poor governance.⁵⁰

In expecting politicians to live up to their religious commitments, Muslim citizens challenge the legitimacy of politicians to frame economic and social decay as a problem of mass (as opposed to elite) morality. Debates over sharia contain popular expectations about the dividends of democracy in religious terms, arguing that citizens lack the necessary resources (dowries, jobs, food, and education) to live good Islamic lives. Citizens demand that the state help them achieve their religious potential along with their economic and political “fair share.” Sharia supporters invite the government into their homes, their wardrobes, their businesses, and their classrooms, asking them to enforce a code of behavior without which, they argue, longstanding social and economic problems cannot be addressed. But by inviting this expansion of state power, they expect elites adhere to the same standards.

Nigerian Muslims do not think of themselves as rejecting democracy in favor of sharia. But it is also not clear that their vision of democracy is sustainable in a multi-religious society, or that popular commitment to democracy (as it is understood locally) ensures real democratic stability or consolidation. In northern Nigeria, Muslim citizens follow the lead of political elites, who emphasize the language of constitutional rights to the allocation of state resources along religious and ethnic lines, in crafting their local definitions of democracy. Similarly, they focus on the role of government in distributing the dividends of democracy—often, direct handouts of food, money, or goods—in terms that exclude minorities and non-Muslims from the political community. The language of social justice and accountability emerging from the sharia debate may reinforce liberal democratic institutions, but the language of religious and distributional rights does not. The acrimony of the sharia debate at the national level, the upsurge in sectarian violence in the early 2000s, and the emergence of Boko Haram have all masked the degree to which Muslim citizens understood themselves to be making democratic demands for state-sponsored sharia. But it is far from certain that these demands can be made to accommodate a definition of democracy that treats the rights of non-Muslims, women, and minorities in sharia states as equal to the “religious rights” of Muslims to live under the sharia.

In northern Nigeria’s deeply religious Muslim society, democratization has created new spaces for religious critiques of poor governance and failed development. But when sharia policies fail, both on their own terms as populist reforms and in their negative effect on at-risk populations within Muslim-majority societies, they create

spaces for radical religious critiques of poor governance. Nearly all new Muslim-majority democracies face significant threats from militant Islamic radical groups aiming to establish theocratic rule and “true” sharia as an alternative to secular authoritarianism or democracy. This disjuncture between demands for both democracy and sharia and the negative democratic consequences of sharia implementation will remain a key aspect of political life in these countries for the foreseeable future.

NOTES

Research for this paper was funded by a Fulbright IIE Islamic Civilizations Initiative Grant, with additional assistance provided by the Ohio University Departments of Political Science and African Studies. The author would like to thank Alice Kang, Leo Villalon, Jaimie Bleck and the Notre Dame Africa Working Group, William F. S. Miles, Shaheen Mozaffar, and two anonymous reviewers for their valuable comments and feedback, as well as Michael Schatzberg, Ed Friedman, and Scott Straus, each of whom provided important advice on the larger project from which this article emerged.

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